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**GOVERNMENT OF MEGHALAYA
FINANCE (REVISION OF RULES CELL)
DEPARTMENT**

Shillong, the 14th February 1984

No. FIN:R.R./1/78.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India and of all other powers enabling him in this behalf and in supersession of rules and Orders relating to the matters covered by these rules, the Governor of Meghalaya is pleased to make the following rules, namely :-

*The Meghalaya Fundamental Rules and Subsidiary
Rules 1984*

**PART- I
CHAPTER I
EXTENT OF APPLICATION**

F. R. 1 — Short title and commencement — (1) These rules may be called the Meghalaya Fundamental Rules, 1984.

(2) They shall come into force with effect from the date of publication in the official Gazette.

F. R. 2 (1) — These Fundamental Rules shall apply to government servants whose pay is debitable to the Consolidated Fund of the State. No rules modifying or replacing any of the Fundamental Rules shall adversely affect any person who is in government service at the time when these rules come into force except under the direction of the authority competent or empowered to make such a rule.

(2) — Where the application of any rule in these Fundamental Rules is expressly or by implication limited by the provisions of any Article of the Constitution of India or by any rule made thereunder, these Fundamental Rules shall be subject to such limitation as the provisions may create.

F. R. 3. — The State Government may relax the provisions of rules or orders so made by it in such manner as may appear to it be just and equitable:

Provided that where any such rules or orders are applicable to the case of any person, the Case shall not be dealt with in any manner less favourable to him than that provided by these rules or orders.

F.R. 4 — The State Government may delegate any of its powers to any of its officers subject to any conditions which it may think fit to impose and to such extent as may be required for the convenient and efficient dispatch of public business.

S.R. 1 — The powers delegated by the Government of Meghalaya under the different Fundamental Rules are detailed in Appendix 1.

The delegations made in this rule as well as in Subsidiary Rule 4 (3) are subject to the condition that a power may be exercised by an authority to whom it has been delegated in respect of those government servants only who are under the control of that authority :

Provided that nothing contained in Appendices 1 and 4 shall operate to restrict the powers conferred upon such authority by any other rules framed under the act.

FR. 5 — No powers may be exercised or delegated under these rules except after consultation with Finance Department. It shall be opened to that Department to prescribe, by general or special order, cases in which its assent may be presumed to have been given and to require that its opinion on any matter on which it has been consulted shall be submitted by the departments concerned for the orders of the State Government.

S.R. 2 — The assent of the Finance Department may be presumed to the exercise of any of the powers mentioned in Appendix 2 to the extent therein stated.

FR. 6 — The powers of interpreting these rules are reserved by the State Government.

***Note** :- A government servant's claim to pay and allowances is regulated by the rules in force at the time in respect of which the pay and allowances are earned; and to leave by the rules in force at the time the leave is applied for and granted. The Expression claim to leave "includes the earning of leaves the method of calculation, the admissibility of the leave and its grant. The leave account must be revised as soon as a rule regulating the method of calculation is amended, and subsequent leaves granted according to the amended leave account.*

CHAPTER—II

DEFINITION

FR. 7 — Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained.

FR. 7 (1) — The "Constitution" means the Constitution of India.

FR. 7 (2) — "Average, pay " means the average monthly pay earned during ten complete months immediately preceding the month in which the event accounts which necessitates the calculation of average pay:

Administrative Instructions — The term " month " in this rule means the calendar month as in Fundamental Rule 7 (15).

FR. 7 (3) — "Cadre" means the strength of a service or a part of a service sanctioned as a separate unit.

FR. 7 (4) — "Compensatory allowance" means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance, but does not include a sumptuary allowance.

Note :- In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it can be accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum conveying the sanction. In cases, however, in which an official record in an open letter may be undesirable, it should be possible to communicate the reasons confidentially to the audit authority.

FR. 7 (5) — “Duty” -

(a) Duty includes

- (i) Service as a probationer or apprentice provided that such service is followed by confirmation

Note :- The service of probationers in the State and Subordinate Service and special post sanctioned by the Governments of Meghalaya count as duty for increments under Fundamental Rule 28 (a) before confirmation, if the scale of pay fixed for a particular service or post provides for the grant of increments during the probationary period. The service of persons appointed on probation to the post with incremental scale of pay in which there is no stage for provisional period also counts as duty for increments.

- (ii) Joining time

- (iii) Leave on average pay for three weeks granted to a Government servants undergoing anti-rabic treatment.

(b) The State Government may issue orders declaring that, in circumstances similar to those mentioned below, a government servant may be treated as on duty :—

- (i) during a course of instruction or training subject to the following condition

- (a) The training or instruction should be connected with the post which the government servant is holding at the time of placing him on training or instruction;

- (b) That it is obligatory on the part of the Government to send the person for such training or instruction;

- (c) The training should, not be in professional or technical subjects;

- (ii) In the case of a student, stipendiary or otherwise who is entitled to be appointed to service of Government on passing, through a course of training at a university, college or school, during the interval between the satisfactory completion of the course and his assumption of duties.

SR. 3 (1) — A government servant who has been substantively appointed to a post or to a cadre in government service or officiating in a temporary or permanent post shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with terms of any general or special orders of Government and during the time reasonably required for the journey to and from the place of instruction or training.

Note - 1 :- *In estimating the “time reasonably required for the journey” the head of the office or the controlling authority as defined in Appendix 9 of the Subsidiary Rules, may when necessary allow time for preparation up to a limits of six days but should not ordinary do so in cases where the course of instruction last for less than six months. If the course of instruction lasts for less than six months but more than on months, time for preparation upto a limit of three days, may in exceptional circumstances, be allowed.*

Note - 2:- *When an officer attends a departmental examination immediately after Completion of training and returns to his old post he will be entitled to a reasonable tine required for- the journey under S. R 3 (1).*

Note - 3:- *When an officer is transferred to a post other than the post from which he preceded on training immediately after completion of the training he will be entitled to a reasonable time required for the journey from place of training to his former post under S. R. 3 (1) and then he will be entitled to his joining time under F. R. 58 for the journey from the place of his former post to that of his new one.*

Note - 4:- *When an Officer is transferred to a post other than his old post after attending the departmental examination in continuation of his survey and settlement training he will be entitled to his joining time as in the case of Note 3 above.*

- (2) - A student, stipendiary or otherwise, who is entitled to be appointed to government service on passing through a course of training at a university; college or school shall unless in any case it be otherwise expressly provided in the terms of his appointments be treated as on duty during the interval between the satisfactory completion of the course of his assumption of duty.
- (3) - The period of training or probation of State Forest Service Officer and Rangers shall count towards leave and pension.
- (4) - A government servant required to attend a departmental examination is on duty during a reasonable time required for the journey to and from the place of examination and the day or days of the examination.

Note :- *This rule is intended to cover only departmental examination, whether optional or compulsory, for promotion within the normal scope of the Government servant’s department or office.*

- (5) - When a government servant is treated as on duty under paragraph (1) or (3) above, his right to draw during such period any compensatory allowance attached to the post shall be governed as though he were on leave, by Subsidiary Rules 17 and 19.

F. R. 7(6) — “ Fee “ means a recurring or non recurring payment to a government servant from a source other than the Consolidated Fund of India or the Consolidated Fund of a State whether made directly to the government servant or indirectly through the intermediary of Government.

FR. 7(7) — “Foreign Service” means service in which a government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of the State of India or of a State.

FR. 7(8) — “Honorarium” means a recurring or nonrecurring payment granted to a government servant from the Consolidated Fund of India or the Consolidated Fund of a State as remuneration for a special work of an intermittent or occasional character.

FR. 7(9) — “Joining time” means the time allowed to a government servant in which to join a new post to or from a station to which he is posted.

FR. 7(10) — “Leave salary” means the monthly amount paid by Government to a government servant on leave.

FR. 7(11) — “Lien” means the title of a government servant to hold substantively either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

FR. 7(12) — “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 sanctioning of their budgets, sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rule and
- (b) The revenues of ally body which may be specially notified by the Governor as such.

FR. 7(13) — “State Government” means the Governor aided and advised by the Council of Minister except in so far as he is by or under the provision of the Constitution of India required to act in his discretion or to exercise his individual judgment.

FR. 7(14) — “Ministerial servant” means a government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of the State Government.

FR. 7(15) — “Month” means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Administrative Instruction :- In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days because one month from 30th January end on 28th February. A period of one month and 29 days commencing from the 1st January will expire, in an ordinary year (in which February is a month of 28 days) on the last days of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

FR. 7(16) — “Officiate” A government Servant’ officiates in a post when he performs the duties of a post on which another person holds a lien. The State Government may, if it thinks fit, appoint a government servant to officiate in a vacant post on which no other government servant holds a lien.

FR. 7(17) — “Pay” means the amount drawn monthly by a government servant as :-

- (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) Technical pay, Special pay and Personal pay; and
- (iii) Any other emoluments which may be specially classed as pay by the State Government.

FR. 7(18) — “Permanent post” means a post carrying a definite rate of pay sanctioned without limit of time.

FR. 7(19) — “Personal pay” means additional pay granted to government servant :-

- (a) To save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to 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 :- *.All cases in which it is proposed to grant personal pay under Fundamental Rule 7 (19) (b) may be referred to the Government in the Finance Department through the Administrative Department concerned. 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.*

FR. 7(20) — “Presumptive pay of a post” when used with reference to any particular government servant, 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 servant performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned.

Administrative Instruction — The first part of the definition is intended to facilitate the use of the term in relation to a government servant who has been absent from a post for sometime but still retains a lien on it.

FR. 7(21) — “Special pay” means an addition, of the nature of pay, to the emoluments of a post of a government servant, granted in consideration of —

- (a) The specially arduous nature of the duties ; or
- (b) A specific addition to the work or responsibility

FR. 7(22) — “Subsistence grant”, means a monthly grant made to a government servant who is not in receipt of pay or leave salary.

FR. 7(23) — “Substantive pay” means the pay other than special pay, personal pay or emoluments classed as pay by the State Government under rule 7(1 7)(a)(iii) to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

FR. 7(24) — “Temporary post” means a post Carrying a definite rate of pay sanctioned for a limited time.

Note :- *A temporary post can held either substantively or in an officiating capacity. An extension of a temporary post 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.*

FR. 7(25) — “Tenure post” means a permanent post which an individual government servant may not hold for more than a limited period.

Note :- *In case of doubt the State Government will decide whether a particular post is or not a tenure post*

FR. 7(26) — (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.

(b) Time-scales are said to be identical, if the minimum, the maximum, the period of increment and the rate of increment of the 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 post 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 fact that he holds that post.

Note :- *A doubt was raised whether pay scales which are identical in all respects excepting the efficiency bar should be treated as identical or not. It has been decided that two time-scales should be treated as identical within the meaning of F.R. 7 (26) even though the scale may differs in the matter of provisions or efficiency bar.*

FR. 7(27) — “Travelling allowance” means an allowance granted to government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

GENERAL DEFINITION

SR. 4 — Unless there is something repugnant in the subject or context terms defined below are used in the sense here explained:—

- (1) “Audit Officer” means such Audit Officer as the Comptroller and Auditor General may by general or special order designate in each case.

Note :- *Accountant General, Meghalaya, is the Audit Officer in Meghalaya.*

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

Administrative Instruction — The leave of apprentices during the period of apprenticeship is governed by **S.R.** 112 and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post.

- (3) “Competent authority” in relation to the exercise of any power means the State Government, or any authority to which the power is delegated by or under these rules. Appendix 3 gives a list of the authorities who have been declared to be competent authorities under the various Subsidiary Rules.
- (4) “Head of Department” means any authority which the State Government may by order declare to be the Head of a Department for the purposes of these rules. A list of the authorities who have been declared to be Heads of Departments is given in Appendix 4.
- (5) “Holiday” means (a) a holiday prescribed or notified by or under section 25 of the Negotiable Instrument Act, 1881 and (b) in relation to any particular office a day on which such office is ordered by notification of Government in the official gazette to be closed for the transaction of Government business without reserve or qualification.

Note :- *A question having been raised whether a restricted holiday could be prefixed or suffixed to casual leave or regular leave, it is observed that a restricted holiday is not exactly covered under S. R. 4 (5) as it stands at present, because on a restricted holiday, the office is not closed for transaction of Government business without reserved or qualification. However, as the restricted holidays are akin to other closed holiday it has been decided that restricted holidays can be prefixed or suffixed to regular leave or casual leave.*

- (6) **Class I Service** — All gazetted posts on the time - scales, the maximum of which is Rs.1,650 and above.
- Class II Service** — All other gazetted posts on the time- scales, the maximum of which is Rs 1,200 and above but does not exceed Rs 1,649.
- Class III Service** — All other service or posts gazetted or non-gazetted excepting those classified in Class IV Service.
- Class IV Service** — All other post in the time – scale , the maximum of which is Rs.425 or below.

- (7) “Probationer” means a government servant employed on probation in or against a substantive vacancy in the cadre of a department.

Administrative Instruction —

- (a) The term “Probationer” does not cover a government servant who holds substantively a permanent post in a cadre and is appointed on “on probation” to another post.
 - (b) 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.
 - (c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.
- (8) A vacation department is a department or part of a department to which regular vacations are allowed during which government servants serving in the department are permitted to be absent from duty.

PART II
CHAPTER III

GENERAL CONDITIONS OF SERVICE

F.R. 8 — Except as provided by this rule, no person may be substantively appointed to a permanent post in government service without a Medical Certificate of Health, which must be affixed to his first pay bill. The State Government may make rules prescribing the form in which medical certificate should be prepared, and the particular medical or other officers by whom they should be signed, It may, in individual Cases, dispense with the production of a certificate, and may by general order exempt any specified class of government servant from the operation of this rule.

Note :- *Unless otherwise exempted a government servant appointed in a temporary vacancy for a period exceeding three months should also be required to produce a medical certificate of health.*

CONDITIONS OF AGE, HEALTH AND MEDICAL CERTIFICATE

S.R. 5 (i) — A medical certificate of fitness for government service shall be in the following form:-

I hereby certify that I have examined A. B., a candidate for employment in the Department and cannot discover that..... has any disease (communicable or otherwise) constitutional weakness or bodily infirmity, except..... I do not consider this a dis-qualification for employment in the office of the

Note:- *In the case of the non-gazetted officer the signature of the candidate or if the candidate is illiterate, his left thumb and finger impression should be taken on the certificate in the presence of, and certified as so taken by the Medical Officer who grants the certificate. These should afterward, be verified by the Head of the Office with those in the Service Book.*

(ii) — A candidate for employment may produce certificate in the above form signed by an authorised medical officer of Government, provided that :-

- (a) No person shall be confirmed in a permanent post Until he has produced a certificate in the above form Signed by the officer in medical charge of the district in Meghalaya in which he ordinarily resides or has his headquarters.
- (b) In Shillong women candidates for government service in gazetted and non.gazetted appointments shall be examined by the Medical Superintendent Ganesh Das Women and Children Hospital,' Shillong, for all purposes when the Medical examination is to be done by a single Medical Officer. In the mofussil such examination shall be done by the District Medical Officer concerned or by the Women Medical and Health Officers where they are appointed and the certificate granted by the latter shall be countersigned by the District Medical and Health Officer concerned.

(iii) — When a woman candidate is to be examined by the Medical Board in Shillong, the Medical Superintendent, Ganesh Das Women and Children Hospital, Shillong, shall be one of the members of the Shillong standing Medical Board.

S.R. 6 — Except as otherwise provided by rules governing recruitment to a particular Service a person whose age exceeds twenty-seven years (on the 1st January of the year in which the recruitment is made) may not ordinary be admitted into service of the State Service without the sanction of Government. This ordinary limit is extended to:-

- (a) Thirty years in the case of-
 - (i) Appointments to teaching posts in college in Meghalaya Education Service.
 - (ii) Appointment to teaching post on non-technical subjects in Engineering and technical institution.
 - (iii) Twenty nine years in the case of appointment of Medical Graduates in the State Service.
 - (iv) Thirty five years in respect of candidates in employ in aided schools for appointment to Meghalaya School Service provided they are eligible for the same otherwise and have acquired necessary experience.

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

S.R. 7 — The following classes of government servants are exempted from the operation of **F. R. 8** :-

- (a) A government Servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.
- (b) A temporary government servant who has already been medically examined in one office if transferred to another office without break.
- (b) A retired government Servant re-employed immediately after re-tirement.

- S. R. 8 — (a)** In the case of a government servant whose year of birth is known, but not the exact date, the 1st July should be treated as the date of birth for the purpose of determining the date on which the government servant concerned should be held to have attained the age of 58 years. Similarly if only the month and year of birth is known, the 16th of the month is taken to be the exact date of birth.
- (b)** In the case of a government servant whose date of birth is not known, the following principles should be observed in determining his age :—
- (i)** In the case of a person who first entered military employ was subsequently employed in a Civil Department, his date of birth for the purpose of his civil employment should be the date stated by him at the time of attestation. Cases often arise in which the documents referring to the previous military service do not give the definite date of birth but only the age stated at the time of attestation. In such cases the government servant concerned should be assumed to have completed the stated age on the date of attestation, e.g., if an ex-soldier was enrolled on 1st January, 1970, and if on that date his age was stated to be 18 his date of birth should be taken as 1st January 1952.
 - (ii)** The method in paragraph (i) above should also be followed in case when a person enters civil employ without having rendered any military service and is unable to give his date of birth but give his age.
- (c)** Commissioner and Heads of Departments may alter the recorded date of birth in the case of non-gazetted government servants, provided they are satisfied, after enquiry, that the previous date was incorrect.

Note :-

Head of the Office should record the date of birth in the Service Book of a non-gazetted government servant on his initial appointment with reference to the matriculation or equivalent certificate and shall also record a remark to this effect in the Service Book. In cases where these are not available, the Head of Office should verify the date with reference to the birth certificate to be produced by the government servant and record a note to that effect in the Service Book. In case of a gazetted government servant, the verification should be made according to the above procedure on his initial appointment by the Administrative Department concerned. They should intimate the date of birth of the officer, as verified to the Accountant General for Incorporation of the same in the History of Services of the gazetted government servants.

The following criteria should be followed in considering requests for change in date of birth which are not time-barred. Such requests should be supported by satisfactory documentary evidence (such as the matriculation or equivalent certificate or duly attested copy of birth certificate) together with a satisfactory explanation of the circumstances in which the Wrong date came to be entered and statement of any previous attempts made to have the record amended. It should also be examined whether the government servant concerned would have been within the age limits prescribed for government service at the time he entered service with reference to the different date later claimed by him as the correct date. If he would not have been so eligible, it should be examined whether the date actually accepted than was given by him bonafide and did not give him some advantage in securing admission into service at that time, and the change proposed later on is for bonafide reasons and not merely to gain some fresh advantage.

F. R. 9 — Unless in any case it be otherwise distinctly provided, the whole time of a government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from a local funds, from the funds of a body Incorporated or not, which is wholly or substantially owned or controlled by the Government or from the funds of an Autonomous District Council.

- F.R. 10** —
- (a) Two or more government servants cannot be appointed substantively to the same permanent post at the same time.
 - (b) A government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.
 - (c) A government servant cannot be appointed substantively to a post on which another government servant is holding a lien.

F. R. 11 — Unless in any case it be otherwise provided in these rules, a government Servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previous acquired on any other post.

Note :- *The Government of Meghalaya is pleased to order that a person who has put in at least 3 (three) years of temporary service in a scheme which is not purely temporary or experimental in nature should be given quas-lien for a maximum period of three years in the post when he takes up appointment elsewhere as under the Fundamental Rules such government servants are not entitled to lien. This would mean that if the person wants to return to the same post within the maximum period of three years and that post is still in existence he should be allowed to join it. If the post is made permanent in the meantime, confirmation should be offered to him even though he is on quasi-lien.*

F. R. 12 — Unless his lien is suspended under Rule 13 or transferred under Rule 15 a government servant holding substantively a permanent post retains a lieu 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) While on leave other than refused leave granted after the date of compulsory retirement.
- (e) While under suspension.

- F. R. 13 —**
- (a) The State Government shall suspend the lien of a government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity;
 - (i) To a tenure post, or
 - (ii) Provisionally, to a post on which another government servant would hold a lien had his lien not been suspended under this rule.
 - (b) The State Government may, at its option suspend the lien of a government servant 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 of not less than three years.
 - (c) Notwithstanding anything contained in clause (a) or (b) of this rule a government servant'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 servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively, and the government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed 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 servant 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.*

Meghalaya Government decision — The operation of fundamental Rule 13 should, be restricted so as to permit only on provisional substantive appointment against one post. Accordingly, the lien acquired by a government servant on his appointment in provisionally substantive capacity under Clause (d) of Fundamental Rule 13, should not be suspended if he is deputed out of India or is transferred to a post of nature specified in clause (b) of that rule.

- (e) A government servant'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) A government servant'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 servant 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).

- F.R. 14 —**
- (a) A government servant'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) A government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or State Government) outside the cadre on which he is borne.

Note :- *A candidate who is already in permanent government service should be appointed to officiate in the higher service or post until further orders. The passing of such further orders terminating the appointment (and as a necessary consequence reverting the candidate to his former post) in the event of the candidate's failure to pass the departmental examination within the prescribed period, or if he is otherwise found unsuitable, will not attract the provision of Article 311 of the constitution of India. The question whether a permanent government servant on his appointment to a higher service or post on the results of a competitive examination can be asked to surrender his right to a lien on his previous appointment and treated as "Probationer" like a raw recruit from outside has been considered and it has been held that a person who has been confirmed in government service cannot thereafter be appointed "on probation" as such an appointment is repugnant to the whole concept of the Civil Service Regulations and to their fundamental principles in that it is calculated to deprive him of his security of tenure. An arrangement by which an officer promoted to a higher service or post consents to forfeit, his lien on the post previously held by him and to be appointed "on probation in the higher post in so far it has the effect of depriving him of the security of tenure is open to objection in that it offends against the principle that where a statute confers a right on a class of persons in the public interest, no persons of that class can contract himself out of that right.*

F. R. 15 — Subject to the provisions of Rule 16 the State Government may transfer to another permanent post in the same cadre the lien of a government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

- F. R. 16 —**
- (a) The State Government may transfer a government servant from one post to another; provided that except—
 - (i) on account of inefficiency or misbehavior, or
 - (ii) on his written request, a government servant shall not be transferred substantively to, or, except in a case covered by Rule 48, 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 13.

- (b) Nothing contained in clause (a) of this rule or in clause (11) of rule 7 shall operate to prevent the re-transfer of a government servant 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 13.

Note (1) :- In the event of non-availability of a permanent post in the lower service/grade/time-scale, etc., to which a government servant is transferred/reduced, by the competent authority a supernumerary post can be created in that Service/ grade/time scale, etc., to provide a lien to the government servant concerned on his new post.

Note (2) :- When a permanent post is rendered vacant by reduction of a government servant, it should not be filled substantively before the expiry of one year from the date of reduction.

When on the expiry of the period of one year, such post is filled substantively and the original incumbent happens to be re-instated thereafter, he should be accommodated against a post which may be created with proper sanction and terminated on the occurrence of a substantive vacancy in that grade.

Decision by the Government of Meghalaya — Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of **F. R. 16**.

F. R. 17 — A government servant shall be required to subscribe to a provident fund, or other similar fund, in accordance with such rules as the Governor may by order prescribe.

F. R. 18 — Subject to any exceptions specially made in these rules an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those, duties:

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

Administrative Instruction — A government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognized practice to pay a government servant at a higher rate for more important duties performed during a part only of a day.

S. R. 9 — The Headquarters of a government servant shall be in such place as a competent authority may prescribe. In the absence of special orders by such authority the headquarter of a government servant shall be the station where the records of his office are kept.

S. R. 10 — Unless for special reasons which must be of a public interest the authority under whose order the transfer takes place permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at its headquarters, both the relieving and the relieved officer being present. Where an authority subordinate to government permits or requires a transfer to be made elsewhere or otherwise, the special reasons shall be recorded.

LEAVING JURISDICTION

S. R. 11 — No government servant (other than a police officer acting within his legal powers or an Excise Officer acting under the orders of the District Officer) is entitled to pay or allowances for any time he may spend beyond the limits of his charge without proper authority.

S. R. 12 — Departments of Government may sanction journeys in India for attending conferences, meetings and committees by Secretaries to Government, Heads of Department and other officers under the control of such Departments.

S. R. 13 — A controlling officer for the purpose of travelling allowance may allow any government servant subordinate to him to proceed on duty to any part of the territories of the Government of Meghalaya and to draw travelling allowance under rule.

S. R. 14 — A government servant permitted by a competent authority to proceed to any place on duty beyond the limit of his charge, may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

F. R. 19 — Unless the Governor in view of the special circumstance of the case, shall otherwise determine, after five years' continuous absence from duty elsewhere than on foreign service in India, whether with or without leave, a government servant, shall be removed from Service after following the procedure laid down in the Meghalaya Service (Discipline and Appeal Rules).

PART-III
CHAPTER IV

PAY

F. R. 20 — The fixation of pay is within the competence of the State Government; provided that, except in the case of personal pay granted in the circumstances defined in F.R. 7(19) (a) the pay of a government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay -equal to his pay when increased.

Note 1 :- *It is not the intention of this rule that the State Government should grant less pay than is permissible under Fundamental Rules 23 and 25.*

Note 2 :- *Except in special cases retrospective (effect to increase of pay and allowances will not be given.*

F. R. 21 — In respect of any period treated as on duty under rule 7(5) (b), a government servant may be granted such pay as Government may consider suitable but in no case exceeding the pay which the government servant would have drawn had he been on duty other than duty under rule 7 (5) (b)

Administration Instruction :- A government servant who is treated as on duty during a course of Instruction or training and who at the time when he was placed on such duty was drawing higher pay on account of an officiating appointment, may be allowed to draw such officiating pay which he would have drawn from time to time had he been on duty other than duty under Rule 7 (5)(b) and not necessarily the one drawn immediately before proceeding on training. The “pay which the Government servant would have drawn” would also include special pay, if any, which he would have drawn from time to time but for his proceeding on training.

S. R. 15 — The following rules will govern the pay of officer who are declared to be on duty under Fundamental Rule 7 (5) (b) :-

- (1) Pay as per provision laid down in **F. R. 21**.
- (2) Pay including special pay, ml any, which the govern men servant drew in the post which he held substantively and the pay including the special pay, if any, which the government servant drew in the post in which he officiated respectively, provided that this rate of pay including special pay, if any, should not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course of training.
- (3) Travelling allowance for both ways as per rules in force at the time of deputation. Provided that no travelling allowance shall be borne by the Government if it is borne by the Institute which organizes the training.
- (4) Lodging allowance as per existing rate in force at the time of deputation;

Provided that no lodging allowance shall be admissible if stipend is awarded by the Institute which organises the training.

TIME SCALE

F. R. 22 — Rules 23 to 30 inclusive and Rule 31 apply to time-scales of generally.

F. R. 23 — The initial pay of a government servant who is appointed to a post on a time-scale of pay is regulated as below :-

- (i) Where a government servant holding a post in a substantive, 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 highest post shall be fixed at the stage- next above the pay notionally arrived at by increasing his pay in respect of the lower post by one increment at the stage at which such pay has accrued:

Provided that the provisions of sub-rule (2) of Rule 34 shall not be applicable in any case where the initial pay is fixed under this rule:

Provided further that in all cases of promotion from one Class I post to another Class I post, the pay in the higher scale should be fixed at the stage next above the pay drawn in the lower scale irrespective of whether the lowest post was held in a substantive, officiating or temporary capacity.

Where, however, a government Servant has, immediately before his promotion or appointment to a higher post, been 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 at the stage next above the pay notionally arrived at by increasing his pay in the lower post by the amount of the rate of increment just before the maximum of the time-scale of the lower posts.

- (ii) When appointment to the new post does not involve assumption he will draw as initial pay the stage of the time-scale which is equal to his 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 the period during which it was drawn may be counted for increment in the same stage. But if the minimum pay of time-scale of the new post is higher than his pay in respect of the old post, he will draw the minimum as initial pay.
- (iii) When appointment to the new post is made on his own request under Rule 16 (a) (ii) and the 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. Otherwise he will draw as initial pay the minimum of the time- scale.

Notwithstanding anything contained above, the pay of a government servant under sub-rule (i) above shall not be fixed twice within a period of three years. The pay of such a government servant shall be regulated as follow :-

- (iv) When appointment to the new post involves the assumption of duties or responsibilities of greater importance than those attaching to such posts, he will draw as initial pay the stage of the time-scale above his pay in respect of the old Post:

Provided in cases, other than cases of re-employment after resignation or removal or dismissal from the public service, if a government servant either,

- (I) has previously held substantively or officiated in-
- (i) the same post or
 - (ii) a permanent or temporary post on the same time scale or
 - (iii) a permanent post, other than a tenure post or a temporary post on an identical time scale, or
- (II) 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.

The initial pay shall not be less than the pay, other than special pay personal pay or emoluments classed as pay by the State Government under Rule 7(17) (a) (iii) which he drew on the last such occasion and he shall count the period during which he drew that pay on such last and previous occasion for increment in the stage of the time scale equivalent to that pay.

Note (1) :- *If, however, the pay last drawn by the Government servant in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for the grant of those increments shall be taken for the purpose of this proviso to be the pay which he last drew in the temporary post.*

Note (2) :- *An officer in respect of whom one of the penalties included in Meghalaya Services (Discipline and Appeals) Rules was imposed will on re-promotion count previous service in the higher grade under Fundamental Rule 23 unless the order of punishments or the order passed on appeal directs otherwise; and*

An order debarring an officer from counting his past service in the grade from which he is reduced if and when reappointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under Fundamental Rule 23 and does not, therefore, fall outside the scope of Meghalaya Service (Discipline and Appeals) Rules.

Note (3) :- *In cases where government servants apply for posts in the same or other department through proper channel and on selection, they are asked to resign the Previous posts for administrative reason, the benefit of past service may, if otherwise admissible under rules, be given for the purpose of fixation of pay in the new post treating a resignation as a “technical formality”. The pay in such cases may be fixed under the R. 29.*

Note (4) :- *When the next increment in the time-scale of either the new or the old post falls due, the government servant should draw the next increment in the time- scale of the new post and forthwith lose the personal pay and all connection with the time-scale of the old post. The personal pay is given to a government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the government servant might draw less pay than he would have drawn had he remained in the old time scale.*

State Government's Decision

Provision of F. R. 23 (I) will not apply to case of government servants appointed to higher post through the Meghalaya Public Service Commission and in whose case the Commission have made a specific recommendation regarding the pay to be given.

The intention behind the above provisions is that in a case where the Meghalaya Public Service Commission recommend a specific rate of pay to be given to the government servant, the person concerned should be eligible for that rate of pay. If on the contrary, the commission recommend that the pay should be fixed under the normal rules then the pay may be fixed under F. R. 23 (i) subject, of course, to the condition that the post is higher than the post previously held by the government servant.

In order to enable the Accounts/Audit Authorities to see that the pay has been fixed in accordance with the above, the Governor is pleased to decide that in all cases of appointment of government servant to other posts through the Meghalaya Public Service Commission, the recommendations of the Commission in the matter of pay, i.e., whether it is a specific rate of pay or pay to be fixed under the normal rules as the case may be should invariably be indicated in the order or Notification appointing the government servant concerned to the post.

The above procedure shall also apply in the case of recruitment through Selection Committee.

F. R 24 (I) — Notwithstanding anything contained in these rules, the following provisions shall govern the pay of a government servant 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 servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 23

Provided that the pay of the government servant shall not be so fixed under F. R. 23 with the reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity but he shall continue to draw the pay in the time-scale of the service or post.

(2) — The provisions contained in sub-rule (1) shall apply mutatis mutandis to cases of government servants appointed on probation with definite conditions against temporary post in another service or cadre where recruitment to permanent post 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 34 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 servant 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 23 or 34 of those rules:

Provided that the pay of the government servant shall not be so fixed under F.R. 23 with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity but he shall continue to draw the pay in the time-scale of the service or post.

F. R. 25 — 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 ; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on that old scales or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Administrative Instructions — (1) This rule applies to an officiating as well as to a substantive holder of the post.

(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 the post should be fixed under Fundamental Rule 23 and not under Fundamental Rule 23 (1) even though he may be holding the post substantively.

Note :- *When the pay of a post is reduced, the incumbent thereof cannot be forced to accept the lower rate of pay on pain of discharge (with or without compensation pension) without first being given the opportunity of exercising his rights under Fundamental Rule 25 of*

- (i) *Of being treated as if transferred to a new post on a new pay and*
- (ii) *Of retaining at his option his old pay in the new post.*

FR.26 — An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by the State Government or by any authority to whom the State Government may delegate this power under F. R. 4, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld and whether the postponement shall have the effect of postponing future increments.

F. R 27— “Where an efficiency bar is prescribed in a time- scale, the increment next above be bar shall not be allowed to a government Servant without the specific sanction of the authority empowered to withhold increments under Rule 26 or relevant disciplinary rules applicable to the government servant or any other authority whom the Governor may, by general special order authorise in this behalf.

Note :- (1) *On each occasion on which an officer is allowed to cross 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.*

Note :- (2) *The cases of all officer held up at an 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 removal of the bar.*

Note :- (3) *A question was raised as to the date from which a government servant whose case for crossing the efficiency bar has not been considered on account of the pendency of a disciplinary/vigilance case against him, should be considered for being allowed to cross the efficiency bar, after the enquiry is over.*

It has been decided that if after the conclusion of the proceedings, the government servant is completely exonerated, he may be allowed to cross the efficiency bar with effect from the due date retrospectively, unless, the competent authority decides otherwise. If however, the government servant is not completely exonerated his case for crossing the efficiency bar cannot be considered with retrospective effect from the due date. Such case can be considered only with effect from a date following the conclusion of the disciplinary/vigilance case. Taking into account the outcome of the disciplinary/vigilance case.

Note :- (4) *A government servant against whom departmental proceedings are pending but who is due to cross the efficiency bar prescribed in his time scale of pay, may not be allowed to cross the bar until after the conclusion of the proceedings. Once the competent authority has determined the stage at which the government servant concerned should draw his pay from the date he is allowed to cross the efficiency bar, the next increment above that stage will accrue to him on the usual date of draw of increment, if otherwise admissible and not after rendering one year's service*

F. R. 28 —The following provisions prescribe the conditions on which service counts for increments in a time - scale :-

(a) All duty in a post a time –scale counts for increments in that time-scale:

Provided that for the purpose of arriving the date of next increment in that time-scale, the total of such periods as do not count for increment in that time scale shall be added to the normal date of increment.

- (b) (i) Service in another post other than a post carrying less pay referred to in clause (a) Rule 16, whether in a substantive or officiating capacity, service on deputation out of India and leave other than extra-ordinary leave shall count for increments in the time-scale applicable to the post on which government servant holds lien, as well as in the time-scale applicable to the post or posts, if any on which he would have held in a lien had his lien not been suspended.
- (ii) All leave other than extra-ordinary leave and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a government servant 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 Governor may, in any case in which he is satisfied that the extra-ordinary leave was taken on account of illness or for any other cause beyond the government servant's control or for prosecuting higher scientific and technical studies, direct that extra-ordinary leave shall be counted for increments under clause (i) or (ii)

- (c) If a government servant while officiating in a post or holding a temporary post on a time scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, or is appointed or re-appointed to a post on the same time scale of pay, count for increments in the time scale to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the government servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a government servant 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 time scale of pay had he not been appointed to the higher post.

State Government's Decision

1. For the purpose of **Fundamental Rule 28 (c)**, the officiating and temporary service in the higher post will also include all leave and the period of deputation out of India, which counts for increments in that post under clauses (b) (ii) and (d) of this rule provided it is certified by the appointing authority that the government servant concerned would have actually officiated in the Lower post but for his proceeding on leave or deputation out of India from the higher post.
2. Under clause (c) of the Fundamental Rule 28, a government servant officiating in a post or holding a temporary post can count towards increments in the time scale applicable to such post, service rendered in an officiating or temporary capacity in any higher post to which he may be appointed while officiating in or holding the lower temporary post provided he would have continued to officiate in or holding such lower post but for his appointment to the higher post.
3. As strictly speaking, the rules in the Fundamental Rules are not applicable when both the posts are not under the State Government in case where a State Government servant while officiating in a post or holding a temporary post under the State Government is appointed to officiate in a higher post or to hold a higher temporary post under the Central Government, the

Period of Service in the higher post under the Central Government cannot count for increment in the lower post under the State Government unless re-course is had to Fundamental Rule 29. After careful consideration it has been decided that the benefits of Fundamental Rule 28 (c) may be extended to State Government Servants officiating in higher posts or holding higher temporary posts under the Central or to any State Government.

(d) Foreign service counts for increments in the time-scale applicable to :-

- (i) The post in government service on which the government servant concerned hold a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended ;
- (ii) The post in government service in which the government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or post on the same time scale but for his going on foreign service; and
- (iii) Any post to which he may receive officiating promotion under Rule 33 for the duration of such promotion.

(e) Joining time counts for increment :-

- (i) If it is under sub-rule (3) of Rule 58, in the time-scale applicable to the post on which a government servant 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 servant during the period: and
- (ii) If it is under sub-rule (3) of Rule 58, I the time scale applicable to post/posts on which the last day of leave before commencement of the joining time counts for increment.

Explanation :- For the purpose of this rule, the period treated as duty under sub-clause (b) of clause (5) of Rule 7 shall be deemed to be duty in a post if the government servant draws, pay of that post during such period.

Note :- 1 *In the case of a Government servant who has officiated in a higher post in short spell on different occasions before he is regularly appointed in that post i.e., whether the date of next increment should be reckoned in the manner laid down in the proviso to F. R. 28 (a) above, it has been clarified that the benefit of past service rendered in the same or identical time scale for the purpose of increment is given under the proviso to F.R. 23 which is distinct from proviso to F. R. 28(a) and should precede the application of the latter. In other words, the pay and the date of increment should first be determined by giving the benefit of past service under the proviso of F. R. 23, the proviso to F. R. 28 (a) does not come into the picture at this stage. The pay and date of increment having once been determined in terms of the proviso to F.R. 23 the proviso to F. R. 28 (a) will then have to be applied to postpone that date of increment by spell of non-qualifying period to any occurring thereafter i.e., after regular appointment in the post.*

Note :- 2 *Foreign service will count for increment in any post in the parent cadre on a lower scales of pay to which the Government servant is appointed in revisions from the ex-cadre Post subject to the fulfillment of the three condition prescribed it. respect to F. R. 28 (d).*

Note :- 3 *If an. increment falls due while a Government servant is on leave it shall not be drawn until he returns to duty ; but future Increments shall not thereby be postponed.*

Note :- 4 *It has been decided that the maternity leave granted to female government servants under the provision of S. R. III may be allowed to count for increments in the post in which the government servants was officiating at the time. Of proceeding on such leave provided it a certified by the appointing authority that the government servant concerned would have continued to officiate in that post or a post on the same time-scale but for proceeding on such leave.*

F. R. 29 — An authority may grant a premature increment to government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Note :- 1 *in the case of increments granted in advance, it is usually the intention that the Officer 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 of an officer who has so risen.*

Note :- 2 *Normally government servant transferred to another post through open competition should not be given advance increment but should have their pay fixed under the relevant rules relating to fixation. A candidate (outsider) appointed through the Meghalaya Public Service Commission may be given advance only of specifically recommended by the commission. The provision of F.R.29 should not be involved so often to reduce F.R .23 to a mere nullity*

F. R. 30 — The authority which orders the transfer of a government servant as penalty from 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 servant under the rule shall not exceed the pay which he would have drawn by the operation of rule 23 read with clause (b) or clause (c), as the case may be, of rule 28.

Note :- *The regulation of increment in the lower post will be made under the normal duties unless with-held.*

F. R. 31— (1) if a government servant is reduced as a measure of penalty to a lower grade 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 servant is reduced as 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 which the reduction shall be effective, but where the period is specified, that authority shall also state whether on restoration the period of reduction shall operate to postpone future increments, and if so, to what extent.

Note :- *Sub-rule (1) of the rule covers cases of restoration after a period of reduction to lower stage in time-scale, and sub-rule (2) relates to cases of restoration after a specified period of reduction to a lower grade or post. Under the rule, reduction to a lower stage in a time-scale can be ordered only for a specified period. Hence the authority ordering such reduction is required to specify the period in the order of reduction. Reduction to a lower post or grade can be either for any specified period in which case the period has to be indicated in the order of reduction or for an unspecified or indefinite period. In the latter case on re-appointment to the higher post or grade the pay of the ,government servant will be regulated under the normal rule and not under Fundamental Rule 31.*

State Government's Interpretation of sub-rule (1) of P. R. 31 :—

- a) Every order passed by the competent authority imposing on a government servant the penalty of reduction to lower stage in a time-scale should indicate:-
- (i) the date from which it will take effect and the period (in terms 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 servant is reduced and
 - (iii) the extent (in terms of years and months) if, any, 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 rule either for an unspecified period or as permanent measure. Also when a government servant 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 specified under (i).

Note :- *The Government have prescribed the following standard form for the purpose of penalty orders:-*

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

- b) The question as to what should be the pay of a government servant on the expiry of the period of reduction should be decided as follows—
- (i) if the original order of reduction lays down that the period of reduction shall not operate to postponed future increments or is silent on this point, the government servant should he 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 provisions of F. R. 27.

- (ii) If the original order specified that the period of reduction was to operate to postpone future increments for any specified period, the pay of the government servant 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.

F. R. 32 — Where an order of penalty of withholding of increment of a government servant 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 on appeal or review, the pay of the government servant 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 servant 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.

Administrative Instruction :— A permanent post vacated by deduction of a government servant to a lower service, grade 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 reduction.

When, on expiry of the period of one year, the permanent post is filled and the original incumbent of the post is re-instated therefore, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belongs.

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 should be terminated on the occurrence of the first substantive vacancy in the grade.

F. R. 33 (a) — When an officer in a post (whether within the cadre of his service or not) is for any reason prevented from officiating in his turn in a post on a higher scale or grade borne on the cadre of the service to which he belongs, he may be authorized by special order of the appropriate authority *proforma* officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade, if that be more advantageous to him, on each occasion on which the officer immediately junior to him in the cadre of his service (or if that officer has been passed over by a reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or foregoes officiating promotion of his own volition to that scale or grade then the officer next junior to him not so passed over) draws officiating pay in that scale or grade:

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

Provided further that, except in cases covered by any special orders of the Competent Authority not more than one officer (either the senior most fit officer in a series of adjacent officers outside the ordinary line, or if, such an officer either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule.

Note 1 :- *The officer to whom the benefit of this rule is given should be fit for promotion*

Note 2 :- *The benefit is admissible only against promotion in the cadre in vacancies of more than 20 days duration. The benefit should not be allowed in respect of promotions against a chain of vacancies which taken together extend beyond 90 days.*

- (b) All officers senior to him should have been given acting promotions, unless they have been passed over due to in-efficiency, unsuitability or leave or any other reason.
- (c) The officer next junior to him should have been given officiating promotion or if he is by passed due to inefficiency or otherwise, some officer junior to him should have actually received the promotion in the parent department.
- (d) The benefit of this rule should be given to only One person against the vacancy.
- (e) A purely fortuitous officiating promotion given to an officer who is junior to an officer outside the regular line does not in itself give rise to a claim under the above rule.

F. R. .34 — (1) Subject to the provisions of rules 33 and 37, a government servant who is appointed to officiate in a post will draw the presumptive pay of that post

- (2) On enhancement in the substantive pay, as a result of increment or otherwise, the pay of such government servant shall be refixed 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 refixation is to his advantage.

F. R. 35 — Notwithstanding the provision contained in these rules the pay of a government servant, whose promotion or appointment to post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the Governor in this behalf.

F. R. 36 — When a government servant officiates in a post the pay of which has been fixed at a rate personal to another government servant, the State Government 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.

F. R. 37 — The State Government may fix the pay of an officiating government servant at an amount less than that admissible under these rule.

Administrative Instruction — When a government servant 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 **Fundamental Rule 37** he must not be treated as having effectually officiated in that post within the meaning **Fundamental Rule 23**. Such an officer, on confirmation, should have his initial pay fixed under **Fundamental Rule 24** and draw the next increment after he has put in duty for the usual period required calculated from the date of his being allowed to draw minimum of the time-scale.

F. R. 38 — The State Government may issue general or special orders allowing acting promotion to be made in the place of government servants who are treated as on duty under Rule 7 (5) (b).

Note :- *In the case of government servant sent for training or a special course of instruction, which is treated as duty under F. R. 7 (5) (b) (i) it is not necessary to create a new post in order to accommodate him during such training or course of instruction since the very order posting him for training, etc, would be considered a sanction in this behalf provided duration of the training exceeds three months.*

PERSONAL PAY

F. R. 39 — Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased and shall cease as soon as his pay is increased by any amount equal to his personal pay.

PAY OF TEMPORARY POST

F. R. 40 — 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.

F. R. 41 — When a temporary post is created which may be filled by a person who is already a government servant its pay should be fixed by the State Government with due regard to :-

- (a) The character and responsibility of the work to be performed, and
- (b) The existing pay of government servant of a status sufficient to warrant their selection for the post.

CHAPTER V

ADDITIONS TO PAY

F.R. 42— Compensatory Allowance — Subject to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the State Government may grant such allowances to any government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

Administrative Instructions :-

- (1) No revision of claims travelling allowance is permissible in cases where a government servant is promoted or reverted or is granted increased rate of pay with retrospective effect in respect of the period intervening between the date of promotion or revision or grant of increased rate of pay and that on which it is notified unless it is clear that there has been actual change of duties.
- (2) A government servant's claims to travelling allowance should be regulated by the rules in force at the time of journey, in respect of which they are made was under taken.

F. R. 43 — A compensatory allowance should ordinarily be drawn only by a government servant actually on duty, but the State Government may make rules specifying the conditions under which a government servant on leave may continue to draw a compensatory allowance, or a portion thereof, in addition to leave salary. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

COMPENSATORY ALLOWANCES OTHER THAN TRAVELLING ALLOWANCE

S. R. 16 — Subject to the provisions of S. R. 19, a compensatory allowance attached to a post will be drawn in full by the government servant performing the duties of that post.

- S. R. 17** —
- (i) When a government servant who has drawn a compensatory allowance in his old post joins a new post to which he is appointed while on duty in his old post, or when government servant joins a new post on return from leave of not more than four months' duration during which he has been permitted by competent authority to draw a compensatory allowance, and a compensatory allowance is also attached to his new post, he will during joining time draw a compensatory allowance at the lower of the two rates.
 - (ii) Compensatory allowance is admissible in all cases during joining time and will be at the rate of the allowance attached to the post which the government servant is leaving or is proceeding to join, as the case may be.

S. R. 18 —

- (1) A compensatory allowance, other than a house- rent allowance and a conveyance allowance, may be drawn up to a maximum period of four months by a government servant who takes earned leave including commuted leave on medical ground from the post to which the allowance is attached or is transferred therefrom for not more than one month to another post, as well as by the government servant performing the duties of the post to which the allowance is attached:

Provided that :

- (a) the authority sanctioning the leave or transfer, as the case may be, certifies that the government servant is likely to return, on the expiry of his leave or his temporary duty, to the post to which the allowance is attached or to another post carrying a similar allowance; and
 - (b) the government servant certifies that he continues to incur the whole or a considerable part of the expense to meet which the allowance was granted.
- (2) The following are the forms of the certificate prescribed in proviso (a) and (b) above:

CERTIFICATE BY THE AUTHORITY SANCTIONING THE LEAVE OR TRANSFER

There is every expectation of his returning to post from which he proceeds on leave/temporary transfer.

Signature

Designation.....

Date.....

These certificates should be included in the original orders sanctioning the leave or transfer.

CERTIFICATE BY THE GOVERNMENT SERVANT PROCEEDING ON LEAVE OR TRANSFER

Certified that for the reasons furnished below I continued necessarily to incur during the period of the
leavethewhole
..... temporary transfer approximately per
cent of the expenses to meet which the allowance
was given

Signature

Designation.....

Date.....

Reasons—Examples of such reasons would be —

- (1) that the leave was spent in.....
- (2) that the family was left in.....
- (3) that the government servant was obliged to continue paying rent for his house or to maintain establishment during absence from.....

Note 1 :- *The expression “period of four months” in Subsidiary Rule 18(1) should be interpreted as the period of earned leave including commuted leave on medical ground whether taken alone or in combination with other leave and the allowance is not admissible during any other kind of leave.*

Note 2 :- *In regard to the certificate prescribed in proviso (a) above, the authority competent to control the government servant’s posting should satisfy that there is reasonable expectation that the government servant is, on the expiry of his leave or temporary transfer, likely to return to the post from which he is being relieved or to another post carrying a similar allowance. A mere hope or unsupported expectation on the part of the government servant should not form the basis of the certificate. The authority sanctioning the leave or transfer should, in cases in which the above rule operates, invariably embody in the sanctioning orders a certificate regarding such likelihood of the government servant’s return.*

Note 3 :- *The limits of four months laid down in S. R. 18 shall be extended to eight months in the case of government servants suffering from Tuberculosis/Cancer/ Leprosy during the period of their leave. The medical certificate shall also be furnished in such cases.*

SR. 19 —A house rent allowance may be drawn by government servant, other conditions remaining the same, in the circumstances specified below :-

(a) LEAVE

- (i) A government servant will be entitled to draw house rent allowance during leave at the same rate which he was drawing this allowance before he proceeded on leave. For this purpose leave means total leave of all kinds not exceeding 120 days and if the actual duration of the leave exceeds that period but does not include leave preparatory to retirement, refused leave whether running concurrently with the notice period or not. When vacation or holidays are combined with leave, the entire period vacation or holiday and leave should be taken one spell of leave.

Note 1 :- *In the case of government servants who are originally granted leave medical certificate exceeding four months and have ultimately to retire from government service on ground of invalidity, the entire leave thus becoming leave preparatory to retirement, recovery of house, rent allowance already drawn need not be effected.*

Note 2 :- *The drawal of this allowance during period of vacation whether combined with leave or not shall be regulated in the same way as during leave.*

- (ii) The limit of 120 days shall be extended to 8 months for the purpose of the grant of this allowance in the case of government servants suffering from Tuberculosis, Cancer or Leprosy during the period of their leave taken on medical certificates when such certificates are in the forms prescribed under (S.R.76, S.R.78, S.R.80, and S.R.82). It is immaterial whether the leave is on medical certificate from the very commencement or is in continuation of other leave defined in (i) above. The question whether this allowance may be paid to an officer suffering from Tuberculosis, Cancer or Leprosy during leave on medical certificates exceeding 8 months shall be decided on merits by the Department of Finance.
- (iii) Drawal of this allowance during the period of leave in excess of first 4 months shall be subject to furnishing of the certificate prescribed in sub-rule (f) below.

(b) JOINING TIME

During joining time, a government servant shall continue to draw house rent allowance at the same rate at which he was drawing this allowance at the station from where he was transferred. Where however, joining time is affixed to leave, joining time shall be added to the period of 120 days referred to in (a) above unless in any case it is otherwise expressly provided.

(c) DEPUTATION ABROAD

The officers going abroad on deputation for a period exceeding 4 months shall be eligible to draw house rent allowance at the rate admissible to them from time to time at the station from where they proceeded abroad on deputation in the following manner: —

(i) *Deputation not exceeding one year.*

House rent allowance will be admissible for the entire period of deputation.

(ii) *Deputation exceeding one year.*

House rent allowance will be admissible for the entire period of deputation only if either family passages to the place of deputation abroad have not been availed of or transfer travelling allowance for the journey of the officer's family from the headquarters in India to the home town/village or to any other station has not been sanctioned or availed of by the family of the deputationist concerned. If however, a deputationist retains his family at his headquarters in India and draws house rent allowance for some time and then applies for family passages to the place of deputation abroad or transfer travelling allowance in respect of his family's journey from the headquarters in India, to the same town/village or any other station, he shall refund the amount of house rent allowance already drawn before availing of family passages to the place of deputation abroad/transfer travelling allowance for family to his home town/village or any other station in India.

(iii) *Deputation initially not exceeding one year but subsequently extended beyond one year.*

House rent allowance will be admissible up to the date of orders extending the period of deputation beyond one year. Thereafter, the allowance will be admissible provided the deputationist does not avail of the family passages to the place of deputation abroad or transfer travelling allowance for the journey of his family from his headquarters in India

to his home town/ village or any other station. Where, however, such a deputationist continues to draw house rent allowance even after the date of orders extending the period of his deputation beyond one year and then decides to avail family passages to the place of deputation abroad on transfer travelling allowance for his family's journey to his home town/ villages or any other station he shall refund the amount of house rent allowance drawn after the date of such orders.

- (iv) The drawal of allowance under this sub-para will be subject to the production of certificate prescribed in sub-rule (f) below.

(d) TRAINING ABROAD

A government servant who is deputed for training abroad under the various training schemes sponsored by the Government of India or operated through non-officials channels shall be entitled to draw house rent allowance during the entire period of such training, at the rates admissible to him from time to time at the station from where he was deputed abroad for training subject to the production of certificates prescribed below.

(e) TRAINING IN INDIA

A government servant, whether permanent or temporary who is sent on training in India, and whose period of training is treated as duty under **F.R.** 7 (5) (b) shall be entitled to draw during the entire period of such training house rent allowance at the rates admissible to him from time to time at either the place of training or the place of duty from where he proceeded on training whichever are more favourable to him. For claiming the allowance admissible at the place of duty from where a government servant proceeded to another station for training, he will be required to furnish the certificate (s) prescribed below the sub-rule (f).

Note :- *A government servant who is allowed travelling allowance as on tour and draws daily allowance at the place of training will draw a rent allowance only at the rate admissible to him at his head quarters from where he proceeded on training.*

(f) SUSPENSION

The drawal of house rent allowance to a government servant under suspension shall be regulated with reference to proviso to **F.R.** 51 (b) and **F.R.** 53 subject to his furnishing either or both of certificates prescribed below for drawal of allowance for periods beyond 120 days from the date of suspension.

Note :- *If the headquarters of a government servant under suspension are changed in the public interest by orders of a competent authority he shall be entitled to the allowance as admissible at the new station provided he furnishes the requisite certificate with reference to such Station.*

The certificate required will be as follows :-

FOR DRAWAL OF HOUSE RENT ALLOWANCE

The government servant concerned continued for the period for which house rent allowance is claimed, to retain the house at the same station (whether within its qualifying limits or in adjoining area) from where he was placed under suspension/proceeded on leave/deputation abroad training paid rent for it and not sublet whole of it.

PROVISION OF RESIDENCES

The following provisions shall regulate the allotment of residences to officers serving under the administrative control of the State Government.

F.R. 44 (I) — 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 fitting including the cost of site and 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,
- (c) the present value of the residence including the value of site.

Note :- *The cost of restoration or special repair, 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*

Provided that :-

- (i) the State Government may make rule providing the manner in which the present value of residence shall be determined;
- (ii) the State Government may make rules determine what expenditure is to be regarded for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;
- (iii) the State Government may, for reasons which should be recorded, authorized a revaluation of all residences of a specified class or classes within a specific area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation.

Note :- *Clause (i) in the proviso obviously does not more than supplement (b) in substantive part by settling the manner in which the present value is to be determined in cases in which the facts specified in (a) are not known Clause(ii), which unlike clause (i) is a true proviso, alters the operation of the substantive part of the rule by substituting for the capital cost determined in accordance with (a) in the substantive part, in the case when the facts specified in (a) are known, a new capital cost represented by the present value calculated in accordance with the rules made under proviso (i) for the primary purpose of determining the present value in cases to which (b) in the substantive part is applicable.*

- (iv) The capital cost, however calculated, shall not take into consideration (1) any charges on account 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
- (v) the State Government. 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 officer 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 determine under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost of value of sanitary, water supply and electric installations and fittings, the State Government may by rule determine what are to be regarded as fittings for this purpose

Note (i) :- *Where garage is provided for and attached to a particular residence (whether within or without the compound or premises) the capital cost of the garage should be included in the capital cost of the residence and the separate rent it to be calculated.*

Note (ii) :- *Where a garage is not attached to a particular residence, rent therefore should be charged separately under F. R. 41 or according as the garage is owned or leased or requisitioned by the Government.*

(II) The standard rent of a residence shall be calculated as follows :-

- (a) In the case of leased or requisitioned residences the standard rent shall be the sum paid to the lessor plus an addition determined under rules which the State Government may make for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence.
- (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 form time to time be fixed by the State Government plus an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs such addition being determined under rules which the State Government may make, or
 - (ii) six per cent per annum of such capital cost, whichever is less.

- (c) In case of a residence gifted to Government or leased on a nominal rent or on a rent free basis to Government, the standard rent shall be the same as in the case of a residence owned by government.
- (d) In all cases 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 residence, the State Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where the State Government 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 rules above bears to one year.

Note I :- *For the purpose of sub-clauses (a) and (b) and (c) above, the addition 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 proviso (iv) to clause I.*

Note II :- *The State Government may by rule permit minor additions and alterations the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.*

III. When Government supplies an officer with a residence leased, requisitioned or owned by Government, the following conditions shall be observed.

- (a) The scale of accommodation supplied shall not except at the officer's own request, exceed that which is appropriate to the status of the occupant
- (b) Unless in any case it be otherwise expressly provided in these rules, he shall pay rent for the residence such rent being the standard rent as defined in clause II above or 10 per cent of his monthly emoluments whichever is less :

Provided that net amount after the deduction of rent in case of officers drawing Rs.330/- or above shall not be less than Rs.276.60.

- (c) Notwithstanding anything contained in sub-clause (b) above State Government may—
 - (i) at any time after the standard rents have been calculated under the provisions of clause II 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 officer shall not exceed 10 per cent of his monthly emoluments;
 - (ii) by general or special order, provide for taking a rent in excess of that prescribed in sub-clause (b) or sub-clause (c) (i) above from an officer—

- (1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or
- (2) who at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or
- (3) who is in receipt of a compensatory allowance granted on account of dearness of living, or
- (4) who sub-lets without permission the residence supplied to him
- (5) who does not vacate the residence after cancellation of allotment;
- (6) whose request additions and alterations are made in the residence supplied to him;
- (d) When a standard rent has been recovered short through an error in calculation of standard rent or through mistake or in advertence, the government servant shall pay the deficiency on demand made within 12 months from the date on which the short recovery was made, in such numbers of installment as the Government may direct.
- (e) (i) When a standard rent of a residence cannot be determined for reasons to be recorded in writing at the time of the allotment, the government servant shall pay such standard rent as may be fixed by the Government on the basis of the actual expenditure on construction or the cost of acquisition of the building, the cost of fitting therein and the known and anticipated liabilities relating thereto plus 10 per cent of the amount so arrived at or 10 per cent of his monthly emolument whichever is less:

Provided further that in respect of officers whose emoluments are below :—

Rs.330 p.m. in place of 10 per cent mentioned above, 7½ per cent of such emoluments are applied by the net emolument after deduction of standard rent of those Officers who are in receipt of emoluments of Rs.330 p.m. and above, shall not be less than Rs.276.60 p.m.

- (ii) The standard rent so fixed shall remain effective until the last date of calendar month in which the standard rent for that residence is determined.
- (iii) In addition to the standard rent referred to in sub-clause (e) (i), a government servant shall pay the municipal and other taxes payable by the Government in respect of the residence, not being the nature of home or property tax and compensation for the charges payable by the Government in respect of the services provided for residence.

IV. In special circumstance for reasons which should be recorded the State Government-

- (a) May, by general or special order, grant rent free accommodation to any officer or class of officers, or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any officer.

- V. If a residence is supplied with services, such as furniture, tennis court, or garden maintained at the cost of Government rent shall be charged for these in addition to the rent payable under clause III. The State Government may make rules prescribing how the additional rents and charges shall be determined and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

Note 1 :- *The value of the site should be excluded in calculating the rent of special services.*

Note 2 :- *A tenant will not be required to pay meter rent when meters are the property of Government. The cost of meters in such cases is to be include in capital cost of the buildings for the purpose of calculating rent. Where, as usually the case, meters are owned and supplied by the electric companies, a tenant of a Government residence is charged meter rest, by the company as in the case of any other consumer of electricity.*

FR. 45 — For the purpose of rule 44 “emoluments” means :-

- (i) Pay;
- (ii) Payments from the Consolidated Fund of the State 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 and winter allowance, whether drawn from the Consolidated Fund of the State or from a local fund;
- (iv) Pension, other than extra-ordinary pension or compensation received under the Workmen’s Compensation Act, 1923, as subsequently amended;
- (v) In the case of a government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such government servant 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 the Police Medal.

Note 1 :- *The emoluments of a government servant paid at piece-work rates shall be determined in such manlier as the State Government may prescribe.*

Note 2 :- *The emoluments of an officer 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 – com -retirement gratuity and other forms of retirement benefits, if any.*

ALLOTMENT OF RESIDENCES

S.R. 20 — When a building owned or leased by Government or a portion thereof has been made available by Government for use as residence by an officer under its administrative control, the competent authority may allot touch building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the Post.

- S.R. 21** —
- (1) The incumbent of a post to which a residence has been allotted under **S.R. 20**, shall be considered to be in occupation of the residence during the period of his incumbency, unless the allotment is changed or suspended under these rules.
 - (2) An officer shall not be considered to be in occupation of a residence only by reason of the fact that he share it with an officer who is in occupation thereof.
 - (3) An officer shall be considered to be in occupation of his residence when absent on tour where he is permitted but not required, by Government to reside.
 - (4) An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

- S.R. 22** —
- (1) The competent authority may suspend the allotment of a residence to a post :-
 - (a) which is temporarily held by an officer under Fundamental Rule 48 in addition to another post, if the officer does not actually occupy the residence;
 - (b) the incumbent of which discharges the duties of another post if such duties prevent him from occupying the residence;
 - (c) to which an officer has been transferred from another post in the same station, if the officer is In occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence
 - (d) in which an officer is officiating for a period not exceeding two months if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority justify the suspension of the allotment.
 - (2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the State Government.
 - (3) An order of suspension under this rule shall terminate on the next change of incumbents or when the circumstances justifying the suspension case so exist which ever is earlier.
 - (4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or if it is not required by any such officer, to any suitable person:

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

S. R. 23 — The competent authority may permit an officer 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 such absence, unless :-

- (a) the officer, if any, who discharges the duties of the absent officer is responsible for payment of the rent of the residence, or
- (b) arrangements are made to let the residence during such temporary absence.

S. R. 24 — if the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service he allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement as the case may be or with effect from any date after such death, dismissal or retirement on which residence is actually vacated, whichever is earlier.

S. R. 25 — An officer, 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, when a house of his class is available for him; will be charged the full standard rent laid down in Fundamental Rule 44 and will not be given the benefit of the 10 per cent concessions afforded by clause (iii) (b) of Fundamental Rule 44.

RENT OF GOVERNMENT RESIDENCE

S. R. 26 — For the purpose of clause I of the Fundamental Rule 44 the present value of a residence and the site on which it stands shall be estimated by a Public Works Officer of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority. The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 27 — For the purposes of clause I of Fundamental Rule 44 expenditure incurred on such works as :-

- (a) earth-work in raising and leveling and work done in terracing;
- (b) turfing;
- (c) revetments, retaining and compound walls;
- (d) approach roads and paths inclusive of all culverts, drains, steps, guard railings and posts;
- (e) fencing excluding zenana fencing and compound walls used as such;
- (f) hedging of all descriptions;
- (g) entrance and wickets gates;
- (h) drains, inclusive of all pucca drains with the aprons, and also any kutchra drains discharging water from the compound : and
- (i) wells and tanks not now used as a source of water supply by the occupant; shall be regarded as expenditure upon the preparation of a site.

S. R. 28 — For the purposes of proviso (vi) to clause I Fundamental Rule 44 the following shall be regarded as fitting namely:-

ELECTRIC FITTINGS

- (a) Lamps of all kinds (excluding bulbs)
- (b) Fans including switches and regulators the hire of which is not charged separately and
- (c) Meters, the hire of which is not charged separately.

SANITARY AND WATER SUPPLY FITTINGS:

- (a) Apparatus for hot water supply;
- (b) Baths, basin and lavatory equipment ; and
- (d) Meters, the hire of which is not charged separately.

Note 1 :- *It is the intention of Subsidiary Rule 28 that only those articles which form an integral part of the electric, sanitary or water - supply installations shall be regarded as fittings. Such fitting, need not necessarily be fixtures. e.g., Electric lamps and fans may include moveable lamps and fans, but on the other hand, fixture do not necessarily fall under the head of fittings, unless they are connected with the supply in question. the basins and baths referred to in the rule are intended to cover only fixed lavatory basins and baths of the type generally known as English baths.*

S. R. 29 — In the calculation of the standard rent of a leased residence under sub-clause (a) of Clause II of Fundamental Rule 44, the addition to be made for meeting charges on Government other than the sum paid to lessor shall be :—.

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body, unless the amount of such rates of taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charge or such part thereof as the lessor may not have agreed to re-imburse to Government plus interest calculated at the rate fixed by the Stat Government under sub-clause (b)(i) of clause II of Fundamental Rule 44:-
 - (i) if no part of such charges is to be re-imbursed by the lessor, on half such charges;
 - (ii) if part of such charges is to be re-imbursed by the lessor on half the sum of such charges and the amount to be re-imbursed.

- S. R. 30 —**
- (1) In the calculation under sub-clause (b) of clause II of Fundamental Rule 44 of the standard rent of residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be:-
 - (a) The amount estimated by the competent authority to be the probable cost of the maintenance and repair of the residence (including sanitary, water-supply and electric installation and fittings) plus the amount of the rates or taxes, if any, payable under any law or custom by the owner to a municipality or other local body; or
 - (b) if no such estimate has been made, a percentage of the sum taken under clause I of Fundamental Rule 44 as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residence of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.
 - (2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1) :-
 - (a) “probable cost” shall include all charges which may reasonably be expected to be incurred;
 - (b) “ordinary repairs” shall include repairs executed annually or periodically, but shall not include special repairs
 - (c) “special repairs” shall include renewal of floors and roofs and other replacement recurring at long intervals and
 - (d) the cost or probable cost of repairs necessitated by the occurrence or fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.
 - (3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.
- S. R. 31 —**
- (1) When the standard rent of residence has been calculated minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions namely :—
 - (a) the total cost of such additions and alteration shall not exceed 5 per cent the capital cost in which the standard rent was last calculated ; and
 - (b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

- (2) In cases where additions or alterations are made at the specific request of an officer to whom the residence has been allotted, additional rent calculated at the rate of 6 per cent of the estimated cost of additional and/or alterations will be recovered from that officer from the date of completion of the work, over and above the rent which otherwise would have been charged under the provisions of clause II of **F.R.** 44. Such additional recovery will continue until that residence is re-allotted to another officer or till the Standard rent has been re-calculated under the provisions of **S.R.** 32.

S. R. 32 — (1) When by reason 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 re-calculated with effect from the 1st April next following.

- (2) Subject to the provisions of sub-rule (1) the standard rent of a residence shall be re-calculated on the expiry of five years from the date of the last calculation.

- (3) Notwithstanding sub-rules (1) and (2), when a residence referred to in sub-rule (2) of **S. R.** 31 is vacated by the officer at whose request additions or alterations were made, the standard rent of residence on its re-allotment to another officer, will be the existing standard rent plus the additional rent sanctioned in accordance with **S. R.** 31(2) for works carried out upto the date of re-allotment. If the standard rent of that residence has been pooled with other residences its pooled rent will be the existing pooled rent plus additional rent recoverable under **S. R.** 31.

S. R. 33 — (1) If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules made by the State Government under clause V of Fundamental Rule 44 are in force) the rent to be charged for such services in addition to, and during the same period as the rent payable under clause III of Fundamental Rule 44 shall be determined by the competent authority subject to the following provisions, namely :-

- (a) the rent shall in the case of furniture be calculated for durable and non-durable articles separately;
- (b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of :-
 - (i) interest at a rate to be fixed from time to time by the State Government in this behalf on the capital cost of such services;
 - (ii) in the case of furniture, depreciation and repairs: and
 - (iii) in the case of such services, other than furniture maintenance charges, and
- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

Note :- Rent for furniture, when charged should be assessed at 9 per cent per annum of the capital cost, which includes interest, depreciation and repair charge.

- (2) The State Government may, in special circumstances, by order remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

S. R. 34 — When a portion of residence is utilized as an office the competent authority may grant remission of rent for the portion so utilized, the capital cost of the remaining portion being assessed separately for the purpose of calculating the standard rent. No remission of rent, however, is admissible where separate office accommodation is provided for the official or where the use of a part of his residence for official purposes is optional..

S. R. 35 — The competent authority may authorize reduction or remission of rent otherwise chargeable when a residence is rendered uninhabitable by reason of extensive repairs is in progress or from any other cause and is so certified by the Executive Engineer; inconvenience caused by petty or ordinary annual repairs is insufficient to warrant reduction or remission of rent.

HONORARIA

F. R. 46 — (a) Fees

A government servant may be permitted if this can be done without detriment to his official duties and, responsibilities to perform a special service or series of services for a private person or body or for a public body including a body administering a local fund and to receive a remuneration therefore, if the service be material, a non-recurring or recurring fees.

(b) Honoraria

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

(c) Fees and Honoraria

In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in **F. R. 9** and shall record also the reason which in his opinion justify the grant of the extra remuneration.

State Government's order :-

- (1) Several instances have come to the notice of the Finance Department in which recommendations have been made by various departments for the grant of honoraria to the members of their office staff on account of temporary increase in their works. In the opinion of the Finance Department, temporary increase in work is normal incidence of government service and forms part of the legitimate duties of government servants according to the general principle enunciated in **F. R. 9**. Those so employed have, therefore, no claim to extra remuneration.
- (2) Honorarium under **F. R. 46 (b)** will not be admissible to government servants who are required to perform the additional duties of sanctioned post.
- (3) The sanctioning authority while sanctioning the honorarium in pursuance of the powers delegated should follow the following procedure:-
 - (i) Honorarium should be granted when one *performs* special work of an occasional or intermittent character, *i. e.*, other than those which he normally *performs* irrespective of the fact whether he works beyond his normal office hours or not.
 - (ii) The grant of honorarium under the provisions referred to above should normally be restricted to once in 12 (twelve) months.
 - (iii) The expenditure on account of honorarium is classifiable under the detailed heads "other charges" under the sub-head from which the salary of the official(s) is paid.
 - (iv) No re-appropriation from other heads for the grant of honorarium is permissible.
 - (iv) Payment of honorarium, when made must be drawn in pay bill form for specific audit check.

Government of Meghalaya's Decision

Government servants are not required to obtain any sanction to broadcast on All India Radio if such broadcasts are of a purely literary, artistic or scientific character. In such cases the use of ensuring that the broadcasts are of such character rests on the government servant concerned. It has been decided that in cases in which no sanction is required for such broadcasts, no permission is necessary for government servant to receive the honorarium.

In cases where sanction to broadcast is necessary such sanction if given, should be taken to carry with it also the sanction to receive the honorarium.

F. R. 47 — Any government servant is eligible to receive and except as otherwise provided by a general or special order the Governor of Meghalaya, 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 administration of justice;
- (c) any award payable in connection with the provisions of any Act or Regulation or rules framed there under;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws and
- (e) any fee payable to a government servant for duties which he is required to perform in his official capacity under any special or local law or by order of government.

SR. 36 — Subject to the conditions prescribed in Subsidiary Rules 37 to 41 and to any general or special orders governing a particular case or class of cases, a competent authority sanction the grant of an honorarium to a government servant or the acceptance by such a government servant of an honorarium or a fee. No government servant may accept honorarium or fee without such sanction.

When the government servants is under the administrative control of another authority the consent of the competent authority permitting him to undertake the work and to accept the honorarium or the fee together with the certificate specified in Subsidiary Rule 39 where necessary, should be obtained writing and the fact recorded in the order of sanction.

S. R. 37 — The amount of an honorarium or fee must be fixed with due regard to the value of the service in return for which it is given.

S. R. 38 — When the service rendered falls within the scope of the ordinary duties of the government servant performing it, the test whether the service is material or is special merit as prescribed in Fundamental Rule 46 must be very strictly applied.

S. R. 39 — No Government servant may undertake a work, whether with or without an honorarium or a fee, without sanction of the competent authority, who, unless the government servant is on leave, shall certify, in the case of fees, That the work can be undertaken without detriment to his official duties and responsibilities.

S. R. 40 — When an honorarium or fees is paid for work done by a government servant during time which would otherwise be spent in the performance of official duties, the honorarium or fees must be credited to State revenue; provided that a competent authority may, for special reasons which should be recorded, direct that the whole or any part it may be paid to the government servant.

S. R. 41 — When a government servant of an education service is permitted to receive fees for private tuition, the financial limits of the power of sanction delegated to a competent authority shall be considered to apply to the total amount of the fees to be accepted by such Government Servant during any particular scholastic term or vacation

S. R. 42 — No government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

S. R. 43 — A Government servant called upon by a court of law to act as a commissioner to give evidence on technical matters may comply with the request, provided that the case is not of such a nature as will be likely to come before him in the course of his official duties and any fee received by him should be credited to Government.

CHAPTER—VI

Combination of Appointment

S. R. 48 — The State Government may appoint a government servant already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time under that Government. In such cases, his pay is regulated as follows:-

- (i) Where a government servant is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the competent authority reduces his officiating pay under F.R.37 but no additional pay shall however, be allowed for performing the duties of a lower post.
- (ii) Where a government servant is formally appointed to hold dual charge of two post in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge:

Provided that if the government servant is appointed to an additional post which carries a special pay, he shall be allowed such special pay;

- (iii) Where a government servant is formally appointed to hold charge of another post or posts or which is or are not in the same office, or which though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or of the highest post if he holds charge of more than two posts, in addition to ten percent of the presumptive pay of additional post or posts, if the additional charge is held for a period exceeding 39 days but not exceeding 3 months
- (iv) No additional pay shall be admissible to a government servant who is appointed to hold current charge of another post or posts irrespective of the duration of the additional charge;
- (v) if compensatory or sumptuary allowances are / attached to one or more of the posts, the government servant, shall draw such compensatory or sumptuary allowances as the State Government may fix;

Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to the posts:

Administrative Instructions :- Presumptive pay for the purpose of F. R. 48 should according to F. R. 7 (21) be taken to be what the government servant who is placed in additional charge will draw as initial pay in the time-scale of the additional post under F. K. 23 where he is formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the government Servant in his substantive posts, the maximum of the pay of the lower post should be taken as the presumptive pay for the purpose of F.R.48.

CHAPTER—VII

DEPUTATION OUT OF INDIA

F. R. 49 — The Governor may sanction the deputation out of India of one or more Government servants of the State for any duty connected with State affairs.

Administrative Instruction :- The period of the deputation runs from the date on which the government servant makes over charge of his office in India to the date on which he resumes it; or if the government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actual occupied by duty.

CHAPTER VIII

DISMISSAL, REMOVAL, COMPULSORY RETIREMENT, AND SUSPENSION

Dismissal and Removal

F.R. 50— A government servant who is dismissed or removed from service ceases to draw pay and allowances from the date of such dismissal or removal.

Note :- An order of dismissal should not be issued with retrospective effect.

SUSPENSION

Subsistence Allowance and other allowance during suspension

F.R. 51. — (I) A government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:-

- (i) In the case of a Commissioned Officer of the Indian Medical Department or 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 servant —
 - (a) a subsistence allowance at an amount equal to leave salary which the government servant would have drawn if he had been on leave on half pay and in addition, dearness allowance, it admissible on the basis of such leave salary:

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

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

- (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 sub-clauses (i) and (ii) above.
- (b) Any other compensatory allowances admissible from time to time on the basis of pay which the government servant was in receipt on the date of suspension subject to the fulfillment of other conditions laid down for the drawal of such allowance.
- (2) No payment under sub-rule (1) shall be made unless the government servant furnished a certificate, that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a government servant 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 allowance 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 allowance 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 proviso shall apply to him.

STATE GOVERNMENT'S DECISION

- (a) When the subsistence allowance is increased or decreased by 50 per cent under the proviso to F. R. 51(a) (1), (iii) the increase or decrease will be calculated on the subsistence allowance initially fixed and will not be subject to any maximum or minimum limits on leave salary on half pay.
- (b)
 - (i) Any order of the competent authority revising the amount of subsistence grant should not be given retrospective effect.
 - (ii) It is obligatory under F.R. 51 that in sufficient time before the expiry of the first year of suspension the competent authority should review each case in which the period of suspension is likely to exceed one year, and even if it comes to the conclusion that the rate is not to be altered having regard to all the circumstances of the case specific orders to that effect are to be passed placing on record the circumstances under which decision had to be taken.
- (c) It is hereby clarified that on the coming into force of the rule a review shall be made immediately in the case of government servants who have been under suspension for six months or more on the date the rule came into force. In the case of others the review shall be undertaken after they complete six months, under suspension.

GRANT OF LEAVE WHILE UNDER SUSPENSION

S.R. 44 — Leave may not be granted to a government servant under suspension.

Suspension during detention, pendency of Criminal Proceedings, etc.

S.R. 45 — The cases of suspension during pendency of criminal proceedings or proceeding for arrest for debt or during detention under a law providing for preventive detention, shall be dealt with in the following manner hereafter.

- (a) A government servant who is detained in custody under any law providing for preventive detention or as a result of a proceeding either on a criminal charge or for his arrest for debt shall, if the period of detention exceeds 48 hours and unless he is already under suspension, be deemed to be under suspension from the date of detention until further orders as contemplated in the Meghalaya Services (Discipline and Appeal) Rules. A government servant who is undergoing a sentence of imprisonment shall also be dealt with in the same manner pending a decision on the disciplinary action to be taken against him.
- (b) A government servant against whom a proceeding has been taken on criminal charge but who is not actually detained in custody (e.g., person released on bail) may be placed under suspension by an order of the competent authority under the Meghalaya Services (Discipline and Appeal) Rules. If the charge is connected with the official position of the government servant or involving any moral turpitude on his part, suspension shall be ordered under this rule unless there are exceptional reasons for not adopting this course.
- (c) A government servant against whom a proceeding has been taken for his arrest for debt but who is not actually detained in custody may be placed under suspension by an order under the Meghalaya Services (Discipline and Appeal) Rules, i.e. only if a disciplinary proceeding against him is contemplated.

Option to elect any Revised Scales of pay

S.R. 46 — In the case of a government servant under suspension at the time of revision of scale of pay of the post held by him immediately prior to suspension, if the revised scale of pay takes effect from a date prior to the date of suspension, he would be allowed to exercise the option under F.R. 25 even if the period during which he is to exercise the option falls within the period of suspension. He will be entitled to the benefit of increase in pay, if any, in respect of the duty period before suspension and also in the subsistence allowance, for the period of suspension, as a result of such option.

If however, the revised scale of pay takes effect from a date falling within the period of suspension, and if he holds a lien or a suspended lien on the post, he should be allowed the option under F.R. 25 in spite of the fact that the benefit of option will accrue to him only after his re-instatement depending on the fact whether the period of suspension is treated as duty or not.

If the government servant does not retain a lien on that post he may be allowed to exercise the option if he is re-instated in that post and the period of suspension is treated as on duty. The time limit prescribed for exercising the option if expired may be relaxed in the case.

Extension of temporary post to provide for official under suspension

S. R. 47 — When an official is due to be discharged from service on account of expiry of the sanction of the post held by him, or other-wise become liable to be retrenched when he is under suspension he would be continued in the post, the term of which should be extended. The vacancy caused by the extension should not, however, be filled.

Arrangement for carrying the work of official placed under suspension

S.R. 48 — In an establishment where provision for leave reserves exist any vacancy caused on account of suspension of a government servants and cannot should be filled by a ‘reservist’ and where a ‘reservist’ is not available, the post should be filled by an officiating appointment, it is, however, not necessary to create an extra post.

Change of headquarters during suspension

S.R. 49 — An officer under suspension is regarded as subject to all other conditions of service applicable generally to government servant and cannot leave the station without prior permission. As such, the headquarters of a government servant should normally be his last place of duty. However, where an individual under suspension requests for a change of headquarters there is no objection to competent authority changing the headquarters if it is satisfied that such a course will not put Government to any extra expenditure like grant of travelling allowance etc., or other complications.

Treatment of concession of rent free quarters during suspension

- S. R. 50** —
- (1) The rent free concession will cease from the date of suspension.
 - (2) The government servant under suspension will not be required to vacate the rent free accommodation unless the accommodation is specially attached to any particular post.
 - (3) Rent should be recovered as under
 - (i) if he is in occupation of departmental quarter, rent should be recovered under F.R. 44.
 - (ii) In case he is in occupation of quarters leased by the Department, proportionate rent should be recovered for the portion occupied by him.
 - (iii) If he is in occupation of quarters attached to the post, rent to be recovered should be equal to the amount of House Rent Allowance payable to his substitute.
 - (4) For the purpose of recovery of rent his emoluments will be taken as laid down in F.R 45(v)

- (5) If subsequently, the government servant is allowed for the period of suspension full pay and allowances under F.R.53 (2), the concession of rent accommodation will stand restored to him, and the rent, if recovered for the period of suspension, will be refunded to him.

Recoveries from Subsistence Allowance

F. R. 52 — (1) Compulsory deductions:

The recovery of the following compulsory deduction should be enforced from the subsistence allowance:

- (i) Income-tax and super-tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable).
- (ii) House Rent and allied charges i.e., electricity, water, furniture, etc.
- (iii) Repayment of loans and advances taken from Government at such rates as the head of the department deems it right to fix.

(2) Optional deductions:

The recovery of the following optional deductions should not be made except with the government Servant's written consent

- (i) Premia due on Postal Life Assurance Policies.
- (ii) Amount due to Co-operative Stores and Co-operative Credit Societies.
- (iii) Refund of advances taken from General Provident Fund.
- (iv) Recovery of loss to Government for which a Government Servant is responsible

(3) Recovery of overpayments

As regards recovery of over payments there is no bar to effect the same from the subsistence allowance but such recoveries from a government servant under suspension should not ordinarily, be made at a rate greater than one third of the amount of the subsistence allowance, i.e., exclusive of dearness allowance, if any, admissible to him under F. R. 51 (1) (ii) (a).

REINSTATEMENT

Re-instatement as a result of departmental appeal or review

- F. R. 53 — (1)** When a government servant who has been dismissed, removed or compulsorily retired is re-instated as a result of appeal or review or would have been so re-instated 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 servant for the period of his absence from duty including the period of Suspension preceding his dismissal, 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 servant who has been dismissed, removed or compulsorily retired has been fully exonerated, the government servant shall, subject to the provisions of sub-rule (6) be paid the 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 compulsorily retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the government servant has been delayed due to reasons directly attributable to the Government Servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct for reasons to be recorded in writing, that the government servant 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 such 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 appellate or reviewing authority solely on the ground of non-compliance with the requirement of clause (2) of the article 311 of the Constitution and no further inquiry is proposed to be held the government servant shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of the 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, as the competent authority may determine, after giving notice to the government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period as which in no case shall exceed sixty days from the date on which the notice has been served as may be specified in the notice:

Provided that any payment under this sub-rule to a government servant (other than a government servant who is governed by the provisions of the payment of Wages Act, 1936 (4 of 1936) shall be restricted to a period of three years immediately preceding the date on which orders for reinstatement of such government servant are passed by the appellate authority or reviewing authority or immediately preceding the date of retirement on superannuation of such government servant 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 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 servant 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 servant.

Note :- *The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of —*

- (a) *extra-ordinary leave in excess of three months in the case of temporary government servant, and*
- (b) *leave of any kind in excess of five years. in the case of permanent government servant.*
- (6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.
- (7) The amount determined under the proviso to sub- rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 51.
- (8) Any payment made under this rule to a government servant on his re-instatement 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 re-instatement. 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 servant.

Re-instatement as a result of Courts order

- F. R. 54 —**
- (1) Where the dismissal, removal or compulsory retirement of a government servant is set aside by a court of law and such government servant is re-instated without holding any further enquiry, the period of absence from duty shall be regularized and the government servant shall be paid pay and allowances in accordance with the provisions of sub- rule (2) or (3) subject to the directions, if any of the Court.
 - (2) (i) Where the dismissal, removal or compulsory retirement of a government servant is set aside by the Court solely on the ground of non-compliance with the requirement of Clause (2) of Article 311 of the Constitution and where he is not exonerated on merits, the government servant shall be subject to the provision of sub-rule (7) of Rule 53 be paid such amount (not being the whole) of the pay and allowances which he would have been entitled had he not been dismissed, removed or compulsory 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 servant of 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:

Provided that any payment under this sub-rule to a government servant (other than a government servant who is governed by the provisions of the payment of Wages Act, 1936 (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 servant, as the case may be.

- (ii) The period intervening between 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 provision contained in sub-rule (5) of Rule 53.
- (3) The dismissal, removal or compulsory retirement of a government servant is set aside by the Court on the merits of the case, the period intervening between 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 re-instatement shall be treated, as duty for all purposes and he shall be paid the full pay and allowances for the 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 servant on his re-instatement 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 re-instatement. Where the emoluments admissible, under this rule are equal to or less than those earned during employment elsewhere, nothing shall be paid to the government servant.

Explanatory Notes

The expression “to which he would have been entitled” occurring in F. R. 54(2) and F. R. 54(3) would imply only the pay and allowances in respect of the post held by the government servant before suspension.

The words “the post held by the government servant before suspension” make it clear that nothing more than the pay and allowances which the government servant would have got only in the post from which he was suspended is admissible.

Example — A government servant under Suspension was acquitted by a Court of law on 1st April 1978. The order re-instating him was issued on 10th April 1978 and he joined duty on that day afternoon. The head of office asked him to apply for leave as admissible for the period from 1st April 1973 to 10th April 1978.

Ans — The period from 1st April 1978 to 10th April 1978 intervening between the date of acquittal by a Court of law and the date of re-instatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for such period, vide F. R. 54(3). As such, the action of the head of office in asking the government servant to apply for leave as admissible for the period from 1st April 1978 to 10th April 1978 is not in order.

Filling up vacancies caused by dismissal, etc., of government servants:

F. R. 55. — A permanent post vacated by the dismissal, removal or compulsory retirement of a government servant should not be filled substantively until the expiry of the period of one year from the date of such dismissal, removal or Compulsory retirement, as the case may be. Where on the expiry of the period of one year, the permanent post is filled and the original incumbent of the post is re-instated, 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 the grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

Note :- (1) *In the case of persons who are not fully exonerated the conversion the period of suspension into leave with or without allowances has the effect of removing the stigma of suspension and all the adverse consequences following there from. 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 subsisting and compensatory allowances that an officer received during the period of suspension exceeds the amount of leave salary and allowances the excess have to be refunded. There is no escape from this conclusion.*

Note :- (2) *The period of suspension of a Government servant, which is treated as dies-non, should not be reckoned as service for the purpose of any of these rules, i.e., it will not count for leave, increment and pension.*

Termination of Suspension

- F. R. 56 —**
- (1) When a government servant who has been suspended is re-instated or would have been so re-instated 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 allowances to be paid to government servant 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 a period spent on duty.
 - (2) Notwithstanding anything contained in Rule 51, where a government servant under suspension dies before his 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 duty for all purposes and his family shall be paid the full pay and allowances for that period 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 the opinion that the suspension was wholly unjustified, the government servant 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 the opinion that the termination of the proceedings instituted against government servant had been delayed due to reasons directly attributable to the government servant, 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 servant 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 servant shall be 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 servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period which in no case shall exceed sixty days from the date on which the notice has been served 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 servant, 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 servant 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 servant.

Note :- *The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—*

- (a) *extra-ordinary leave in excess of three months in the case of temporary government servant*
- (b) *leave of any kind in excess of five years in the case of permanent government servant.*
- (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 (6) shall not be less than the subsistence allowances and other allowances admissible under Rule 51.

CHAPTER IX

COMPULSORY RETIREMENT

- F. R. 57 —**
- (a) The date of compulsory retirement of a government servant is the date on which he attains the age of 58 years. He may be retained in service after this age with the sanction of the State Government on public grounds which must be recorded in writing, and proposals for the retention of a government servant in service after this age should not be made except in very special circumstances.
 - (b) Notwithstanding anything contained in these rules the appropriate authority may if he is of the opinion that it is in the public interest to do so, retire a Government servant by giving him notice of not less than three months, in writing or three month's pay and allowances in lieu of such notice, after he has attained fifty years of age or has completed 25 years of service, whichever is earlier.
 - (c) Any Government servant may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of fifty years or has completed 25 years of service, whichever is earlier.

Note 1 :- *The grant of leave extending beyond the date on which a government servant must compulsorily retired or beyond the date upto which a government servant has been permitted to remain in service, shall not be treated as sanctioning an extension of service, and the government servant shall not be permitted to retain a lien on his permanent post or any other post during the period of such leave.*

Note 2:- *The purpose of Fundamental Rule 57 is not to confer upon government servants any right to be retained in service upto a particular age, but to, prescribe the age beyond which they may not be retained in service.*

Note 3:- *A grade IV government servant shall retire when he attains the age of 60 years.*

Note 4:- *The term "appropriate authority" referred to in the above clauses means the authority which has the power to make substantive appointments to the post or service from which the government servant is required or wants to retire.*

Note 5:- *The competent authority for drawal of advance pay and allowances us respect of government employees both gazetted and non - gazetted to whom three months pay is to be made available in lieu of three months' notice on being compulsorily retired as envisaged in F. R. 57 (b), shall be the controlling officer or the next higher officer when the officer involved is his own controlling officer in respect of travelling allowance etc.*

The 'Pay' so allowed would be the pay he would have drawn had he continued in the post for the next three months and be drawn in the establishment bills. Any outstanding Government dues in respect of the officer shall be adjusted against this advance pay and from his/her gratuity as and when sanctioned and the existing practice of pre-auditing of last pay bill in respect of retiring Government employees shall not be applicable in respect of pay to be drawn in lieu of notice. The last pay certificate of the officer should invariably be attached to the pay bill to be presented to treasury as per aforesaid procedure,

Administrative Instruction — When a government servant required to retire, revert or cease to be on leave on attaining a specified age, the day on which he attains that age is reckoned as a non-working day, and the government servant must retire, revert or cease to be on leave as the case may be with effect from and including that day. This rule applies to all government servants.

PART IV
CHAPTER X
Joining time

- F.R.58 —**
- (1) When a government servant is transferred to the control of another Government or organisation which has made separate rules prescribing amount of joining time, his joining time for the journey to join his post under that Government/organisation and for the return journey, will be governed by these rules, unless different provisions are expressly made in the terms of deputation/foreign service by mutual agreement between the lending and borrowing authorities.
 - (2) The joining time of the employees of Central Government or any other State Governments or organisation, who are appointed to Civil Services and posts under the State Government on deputation or on foreign service basis, shall, for joining the civil services and posts under the State Government and for the return journey, shall be regulated in accordance with these rules, unless different provisions are expressly made in their respective terms of deputation/foreign service by mutual agreement between the lending and borrowing authorities.
 - (3) Joining time shall be granted to a government servant on transfer in public interest to enable him to join the new post either at the same or a new station. No joining time is admissible in case of temporary transfer for a period not exceeding 180 days. Only the actual transit time, as admissible in case of journeys on tour may be allowed.
 - (4) The surplus staff transferred from one post to another under the Scheme regulating Re-deployment of surplus shall be eligible for joining time.
 - (5) Government servants who are discharged due to reduction of establishment from one office and re-appointed to another office under the State Government shall be entitled to joining time if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old post, the period of break may be converted into joining time without pay by the Head of Department provided that the break does not exceed 30 days and the Government servant has rendered not less than 3 year continuous service on the date of his discharge.
 - (6) For appointment to posts under the State Government on the results of a competitive examination and/or interview open to government servant and others, State Government employees and permanent/provisionally permanent Central Government employees will be entitled to joining time under these rules.
 - (7) Notwithstanding entitlement to joining time, temporary employees of the State Government who have not completed 3 years of regular continuous service shall not be entitled to joining time pay.

- F.R.59 —**
- (1) The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date if the charge is made over in the afternoon.
 - (2) The joining time shall be calculated from old headquarters in all cases including where a government servant receives his transfer order or makes over charge of the old post in a place other than his old headquarters, or where the headquarters of a government servant while on tour is charged to the tour station itself or where his temporary transfer is converted into permanent transfer,
 - (3) Not more than one day's joining time shall be allowed to a government servant to join a new post within the same station or which does not involve a change of residence from one station to another. For this purpose the term same station, will be interpreted to mean the area falling within the jurisdiction of the municipality or corporation including such of suburban municipalities, notified areas or cantonments as are contiguous to the named municipality, etc.
 - (4) In cases, involving transfer from one station to another and also involving change of residence, the government servant shall be allowed joining time with reference to the distance between the old headquarters and the new headquarters by direct route and ordinary mode (s) of travel as indicated in the following schedule. When holiday (s) follow (s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s)

Distance between the old headquarters and the new headquarter - Joining time admissible
 Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 more than 200 Km.

1,00 Kms, or less	more than 1,000Kms,	More than 2,000 Kms.	10 days	12 days	15 days except in
cases of travel by air for which the maximum will be 12 days.			12 days	15 days	15 days

Note 5:- *Distance means actual distance and not weighted mileage for which fare is charged by the Railways in certain ghat / hill sections. - 85 -*

- (5) Extension of joining time beyond the limits indicated in sub-rule (4) can be granted upto the maximum limit of 30 days by the Head of Department and beyond 30 days by the departments of the government, the guiding principle being that the total period of joining time should be approximately equal to 8 days for preparation plus reasonable transit time plus holidays; if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities, or the period spent awaiting the departure of the steamer.

- F.R.60 —**
- (1) When a government servant joins the new post without availing of the full joining time, the number of days of joining time, as admissible in sub-rule (4) of F.R. 59 subject to the maximum of 15 days, reduced by the number of days actually availed of shall be credited to his leave account as earned leave.

- (2) Joining time may be combined with vacation and or regular leave of any kind or duration except casual leave.
- (3) If a government servant in transit on transfer is directed to proceed to a place different from that indicated in the Initial transfer orders ; he shall be entitled to joining time already availed of upto the date of receipt of revised orders plus fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place at which he received revised orders as If he is transferred from that place.

F. R. 61 — Joining Time Pay :- A government servant on joining time shall be regarded as on duty during that period and shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to Dearness Allowance, If any, appropriate to the joining time pay. In addition he can also draw compensatory allowances, like City Compensatory Allowance, House Rent Allowance as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent travelling allowance.

S. R. 51 — By whatever route a government servant actually travels, his joining time shall, unless a competent authority, for special reasons otherwise orders, be calculated by the route which travelers ordinarily use.

S. R. 52 — If a government servant is authorised to make overcharge of a post elsewhere than at its headquarters, his joining time, shall be calculated from the place at which he makes over charge.

S. R. 53 — If a government servant 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.

S. R. 54 — If a government servant 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 servant may however be allowed normal joining time.

Provided in cases where leave on medical grounds is taken after availing of' normal joining time, the split up of the spell of absence allowing joining time first and leave afterwards may be allowed to stand.

S. R. 55 — If a government servant is appointed to a new post while on leave (whether spent in or out of India) of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the orders of appointment, whichever calculation will entitle him to the less joining time. If however, such a government servant actually performs the journey to his old headquarters for winding up his personnel affairs, etc. his joining time will be calculated from the old headquarters irrespective of the place where he spends leave or received posting order.

F.R. 62— A government servant 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 **Fundamental Rule 16**.

F.R. 63 — 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 the State Government may, at the discretion of the State Government, 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 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 this private employer prior to his appointment to government service or pay equal to the pay of the post in government service whichever is less.

PART V
CHAPTER XI
FOREIGN SERVICE

F.R. 64 — No government Servant may be transferred to foreign service against his will provided that this rule shall not apply to the transfer of a government servant to the service :-

- (a) a body, incorporated or not, which is wholly or substantially owned or controlled by the Government, and
- (b) an Autonomous District Council.

Administrative instruction - The Government which would be entitled to recover pension contribution on behalf of a government servant lent to Foreign Service should be regarded as the State Government competent to sanction his transfer to foreign service.

F.R. 65 — The following two general principles shall be observed in sanctioning the conditions of transfer to foreign service.

- (a) The terms granted to the Government servant must not be such as to impose an unnecessary heavy burden on the foreign employer which employs him.
- (b) The terms granted must not be so greatly in excess of the remuneration which the government servant would receive in government service as to render Foreign Service appreciably more attractive than government service.

F.R. 66 — A transfer to foreign service is not admissible unless –

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a government servant, and
- (b) the government servant transferred holds, at the time of transfer, a post paid from the revenues of the State or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

Note :- *The transfer of a temporary government servant to foreign service Is permissible.*

F.R. 67 — If a government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

F.R. 68 — A government servant 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, and may be given subject to the condition prescribed under **F. R. 33** such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion such authority shall also take into account:-

- (a) the nature of the work performed in foreign service,
- (b) the promotion given to junior in the cadre in which the question of promotion arises.

Nothing in this rule shall prevent a member of subordinate service from receiving such other promotion in government service as the authority who would have been competent to grant the promotion had he remained in government service may decide.

F.R. 69 — A government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post on 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.

Note :- *If the transfer is in the public interest, during the period of deputation the official will have the option whether to get his pay fixed in the deputation post under the operation of the normal rules or draw pay of the post held by him in his parent department plus a deputation (duty) allowance at the rate(s) and conditions laid down by the State Government. If the transfer is not in the public interest, during the period of deputation he/she will be entitled to pay under the operation of normal rules.*

State Government's decision

Foreign employers should in the case of government servant transferred to foreign service, except liability for leave salary in respect of disability leave granted on account of a disability incurred in and through foreign service, even though such disability manifest itself after the termination of foreign service. The leave salary charges for such leave should be recovered direct from foreign employers, a condition to this effect being inserted in the terms of transfer to foreign Service.

Note :- *No government servant shall be transferred to foreign service unless the foreign employer undertakes to afford to him at the employer's own expense privileges as regards medical attendance not inferior to those which he would have enjoyed if he had been employed in the Service of the Government of Meghalaya or re-imburse, the cost incurred by that government for the provision of privileges.*

- F.R. 70** —
- (a) While a government servant is in Foreign Service, contributions towards the cost of his pension must be paid to the revenues of the State in his behalf.
 - (b) If the foreign service is in India, contributions must be paid on account of the cost of leave salary also.
 - (c) Contributions due under clauses (a) and (b) above shall be paid by the government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in Foreign Service.

Note (1) :- *Pensions, throughout this chapter, include Government contribution if any, payable to Government servant's credit in a Provident Fund.*

Note (2) :- *In the case of a government Servant in foreign service in India a Contribution on account of leave salary is recoverable from the foreign employer or the government servant himself when the foreign employer does not consent to pay and in return for the contribution, Government accepts the charge for leave salary. As the rate Prescribed for such contribution have been calculated on the basis of the leave on full and half pay normally taken by government servant during the total period of his service, and do not*

take into account any compensatory allowance, which may form part of leave salary as defined in F. R. 7(10) the Government of Meghalaya has decided that the whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign Service shall be borne by the foreign employer or the government servant himself, as the case may be. In order to avoid any misunderstanding it is desirable that a condition to this effect should be inserted in the terms of transfer to Foreign Service.

S.R. 56 — A copy of the orders sanctioning a government servant's transfer to foreign service must always be communicated to the Accounts Office (referred to in the next rule) by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a Copy to the Officer who audits his pay, and take his instructions as to the Officer to whom he is to account for the contribution; report to the latter Officer the time and date of all transfers of charge to which he is a party when proceeding on, while in, and on return, from foreign service and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that Officer may be required.

S.R. 57 — (a) In the case of foreign service out of India the 'Account Officer' is the Accountant General, Central Revenues.

(b) In the case of foreign service in India –

(i) If pay in Foreign Service is paid from a government treasury and is subject to audit by an audit officer of Government, the Accounts Officer is such Audit Officer;

(ii) Otherwise, the Account Officer is the Accountant General of the State.

F.R. 71 — The rate of contributions payable on account of pension and leave salary shall be such as the State Government may by general order prescribe.

Note :- *The rates of contribution payable on account of pension and leave salary contribution have been laid down in Appendix 8.*

F.R. 72 — (a) The rates of pension contribution prescribed under Rule 71 will be designed to secure to the government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave salary will be designed to secure to the government servant leave salary on the scale and under the condition applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less, in the case of government servants paying their own contributions, such part of pay as may be paid as contribution will count as pay for the purpose of Fundamental Rule 7 (2).

F.R. 73 — (a) The State Government sanctions a transfer to foreign service may —

a) remit the contribution due in any specified case or class of cases, and

b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

S.R. 58 — (1) Rate of interest to be levied on overdue foreign service contributions :-

Contribution for leave or pension, due in respect of government servant on foreign services, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the State Government, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid upto the date on which the contribution is finally paid. The interest shall be paid by the government servant or the foreign employer according as the contribution is paid by the former or the latter.

- (2) The leave salary and pension contributions should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government on any account should be set off against these contributions.

F.R. 74 — A government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension or pensions and leave salary as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

F.R. 75 — A government servant transferred to foreign service may not, without the sanction of the State Government, accept a pension or gratuity from his foreign employer in respect of such service.

F.R. 76 — A government servant in 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, may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

Note :- *A government servant on foreign service in India is himself personally responsible for the observances of the rules contained in Fundamental Rule 76 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.*

State Government's Decision

The foreign employer will maintain a leave account of the government servant concerned. An extract of the leave account may be supplied to him by the Audit Officer in the case of gazetted officers and by the Head of the Office in the case of non-gazetted officers. The foreign employer will determine the leave admissible to the government servant concerned and sanction it under intimation to the Audit Officer in the case of gazetted government servant and the Head of Office in the case of non-gazetted officers as the case may be. The foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half yearly re-imbusement of leave salary so paid, from the Audit Officer/Head of the Office as the case may be. For this purpose he may send his claim duly supported with details of the officials on foreign service, nature and period of leave sanctioned; rate of

leave salary and amount of leave salary paid, to the Audit Officer in the case of Gazetted Officer and to the head of the parent department in the case of non-gazetted officer. The half-yearly re-imbusement suggested may be in respect of the period from 1st April 30th September and 1st October to 31st March. The Audit Officer or the head of the department should verify the claims preferred by the foreign employer and arrange to re-imburse the amount through Bank Draft within a month of the receipt of the claim.

F.R. 77 — A government servant in foreign service if appointed to officiate in a post in government service will draw pay calculated on the pay of the post in government service on which he holds a lien or would hold a lien and had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

F.R. 78 — A government servant 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 his foreign service before re-joining his post, his reversion shall take effect from such date as the State Government on whose establishment he is borne may decide.

F.R. 79 — When a government servant reverts from foreign service to government service, his pay will cease to be paid by the foreign employer and his continuation will be discontinued with effect from the date of reversion.

F.R. 80 — When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the person for whose benefit the additional establishment is created, recoveries shall be made under the following rules:-

- (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 shall include contributions at such rates as may be laid down under Fundamental Rule 71 and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) The State Government may reduce the amount of recoveries or may entirely forego them.

Administrative Instruction

Principles for the calculation of contribution for leave salary and pension. The words “its cost” in line 2 of Fundamental Rule 80 refer to “an addition” in line 1 of that rule. The underlying intention of the rule is to recover the Cost of the additional establishment sanctioned. Contribution for leave salary and pension leviable under clause (b) of this rule should, therefore, be based on the rates of pay, old and/or revised, as the case may be on which that establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or new entrant.

CHAPTER XII

SERVICE UNDER LOCAL FUNDS

F.R. 81— Government servants paid from local funds which are administered by Government are subject to the provisions of Chapter I to X and Chapter XIII of these rules.

Administrative Instructions :-

- (1) Employees of local funds administered by Government who are not government servants are subject to the provision of Chapter I to X and Chapter XIII of these Fundamental Rules.
- (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 the Government in regard to proceedings generally and not merely in regard to specific matters, such as the sanctioning of budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules; in other words, it means funds over whose expenditure government retains complete and direct control.

F.R. 82— The transfer of government servant to service under local funds which are not administered by government will be regulated by the rules in Chapter X.

F.R. 83— 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 the previous service will not count as duty performed. The State Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

PART VI
CHAPTER XIII
LEAVE

- F.R. 84 —** (1) Save as otherwise provided in these rules, these rules shall apply to government servants appointed to Civil Services and posts in connection with the affairs of the Government of Meghalaya but shall not apply to —
- (a) persons in casual or daily rated or part-time employment;
 - (b) persons paid from office expenses;
 - (c) persons employed in work-charged establishments;
 - (d) members of the All India Services;
 - (e) persons employed on contract except when the contract provides other wise;
 - (f) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;
 - (g) persons serving under the State Government Department on deputation from a Central Government or any other source for a limited duration.

(2) **Definitions**

In these rules; unless the context otherwise requires :—

- (i) “Leave” includes earned leave, half-pay-leave on private affairs and medical certificate) commuted leave, leave not due and extra-ordinary leave.
- (ii) “Earned Leave” means leave earned in respect of period 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 an officer plus the amount of earned leave calculated as prescribed in S. R.92 and F. R.91 as the case may be diminished by the amount of earned leave taken.
- (v) “Half Pay Leave Due” means the amount of half pay leave calculated as prescribed in S. R. 93 for the entire service diminished by the amount of half pay leave including twice the amount of commuted leave taken.
- (vi) “Commutated Leave” means leave taken under S. R.94.
- (vii) “Officer in Permanent Employ” means an officer who holds substantively a permanent post or who holds a lien on a permanent post had the lien not been suspended.
- (viii) “Completed years of Service” and “one year’s continuous service” means continuous service of the specified duration under the State Government and includes period spent on duty as well as on leave including extra-ordinary leave.

Earned leave

S.R. 59 — Except as otherwise provided in these rules, leave shall be earned by duty only. The period spent on foreign Service counts as duty if on account of such period contribution towards leave salary have been paid by the foreign employer or the government servant or remitted by the Government.

Government servant on temporary transfer or on Foreign Service

S.R. 60 — Government servant to whom these rules apply shall continue to be governed by these rules while on temporary transfer to a State Government or while on foreign service

Transfer from service or posts governed by other leave rules

S.R. 61 — Unless it be otherwise provided in these rules, a permanent government servant to whom these rules do not apply:—

- (a) When transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer and:
- (b) When appointed substantively to a permanent post to which these rules apply shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to a maximum limits of accumulation as laid down in F. R. 90 . The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave .carried forward shall be borne by the Department or the Government from which the government servant is transferred.

Right to leave

- S.R. 62** —
- (1) Leave cannot be claimed as of right.
 - (2) When the exigencies of public service so require, of leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be opened to that authority to alter the kind of leave due and applied for except at the written request of the government servant.

Regulation of claim of leave

S.R. 63 — A government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

Effect of dismissal, removal or resignation on leave at credit

- S. R. 64** —
- (1) Except as provided in this rule, any claim to leave to the credit of a government servant, who is dismissed or removed or who resigns from government service, ceases from the date of such dismissal or removal or resignation.

- (2) Where a government servant applies for another post under the Government of Meghalaya but outside his parent office or department and if such application is forwarded through proper channel, and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.
- (3) A government servant, who is dismissed or removed from service and is re-instated on appeal or revision shall be entitled to count for leave his service prior to dismissal or removal as the case may be.
- (4) A government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension shall be entitled to count his former service towards leave.

Commutation of one kind of leave into another

S. R. 65 — (a) At the request of a government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the government servant cannot claim such commutation as a matter of right.

Example :- A temporary government servant is on Extraordinary leave because no other kinds of leave is admissible to him. Later on the expiry of leave he is declared permanent with a retrospective date. He can ask for the commutation of extra-ordinary leave into 'Leave not due'.

- (b) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the government servant that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

Note :- *Extra-ordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of S. R. 95.*

Combination of different kinds of leave

S.R. 66 — Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

Explanation - Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

Note (a) :- *As a general rule it is open to the competent authority to grant casual leave with but special casual leave, but in cases where it is permissible to grant regular leave in combination with special casual leave, casual leave should not be granted in continuation with both special casual leave and regular leave.*

Note (b) :- *There is no objection to the grant of leave in the order— earned leave, extra-ordinary leave and then half pay leave*

Note (c) :- Quarantine leave may be granted in continuation of other leave.

Note (d) :- Compensation leave granted by the Examiner of Local Account may be combined with regular leave.

Acceptance of service or employment while on leave:

F.R. 85 — A government servant on leave may not take any service or accept any employment (including the setting up of a private professional practice as accountant and consultant, or legal or medical practitioner) whether in or out of India without obtaining the previous sanction of the State Government.

The leave salary of a government servant who is permitted to take up employment under a government or a private employer during leave shall be subject to such restrictions as the government of Meghalaya may by order prescribe.

Note 1 :- *This rule does not apply to casual literary work or service as an examiner or similar employment nor does it apply to acceptance of foreign service which is governed by F.R. 64.*

Note 2 :- *This rule does not apply where a government servant has been allowed to take up a limited amount of private practice and receive fees therefore as part of his conditions of service, e.g. , where a right of private practice has been granted to a medical officer.*

Note 3 :- *The grant of leave preparatory to retirement to an officer in foreign service may not be coupled with permission to continue in the service of the same employer during that leave.*

Note 4 :- *Though the grant of permission to take up private employment during the leave on medical certificate is technically covered by the provision of F.R. 15, it is not the intention that the leave which can be obtained on the strength of the medical certificate should be allowed to a government servant the state of whose health enable him to earn a competence by private employment. F.R. 85 should not be construed as permitting a government servant who avails himself of leave on medical certificates to undertake regular employment during such leave.*

Maximum amount of continuous leave

S.R. 67 — Unless Government, in view of the exceptional circumstances of the case otherwise determine, no government servant shall be granted leave of any kind for a continuous period exceeding five years.

Authorities empowered to grant leave

S.R. 68 — Any leave other than special disability leave and leave out of India, admissible under the Fundamental Rules may be granted to gazetted government servant drawing pay in the establishment pay bill form/non-gazetted government servant by the authority whose duty it would be to fill his post if it were vacant or by other competent authority. (Appendix 5).

S.R. 69 — No leave may be granted to gazetted government servant other than those mentioned in S.R. 68 until report to the admissibility of the leave has been obtained from the audit officer. On the receipt of such a report any leave, other than special disability leave, admissible under the Fundamental Rules may be granted to a gazetted Government servant by a competent authority.

Compensatory leave to local auditors

S.R. 70 — When a local auditor by attending office during holidays is unable to complete an audit before the due date, he may be granted compensation leave by the Examiner, local Accounts, to the extent of one day for every whole day thus spent.

LEAVE PROCEDURE RULES

Application for leave

F.R. 86 — An application for leave or for extension leave shall be made to the authority competent to grant such leave or extension through the immediate superior, if any. Applications for leave should be submitted in Meghalaya Fundamental Rules, Form No. 2. Where the authority competent to grant the leave is the Government, the application for leave shall be forwarded through the ordinary channel to the Commissioner of Divisions or the head of the department, who after recording his recommendations will forward the application to the Accountant General for submission to Government with the report required under S. R. 69.

Leave Account

S.R. 71 — Except as provided in the note below, a leave account shall be maintained in Form 1 for each government servant by Head of Office or an officer authorized by him in the case of non-gazetted government servants. The leave account of a gazetted Government Servant shall be maintained by the Accountant General.

Note :- *In case of gazetted government servants whose pay and allowances are drawn and distributed by the Head of Office, the leave account shall be maintained by that Head of Office.*

Verification of title to leave

- S.R. 72** —
- (1) No leave shall be granted to a government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.
 - (2) (a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed the authority competent to grant leave may calculate, on the basis of available information the amount of leave admissible to the government servant and issue provisional sanction of leave for a period not exceeding 60 days.
 - (b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued where necessary.

- (c) In the case of gazetted government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding 60 days.

Note :- In the case of leave preparatory to retirement or payment of cash equivalent of leave salary, an undertaking for recovery of leave salary, if any, paid in excess shall be taken from the government servant.

Leave not to be granted under certain circumstances

S.R. 73— Leave shall not be granted to a government servant whom, a competent disciplinary authority has decided to dismiss, remove or compulsory retire from government service. (Leave shall not be granted to an official under suspension).

Grant of leave on Medical Certificate

S.R. 74— Medical officers must not recommend the grant leave in any case in which there appears to be no reasonable prospect that the government servant concerned will ever be fit to resume his duties. In such cases, the opinion that government servant is permanently unfit for government service should be recorded in the medical certificate.

S.R. 75— Every certificate of a medical committee or a medical officer recommending the grant of leave to a government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the government servant under the terms of his contract of the rules to which he is subject.

S.R. 76— Before a gazetted government servant can be granted leave or an extension of leave on medical certificates, he must obtain a certificate in the following form from the District Medical and Health Officer/Surgeon Superintendent of District in which he/she resides, or if he is unable to travel for a purpose, from the District Medical and Health Officer/Surgeon Superintendent of the District where he is at the time. If in exceptional circumstances, the applicant cannot be examined by a District Medical and Health Officer/Surgeon Superintendent of the District Medical and Health Officer/Surgeon Superintendent of the district in which he ordinarily resides may countersign a certificate granted by the medical attendant (if he is an approved registered medical practitioner) of the applicant, after satisfying himself that the conditions are fulfilled.

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS

Statement of the case of

*Name (to be filled by the applicant in the presence of the District Medical and Health Officer/
Surgeon Superintendent or official medical attendant)*

Appointment

Age

Total Service

Previous periods of leave of absence on Medical Certificate

Habits

Disease

*District Medical and Health Officer
or Medical Officer at*

I, after careful personal examination of the case hereby certify that is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgement a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted month leave with effect from

Dated

*District Medical and Health Officer /
Surgeon Superintendent or Official
Medical Attendant*

Note 1 :- This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide when application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for his service.

Note 2 :- The term “Approved Registered Medical Practitioner” mentioned in this rule includes approved registered Ayurvedic Physician under employment of government and who are diploma holders.

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

Dated

President

The

.....

Members

.....

The certificate which shall be prepared in duplicate should be accompanied by a separate statement, also in the duplicate, of the government servant's case in the approved form. One copy of the certificate and of the statement shall be made over to the government servant concerned for presentation to the Medical Board which examines him for fitness for return to duty.

S.R. 77 — A gazetted government servant shall before applying for the certificate prescribed in S.R. 76 from a District Medical and Health Officer/Surgeon Superintendent obtain the permission of the head of office or department in which he is serving. When a certificate has been granted he shall if the leave recommended is for a period exceeding two months apply for the orders of the head of the office or department to appear before a Medical Board, and present himself before such a board when so directed. The head of the office or department shall forward to the board the certificate and copies of the statement of case on receipt of orders for the assembling of the board. The board will be assembled under the order the administrative medical officer of the State in which the government servant is serving, who will, where practicable preside over it. The board will be assembled either at the headquarters of the State or at such other place as the State Government may appoint.

S.R. 78 — Before the head of the office or department may grant leave or extension of leave for a period exceeding two months he must obtain from the board a certificate to the following effect, save as provided in S.R.80.

Note :- *In the case of leave for period not exceeding two months the certificate prescribed in S.R.76 shall be consider sufficient.*

FORM

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

S.R. 79 — Before deciding whether to grant or refuse the certificate the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In this case it should grant to him a certificate to the following effect:

“C.D. having applied to us for a medical certificate recommending the grant to him of leave, we consider expedient, before granting or refusing such a certificate to detain C.D. under professional observation for days”.

S.R. 80 — If the State of the applicant’s health is certified by a commissioned medical officer of Government or by a Medic Officer in-charge of a civil station to be such as to make it inconvenient for him to present at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in S.R. 78 either:

- (1) (a) A certificate signed after personal examination by the District Medical and Health Officer of the District or by the Sub-divisional Medical Officer of the Sub-division and countersigned by the District Medical & Health Officer/Surgeon Superintendent of the District, where the officer is serving: or
 - (b) A certificate signed by a District Medical & Health Officer/Surgeon Superintendent or a Medical Officer in-charge of a sub division other than the District Medical and Health Officer/Surgeon Superintendent or Medical Officer of the District or Subdivision where the officer is serving, and countersigned by the District Officer of the District where the officer is serving:
- (2) Notwithstanding anything contained in Sub-rule (1) the authority competent to sanction leave may dispense with the procedure laid down in S.R. 77 & 78 :-
 - (i) Where the leave recommended by the authorized medical attendant is for a period exceeding two months and he certifies that in his opinion it is necessary for the applicant to appear before a medical committee or
 - (ii) The applicant is undergoing treatment in hospital as an indoor patient and the leave recommended by the Medical and Health Officer in-charge of the case in hospital not below the rank of District Medical & Health Officer/Surgeon Superintendent for the period of hospitalization or convalescence.

S.R.81 — The grant of a certificate under Subsidiary Rules 78 & 80 does not itself confer upon the government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and order of that authority should be awaited.

S.R. 82 — An application by non-gazetted government servant for leave or for an extension of leave on medical certificate must be accompanied by a certificate in the following form from the District Medical and Health Officer/Surgeon Superintendent of the District where the applicant resides, unless it is specially certified that the applicant is too ill to bear the journey, in which case the District Medical and Health Officer/Surgeon Superintendent may exercise his discretion and countersign or refuse to countersign a medical certificate from an approved registered medical practitioner. In the event of the District Medical & Health Officer/Surgeon Superintendent refusing to countersign a medical certificate, he should arrange for the applicant to be examined at his residence by a medical officer of Government. Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant’s health. The certificate shall be prepared in duplicate, one copy made over to the government servant concerned for presentation to the medical officer who examines him for fitness for return to duty.

The authority competent to grant the leave may, however in its discretion accept a certificate from the applicant's medical attendant without such countersignature, if the applicant be a female may either dispense with countersignature or accept the Countersignature of any female medical practitioner.

The authority competent to sanction leave may at its discretion call for a second medical opinion. In such cases too the certificate shall be prepared in duplicate and dealt with in the manner laid down in sub-paragraph 2 above.

The possession of certificate such as is prescribed in this rule does not itself confer upon the government servant concerned any right to leave.

FORM

Medical Certificates for non-gazetted officers recommended for leave or extension or commutation leave.

Signature of applicant

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

Date

The

*Government Medical Attendant
or other Registered Practitioner*

Note 1:- *The nature and probable duration of the illness should be specified.*

Note 2:- *This form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The certifying officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality, or that he is not fit to proceed to a particular locality. Such certificates' should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide. When an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.*

Note 3:- *The term "Approved Registered Medical Practitioner" mentioned in this rule includes approved registered Ayurvedic Medical Physician (under employment) and who are Diploma holders also.*

Note 4:- *Should a second medical opinion be required the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The District Medical and Health Officer's opinion, or Surgeon Superintendent's opinion both as to the facts of illness and the necessity for the amount of leave applied for should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him.*

S.R. 83 — No application should be made for a medical certificate to a medical officer of Government and no certificate should be submitted for his countersignature without the cognisance of the head of the office in which the applicant is serving. For this purpose the correct procedure is to apply through the head of the office.

S.R. 84 — No application for extension of leave will ordinarily be considered by the head of office in which the applicant is serving unless the application is received by him at least one week before the termination of the leave already granted.

S.R. 85 — In support of an application for leave, or for an extension of leave, on medical certificate from a non- gazetted government servant the authority competent to grant the leave may accept such certificate as it may deem sufficient.

S.R. 86 — In case where all applications for leave cannot in the interest of the public service be granted, an authority competent to grant leave should in deciding which application should be granted, take into account the following consideration—

- (a) the Government servants who can, for the time being, best be spared ;
- (c) the amount of leave due to the various applicants;
- (c) the amount and the character of 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.

S.R. 87 — When a Gazetted officer is transferred to foreign service a copy of his service register will be sent by the audit officer whose duty it was to keep it, to the audit officer who will account for the contribution and the latter will return the register (Or an extract from it) duly written up-to-date when the officer is re-transferred.

Leave to a government servant who is unlikely to be fit to return to duty.

F.R. 87 (1) — (a) When a medical authority has reported that there is no reasonable prospect that the government servant will ever be fit to return to duty, leave shall not necessarily be refused to such government servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions—

- (i) if the medical authority is unable to say with certainty that the government servant will never again be fit for service leave not exceeding twelve months in all may be granted and such leave shall not be extended without further reference to a medical authority;

- (ii) if a government servant is declared by a medical authority to be completely and permanently incapacitated for further service, leave or an extension of leave may be granted to him after the report of the medical authority has been received, provided the amount of leave as debited to the account together with any period of duty beyond the date of the report of the medical authority does not exceed six months
- (2) A government servant who is declared by a medical authority to be completely and permanently incapacitated for further service shall :-
 - (a) if he is on duty, be invalidated from service from the date of relief of his duties, which should be arranged without delay on receipt of the report of the medical authority, if, however, he is granted leave under sub-rule (1) he shall be invalidated from service on the expiry of such leave;
 - (b) if he is already on leave, be invalidated from service on the expiry of that leave or extension leave, if any, granted to him under sub-rule (1).

Commencement and termination of leave

S.R. 88 — Except as provided in S. R. 89 leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

Combination of holidays with leave & joining time

S.R. 89 (1) — When the day, immediately preceding the day on which a government servant's leave begins or immediately following the day on which his leave or joining time expires, is a holiday or one of a series of holidays, the government servant may be permitted to leave his Station at the close of the day before or return to it on the day following, such holiday or series of holidays:

provided that :-

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance.
- (b) his early departure does not entail a correspondingly early transfer from another Station of a government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the government servant who was performing his duties during his absence or in the discharge from government service of a person temporarily appointed to it.
- (2) On condition that the departing government servant remains responsible for the moneys in his charge, the Head of the Department may, in any particular case, waive the applicability of clause (a) of the proviso to sub-rule (1).

- (3) 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 take effect from the day after the holiday; and
 - (b) if holidays are suffixed to leave or joining time the leave or joining time 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:
 - (c) prefixing and suffixing holidays to leave, other than leave on medical certificate, shall be allowed automatically except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave is specifically withheld. In the case of leave (medical certificate if the day on which an employ is certified medically fit for rejoining duty happens be a holiday, he shall be automatically allowed suffix such holiday(s) to his medical leave and such holidays shall not be counted as leave;

Government of Meghalaya's order :-

(1) Treatment of restricted holiday :

Restricted holiday can be prefixed or suffixed to regular leave or casual leave.

Combination of Closed Saturday with leave

(2) Any Saturday on which office remains closed can be prefixed or suffixed to leave under S. R. 89.

Regulation of holidays in respect of government servants remaining on leave on medical certificate followed by holiday :-

S.R. 90 — According to S. R. 91(2) no government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness under S. R. 89 holidays are affixed to leave, the leave is treated as having terminated on the day on which the leave would have ended if holidays had not been affixed. Thus the question of affixing holidays to leave could arise only if the government servant had been certified to be fit to resume duty on the day following the date of actual termination of leave. In this circumstance, it has been decided to adopt the following procedure: —

- (i) If the fitness certificate is of the date on which the government servant resumes duty or the date just preceding the date of joining: The holidays may be treated as part of the leave and not allowed to be suffixed.
- (ii) When the fitness certificate is of a date just proceeding the holidays:

The holidays may be allowed to be suffixed, provided the government servant makes a request in this respect.
- (iii) When the fitness certificate s of the date intervening the holidays:

The entire period of holidays may be treated as part of leave. Decision by the Government of Meghalaya

A question has arisen about the manner in which holidays may be prefixed to leave on medical certificate. On the analogy of instructions contained in the decision (1) above it has been decided that holidays may be allowed to be prefixed as under:

- (i) When the medical certificate is issued on the day immediately preceding the holidays. The holidays may be treated as part of the leave and not allowed to be prefixed.
- (ii) When the medical certificate is issued during the holidays: As in (i) above.
- (iii) When the medical certificate is issued on the day leave is to commence: The holidays may be allowed to be prefixed at the request of the government servant.

Recall to duty before expiry of leave

F.R. 88 — All orders recalling a government servant to duty before the expiry of his leave shall be treated as compulsory in all cases and he is entitled—

- (a) 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—
 - (i) travelling allowance under rules made in this behalf for the journey; and
 - (ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty.
- (b) If the leave from which he is recalled is out of India to count the time spent on the Voyage to India a duty for purposes of calculating leave, and to receive—
 - (i) 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, at the same rate at which he would have drawn it but for recall to duty.
 - (ii) a free passage to India;
 - (iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter
 - (iv) travelling allowance, under the rules for the time being enforce, for travel from the place of landing in India to the place of duty.

Note 1 :- *If a government servant is transferred to foreign service while on leave, he ceases to be on leave from the date of such transfer.*

Note 2 :- *If a Government servant does not avail the full joining time, the period short-taken should be considered as leave not enjoying and corresponding portion of leave account suitably modified.*

Return from leave

- S.R. 91 —**
- (1) A government servant on leave shall 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) (a) A government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness.
 - (b) If the government servant is a gazetted officer the certificate in clause (a) shall be obtained from a Medical Board, except in the following cases—
 - (i) cases in which the leave is for not more than three months;
 - (ii) 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 Board states at the time of granting the original certificate for extension that the government servant need not appear before another medical board for obtaining the certificate of fitness.
 - (c) In cases falling under clause (b) the certificate may be obtained from the District Medical and Health Officer, Surgeon Superintendent, a Medical Officer of equivalent status or from the Authorized Medical Attendant or the Medical Superintendent of the Hospital concerned.
 - (d) In the case of non-gazetted government servant, the authority under which the government servant is employed on return from leave may, in its discretion, accept certificate signed by a registered medical practitioner.
 - (3) (a) A government servant 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.
 - (b) Such a government servant shall report his return to duty to the authority which granted him leave or the authority, if any, specified in the order granting him the leave and await orders.

Note :- *A government servant who had been suffering from tuberculosis, cancer and Leprosy may be allowed to resume duty on the, basis of fitness certificate which recommends light work for him.*

Absence after expiry of leave

- F.R. 89 —**
- (1) Unless the authority competent to grant leave extends the leave, a government servant 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 extra-ordinary leave.
 - (2) Willful absence from duty after the expiry of leave renders a government servant liable to disciplinary action.

Decision of the State Government

A government servant who remains absent after the end of his leave the period of such overstay of leave should, unless the leave is extended by the competent authority, be treated as follows —

- (i) as leave on private affairs to the extent such leave is due, unless the overstay is supported by a medical certificate;
- (ii) as leave on medical certificate to the extent such leave is due, if the overstay is supported by medical certificate;
- (iii) as extra-ordinary leave to the extent the period of leave due on private affairs and/or on medical certificate falls short of the period of overstay.

The government servant is not entitled to leave salary during such overstay of leave not covered by an extension of leave by the competent authority.

EARNED LEAVE FOR GOVERNMENT SERVANT SERVING IN DEPARTMENTS, OTHER THAN VACATION DEPARTMENTS

Rate and amount of earned leave

- F.R.90.**— (a) (i) A government servant (other than a military officer) who is serving in a Department other than Department, shall be entitled to 30 days earned leave in a calendar year.
- (ii) The leave account of every government servant at the commencement of each calendar year shall be credited with earned leave in advance in two installments of 15 days each on the first January and July.

Note :- *The credit afforded under clause (ii) above shall be reduced by 1/10th of the period of extra-ordinary leave only availed of during the previous year subject to a maximum of 15 days.*

- (b) The leave at the credit of a government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year do not exceed the credit, the maximum limit of 180 days.
- (c) Subject to that provision of this rule, the maximum earned leave that may be granted at a time shall be 120 days, in the case of any government servants.

Calculation of earned leave

- S.R.92. —**
- (a) Earned leave shall be credited to the leave account of a government servant at the rate of 2 ½ days for each completed calendar month of service which he is likely to render in a half year of the calendar year in which he is appointed.
 - (b) The credit for the half year in which a government servant is due to retire or resign from the Service shall be afforded only at the rate of 2 ½ days per completed calendar month up to the date of retirement or resignation.
 - (c) When a government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed calendar month upto the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.
 - (d) If a government servant has taken any leave other than earned leave in a half year, the credit to be afforded to his leave account at the commencement of the next half year shall be reduced by 1/10th of such leave, subject to the condition that the reduction so made is limited to the maximum period of earned leave that would be credited at the commencement of the next half year.
 - (e) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

Half pay leave

- S.R.93 —**
- (a) A government servant (other than military officer) shall be entitled to half pay leave of 20 days in respect of each completed year of service.
 - (b) The leave due under clause (a) may be granted on medical certificate or on private affairs:

Provided that in the case of a government servant not in permanent employ, no half pay leave may be granted unless the authority competent to grant leave has reason to believe that the government servant will return to duty on its expiry except in the case of a government servant who has been declared completely and permanently incapacitated for further service by a medical authority.

- (c) If a government servant is on leave on the day on which he completes a year of service, he shall be entitled to half pay leave without having to return to duty.

Commutated leave

- S.R.94 —**
- (a) Commuted leave not exceeding half the amount of half pay leave may be granted on medical certificate to an officer subject to the following conditions:-
 - (i) When commuted leave is granted twice the amount of such leave shall be debited against half pay leave.

- (ii) Half pay leave upto a maximum of 180 days shall be allowed to be commuted during the entire service without production of medical certificate where such leave is utilized for an approved course of study, i. e., a course which is certified to be in the public interest by the leave sanctioning authority
- (iii) That the total period of earned leave and commuted leave taken in conjunction each other shall not exceed 240days at a time.
- (iv) The authority competent to grant leave is satisfied that there is reasonable prospect of the government servant returning to duty on its expiry.
- (v) The authority competent to grant leave obtains an undertaking from the government servant that in the event of his resignation, or retiring voluntarily from service, he shall refund the difference between the leave salary drawn during the commuted leave and that admissible during half pay leave.
- (vi) Where a government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill health incapacitating the government servant for further service or in the event of his death.

- (b) Commute leave may be granted at the request of the government servant even when earned leave is due to him.

Leave not due

- S.R. 95 . —** (1) Save in the case of leave preparatory to retirement, leave not due may be granted to a government servant in permanent employ, subject to following conditions:-
- (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the government servant returning to duty on its expiry.
 - (b) Leave not due shall be limited to the half pay leave he is likely to earn thereafter.
 - (c) Leave not due during the entire services shall be limited to a maximum of 360 days, out of which not more than 90 days at a time and 180 days in all may be otherwise than on medical certificate.
 - (d) Leave not due shall be debited against the half pay leave the government servant may earned subsequently.
 - (e) The authority competent to grant leave obtains an undertaking from the government servant that in the event of his resigning or retiring voluntarily from service, he shall refund the leave salary paid to him. No recovery of leave salary however be made in respect of leave not due already granted to a government servant who has not subsequently earned half pay leave to the extent, due to enforced retirement under F. R. 57(b).

- (2) (i) Where a government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.
- (ii) Where a government servant who having availed himself of leave not due return to duty but resigns or retires from service before he has earned such leave he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered, under clause (i) or clause (ii) if the retirement is by reason of ill health incapacitating the government servant further service or in the event of his death.

Extra-ordinary leave

- S.R. 96 . —** (1) Unless the Governor in view of the exceptional circumstances of the case otherwise determines, no government servant, who is not in permanent employ shall be granted extra-ordinary leave on any one occasion in excess of the following limits :-
- (a) Three months.
- (b) Six months, where the government servant has completed three years continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extra-ordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules.
- (c) Twelve months where the government servant who has completed one year's continuous service is undergoing treatment for mental illness, in an institution recognized for the treatment of such disease certified by District Medical and Health Officer / Surgeon Superintendent, or a specialist in such disease.
- (d) A temporary government Servant who has completed two years continuous service on the date of expiry of leave of the kind due and admissible under the rules (including three months extra-ordinary leave) is entitled to get extra-ordinary leave for prosecuting higher studies certified to be in the interest of public service and the period of extra-ordinary leave would ordinarily be extended to the period of the course of study not exceeding 48 months but in exceptional circumstances, about which Government in the Finance Department must be satisfied, the total period may be extended up to 60 months during the entire service of a government servant.
- (2) Where a government servant who is not in permanent employ fails to resume duty on the expiry of the maximum period of extra-ordinary leave granted to him or where such a government servant, who is granted lesser amount of extra-ordinary leave than the maximum amount admissible, remains absent from duty

for any period which together with extra-ordinary leave granted exceeds the limit upto which he could have been granted such leave under sub-rule (1), he shall unless the Governor in View of the exceptional circumstances of the case otherwise determines be removed from service after following the procedures laid down in the Meghalaya service (Discipline and Appeal) Rules.

- (3) The authority which has the power to sanction leave may grant extra-ordinary leave in combination with or in continuation of any leave that is admissible and may commute retrospectively period of absence without leave into extra-ordinary leave.

Note :- *The Power of commuting retrospectively periods of absence without leave into extra-ordinary leave is absolute. In other word, such commutation is permissible even when other leave was admissible to the government servant concerned at the time of his absence without leave commenced.*

- (4) Two spells of extra-ordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extra-ordinary leave for the purpose of sub-rule (1).

Cash equivalent on leave salary in case of death in service

S.R. 97 — In case of government servant dies in harness, the cash equivalent of the leave salary that the deceased employee would have got, had he gone on earned leave, but for the death due and admissible, on the date immediately following that date of death subject to a maximum of leave salary for 180 days shall be paid to his family.

Vacation Department

- F. R. 91** — (i) A government Servant serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation
- (ii) (a) In respect of any year in which a government servant avails himself of a portion of the vacation, he shall be entitled to earn leave in such proportion of 30 days as the number of days of vacation not taken bears to the full vacation. If in any year the officer does not avail himself of the vacation earned leave will be admissible to him in respect of that year in accordance with the provision of F.R. 90.
- (b) Whether the earned leave is taken in combination with or in continuation of other leave or not, it shall not exceed the amount of earned leave due and admissible to the officer under F. R. 90.
- (c) A government servant 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 fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 1 :- The 15 days limit in the rule will be applied in respect of each vacation or of two vacations combined when there are two vacations in the year.

Note 2 :- The words “prevented” by such an order from enjoying more than 15 days of the vacations referred to above shall mean that the government servant’s absence from duty during the vacation did not exceed 15 days.

- (d) As soon as a vacation expires the head of the office will record in the service book of the officer whether or not he/she enjoyed the vacation for more than fifteen days. If the period exceeded fifteen days, the number of days should be specified.

Explanation - For the propose of this rule, the “year” shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in Vacation Department.

The following are Vacation Departments for the purpose of this rule –

- (1) The High Court excluding the Chief Justice and Judges and Civil and Session Courts, other than those under the control of the Deputy Commissioners.
- (2) Educational institutions in the case of —
 - (a) the teaching staff,
 - (b) such government servants, not being members of the teaching staff as may be declared to be entitled to vacation by a competent authority. 24

Leave Salary

- F. R. 92 —**
- (i) An officer on earned leave will be entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.
 - (ii) An officer on half pay leave or leave not due will be entitled to leave salary equal to half the amount specified in sub-rule (i).
 - (iii) An officer on commuted leave will be entitled to leave salary equal to twice the amount admissible under sub-rule (ii).
 - (iv) An officer on extra-ordinary leave is not entitled to leave salary.

A government servant on leave, who does not leave his district, does not require a last pay certificate, nor does an officer who leaves his district on leave without allowances.

OTHER KINDS OF LEAVE/SPECIAL DISABILITY LEAVE. FOR INJURY INTENTIONALLY INFLICTED

- F. R. 93 —**
- (1) The authority competent to grant leave may grant special disability leave to a government servant (whether permanent or temporary) who is disabled by injury intentionally inflicted or caused in or in consequence of the due performance of his official duties or in consequence of his official position.

- (2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice.

Provided that the authority competent to grant leave may, if is satisfied as to the cause of the disability, permit leave granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

- (3) The period of leave granted shall be such as is certified by an authorised Medical Attendant shall in no case exceed 24 months.
- (4) Special disability leave may be combined with leave of any other kind.
- (5) Special disability 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.
- (6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the proviso to clause (b) of sub-rule (8), be debited against the leave account.
- (7) Leave salary during such leave shall –
 - (a) For the first 120 days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while on earned leave; and
 - (b) for the remaining period of any such leave, be equal to leave salary during half pay leave:

Provided that a government servant may, at his option, be allowed leave salary as in sub-rule (a) for period not exceeding another 120 days and in that event the period of such leave shall be debited to his half pay leave account.

Note :- Leave salary in respect of special disability leave granted to a government servant who has rendered service under more than one Government may apportioned between the Governments in accordance with the normal rules.

- (8) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923) applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under clause (d) of sub-section (1) of section 4 of the said act.
 - (a) The provisions of this rule shall also apply –
 - (i) To a civil government servant disabled in consequence of services 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

- (ii) To a civil servant not o discharge who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force.
- (b) 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.

Special disability leave for accidental injury

- F. R. 94 —**
- (1) The provisions of F.R.93 shall apply also to a government servant whether, permanent or temporary, who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching the civil post which he holds.
 - (2) The grant of special disability leave in such case shall be subject to the further conditions -
 - (a) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty;
 - (b) that, if the Government Servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and
 - (c) that the period of absence recommended by an Authorised Medical Attendant may be covered in part by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

STUDY LEAVE

Conditions of grant of study leave

- F. R. 95 —**
- (1) Subject to the conditions specified in this Chapter study leave may be granted to a government servant with due regard to the exigencies of public service to enabled him to undergo, in or out of India, a **special course of study consisting of higher studies or specialised training in a professional or technical subject having a direct and close connection with the sphere of his duty.**
 - (2) Study leave may also be granted –
 - (i) for a course of training or study tour in which a government servant may not attend a regular academic or semi-academic course if the course of **training or to the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the government servant;** and

- (ii) for the purposes of **studies connected with the framework or background of public administration** subject to the conditions that –
 - (a) the particular study tour should be approved by the authority competent to grant leave.; and
 - (b) the government servant should be required to submit, on his return, a full report on the work done by him while on study leave.
- (3) **Study leave shall not be granted unless –**
 - (i) it is **certified by the authority competent to grant leave that** the proposed course of study or training shall be definite advantage from the point of view of public interest:
 - (ii) it is **for prosecution of studies in subject other than academic or literary subjects.**
- (4) Study leave out of India shall not be granted for the prosecution of the studies in subjects for which adequate facilities exist in India.
- (5) **Study leave shall not, ordinarily be granted to a government servant –**
 - (i) who has rendered less than five years service under the Government;
 - (ii) who is due to retire, or has option to retire, from the government service within three years of the date on which he is expected to return to duty after the expiry of the leave.
- (6) Study leave shall not be granted to a government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties, owing to his absence on leave.

Maximum amount of study leave

- S. R. 98 — (1)** The maximum amount of study leave, which may be granted to a government servant shall be –
- (a) ordinarily twelve months at any one time, and
 - (b) during his entire service twenty four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

Application for study leave

- S. R. 99 — (1) (a)** Every application for study leave shall be submitted through proper channel to the authority competent to grant leave, in the **form prescribed in Appendix 7.**

- (b) The course or courses of study contemplated by the government servant and any examination which he proposes to undergo shall be clearly specified in such application.
- (2) Where it is not possible for the government, servant to give full details in his application, or if, after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be and shall not, unless prepared to do so at his own risk commence the course of study or incur any expenses in connection there with until he receives the approval of the authority competent to grant the study leave for the course.

Sanction of study leave

S. R. 100 — (1) A report regarding the admissibility of the study leave shall be obtained from Audit Officer.

Provided that the study leave, if any already availed of by the government servant shall be included in the report.

- (2) Where a government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before leave is granted.
- (3) (a) Every government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond as prescribed in Appendix 6 as may be applicable before the Study leave or extension of such leave granted to him commences.
- (b) Every government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond as prescribed in Appendix 6 as may be applicable before the study leave or extension of such study leave granted to him commences.
- (c) The authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the government servant referred to in clause (a) or clause (b) has executed the requisite bond.
- (4) (a) On completion of the course of study, the government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken, indicating the date of commencement and termination of the course with the remarks, if any, of the authority in-charge of the course of study.
- (b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

Accounting of study leave and combination with leave of other kinds

- S. R. 101** — (1) Study leave shall not be debited against the leave account of the government servant.
- (2) Study leave may be combined with other kinds of leave, but in no case shall the grant of this leave in combination with leave other than extra-ordinary leave, involve a total absence of more than twenty-eight months from the regular duties of the government servant.

Explanation - The limit of twenty-eight months of absence prescribed in this sub-rule includes the period of vacation.

- (3) A government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave and subject to the other conditions laid down in S.R. 104 being satisfied, draw study allowance in respect thereof:

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

Regulation of study leave extending beyond course of study

S. R. 102 — When the course of study falls short of study granted to a government servant, he shall resume duty on the conclusion of the course of study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of short fall as ordinary leave.

Leave salary during study leave

S. R.103 — During study leave availed outside India, a government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the government servant drew while on duty with government immediately before proceeding on such leave in addition to the study allowances admissible in accordance with the provisions of S. Rs. 104 and 106.

- (2) (a) During study leave availed in India a government servant shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the government servant drew while on duty with Government immediately proceeding on such leave.
- (b) Payment of leave salary at full rate under clause (a), shall be subject to furnishing of a certificate by the government servant to the effect that he is not in receipt of any scholarship, stipend or remuneration in respect of any part time employment.
- (c) The amount, if any received by a government servant during the period of study leave as scholarship or stipend or remuneration in respect of any part time employment as envisaged in sub-rule (2) of S.R. 104 shall be adjusted against the leave salary payable under this sub-rule, subject to the condition that the leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.
- (d) No study allowance shall be paid during study leave for courses of study in India.

Condition for grant of study allowance

S. R.104 — A study allowance shall be granted to a government servant who has been granted study leave for studies outside India for the period spent in prosecuting a definite course of study at a recognize institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study.

- (2) Where a government servant has been permitted to receive and retain, in addition to his leave salary, any scholarship or stipend that may be awarded to him from a Government or non-Government source, or any other remuneration in respect of any part time employment.
 - (a) no study allowance shall be admissible in case the net amount of such scholarship or stipend or remuneration (arrived at by deducting, the cost of fees, if any, paid by the government servant, from the value of the scholarship or stipend or remuneration) exceeds the amount of study allowance otherwise admissible,
 - (b) in case the net amount of scholarship or stipend or remuneration is less than the study allowance otherwise admissible, the difference between the value of the net scholarship or stipend or any other remuneration in respect of any part time employment and the study allowance may be granted by the authority competent to grant leave.
- (3) Study allowance shall not be granted for any period during which a government servant interrupts his course of study to suit his own convenience;

Provided that the authority competent to grant leave or the Head of Mission may authorize the grant of study allowance for a period not exceeding 14 days at a time during such interruption if it was due to sickness.

- (4) Study allowance shall also be allowed for the entire period of vacation during the course of study subject to the conditions that -
 - (a) the government servant attends during vacation any special course of study or practical training under the direction of the Government or the authority competent to grant leave, as the case may be, or
 - (b) in the absence of any such direction, he produces a satisfactory evidence before the Head of the Mission or the authority competent to grant leave as the case may be, that he has continued his studies during the vacation:

Provided that in respect of vacation falling at the end of the course of study it shall be allowed for a maximum period of 14 days.

- (5) The period for which study allowance may be granted shall not exceed 24 months in all.

Rate of study allowance

S. R.105 — The rates of study allowance to be granted to a government servant who takes study leave in any country shall be such as may be specially determined by the Governor in each case.

Procedure for payment of study allowance

- S. R.106** — (1) Payment of study allowance shall be subject to the furnishing of a certificate by the government servant to the effect that he is not in receipt of any scholarship, stipend or any other remuneration in respect of any part time employment.
- (2) Study allowance shall be paid at the end of every month provisionally subject to an undertaking in writing being obtained from the government servant that he would refund to the Government any over payment consequent on his failure to produce the required certificate of attendance or on his failure to satisfy the authority competent to grant leave about the proper utilization of the time spent for which study allowance is claimed.
- (3) (a) In the case of a definite course of study at a recognized institution, the study allowance shall be payable by authority competent to grant leave, if the study leave availed of is in a country where there is no Indian Mission, and by the Head of the Mission in other cases, on claims submitted by the government servant from time to time, supported by proper certificates of attendance.
- (b) The certificate of attendance required to be submitted in support of the claims for study allowance shall be forwarded at the end of the term, if the government servant is undergoing study in an educational institution, or at intervals not exceeding three months if he is undergoing study at any other institution.
- (4) (a) When the programme of study approved does not include, or does not consist entirely of, such a course of study, the government servant shall submit to the authority competent to grant leave direct or through the Head of a Mission a diary showing how his time has been spent and a report indicating fully the nature of the methods and operations which have been studied and including suggestions as to the possibility of adopting such methods or operations to conditions obtaining in India.
- (b) The authority competent to grant leave shall decide whether the diary and report show that the time of the government servant was properly utilised and shall determine accordingly for what periods study allowance may be granted.

Admissibility of allowance in addition to study allowance

S.R. 107 — No allowance of any kind other than dearness allowance and study allowance where admissible shall be admissible to a Government servant in respect of the period of study leave granted to him.

Travelling allowance during study leave

S.R. 108 — A government servant to whom study leave had been granted shall not ordinarily be paid travelling allowance but the Governor may in exceptional circumstances sanction the payment of such allowance.

Cost of fees for study

S.R. 109 — A government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the Government may Sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary any remuneration in respect of part time employment.

Resignation or retirement after study leave

S.R. 110 — (1) If a government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of three years after such return to duty, he shall be Required to refund

- (i) the actual amount of leave salary, study allowance, cost of fees, travelling and other expenses, if any incurred by the Government of Meghalaya, and
- (ii) the actual amount, if any of the cost incurred by other agencies, such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that nothing in this rule shall apply –

- (a) to a government servant who, after return to duty from study leave, is permitted to retire from service on medical grounds ; or
- (b) to a government servant who, after return to duty from study leave is deputed to service in any statutory autonomous body or institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or autonomous body or institution in the public interest.

(2) (a) The study leave availed of by such government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

- (3) Notwithstanding anything contained in this rule, the Governor may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the government servant concerned or class of Governments concerned.

Maternity leave

- S.R. 111 —**
- (1) A competent authority may grant to a female government servant, maternity leave for a period of 90 days from the date of its commencement. During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
 - (2) Maternity leave may also be granted in case of miscarriage including abortion subject to the condition - that the leave does not exceed six weeks and the application is supported by a certificate from the Authorised Medical Attendant.
 - (3) (a) Maternity leave may be combined with leave of any other kind.
 - (b) Notwithstanding the provisions contained in sub-rule (1) any leave including commuted leave) for a period not exceeding sixty days, applied for in continuation of maternity leave, may be granted without production of medical certificate.
 - (4) Leave in further continuation of leave granted under clause (b) of sub-rule (3) may be granted on production of a medical certificate for the illness of the female government servant. Such leave may also be granted in case of illness of a newly born baby, subject to production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

Leave to a probationer, a person on probation and apprentice

- S.R. 112 —**
- (1) (a) A probationer shall be entitled to leave under these rules as if he had held his post substantively otherwise than on probation.
 - (b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend -
 - (i) beyond the date on which the probationary periods already sanctioned or extended expires, or
 - (ii) beyond any earlier date on which his services are terminated by the orders of any authority competent to appoint him.
 - (2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent government servant according as his appointment, is against a temporary or a permanent post:

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent government servant.

- (3) An apprentice shall be entitled to –
 - (a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;
 - (d) extra-ordinary leave under S.R. 96

Leave Rule of Survey Department

- S.R. 113 —**
- (1) The following rules govern the grant of leave to government servants of the following classes serving in the Meghalaya Survey Department and not being members of the upper subordinate service or of the establishment of the headquarter office in Shillong.
 - (a) Subordinates not being class IV Government servants;
 - (b) Class IV employees attached to parties or offices.
 - (2) In addition to leave under Chapter XIII of these rules departmental leave may be granted in the circumstances and on the conditions prescribed in rules (3) to (8) below.
 - (3) (a) Departmental leave may not be granted except to a government servant whose services are temporarily not required.
 - (b) It may be granted with the previous approval of the Deputy Director, Meghalaya Survey during the recess by the head of the party or office to which the government servant belongs; provided, in the case of Grade IV employee, that the officer granting the leave considers it desirable to re-employ the grade IV employee in the ensuing sessions.
 - (c) It may be granted at time other than the recess, for not more than six months at a time, by the Director of Surveys, Meghalaya, provided that the leave is granted in the interests of Government and not at the government servant's own request; and leave so granted may in special case be extended by the Director of Surveys, Meghalaya up to a maximum of one year in all. Leave on Medical Certificate should never be regarded as granted in the interest of Government.
 - (4) A government servant while on departmental leave shall be paid leave salary at the end of each month for the first three months and there after it shall be paid when the government servant returns to duty, such leave shall not be debited to half pay leave account. For purposes of calculating half pay leave due, in the case of government servant, eligible for the departmental leave, each completed year of service referred in F.R. 84 (2) (iii) of the leave Rules shall be construed as 12 months of actual duty. If however, a government dies while on departmental leave, his leave salary up to the date of his death will be paid to his heirs.

- (5) Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half pay.
- (6) Departmental leave may be granted when no leave is due, departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under S.R. 67.
- (7) Departmental leave may be combined with any other kind of leave which may be due.
- (8) When a government Servant subject to these rules holds a post in which the Director of Surveys, Meghalaya considers that he is unlikely to be eligible for departmental leave in future the Director of Surveys, Meghalaya, may by special order in writing declare that, with effect from such date, not being earlier than the government servants, last return from departmental leave, as the Director of Surveys, Meghalaya may fix any balance of leave at debit in the government servants' leave account shall be cancelled. All leave earned after such date will be credited as due in the government servant's leave account and all leave taken after such date, including departmental leave and casual leave if any, will be debited in it.

Leave for government servants suffering from T.B./Cancer and Leprosy.

- S.R. 114 —**
- (1) All government servants suffering or suspected to be suffering from T.B./Cancer Leprosy should at first be sent to the nearest recognised institution for proper diagnosis or treatment.
 - (2) If after careful examination the case of a government servant is found to be "open" one he will be granted leave for 18 (eighteen) months by installments of four months on the recommendation of the Medical Officer concerned. The leave for 18 (eighteen) months as admissible, shall follow immediately after the earned leave admissible, at the credit of the government servant is fully exhausted. During the period of leave so granted or thereafter but during such period of leave ordinarily granted to him under the leave rules to which he is subject to, if medical authority thinks that there is no reasonable prospect of his recovery, then he will be invalidated and proportionate pension, as prescribed by rules be sanctioned. If before the expiry of the maximum leave his case is certified to have become a "closed" one he will be allowed to resume his appointment subject to the condition that the government servant shall undergo periodical re-examination by his proper Government Medical officer, and if necessary by a competent authority approved by the Government.

Note :- *The expression "Leave" in the case of a government servant meant leave salary equivalent to what is admissible under F.R. 92 of these Rules.*

Other benefits available shall be regulated as per provisions laid down in Meghalaya Medical Attendance Rules, 1981 (Notification. No. Health 136/80, dated 4th December 1981, read with Health 136/80/30, dated 17th December 1981, (Annexure A.)

Leave earned by non-continuous and part-time service

S.R. 115 A government servant employed in an establishment the duties of which are not continuous but are restricted to certain fixed periods in each year, or who belongs to a part-time Service, is not entitled to leave with allowance.

Exception - A part-time teacher of an educational institution may, during leave, be allowed leave salary subject to the condition that it shall not exceed what remains from his pay after provision has been made for the efficient discharge of the duties of the post during his absence; where however, no such provision is made the leave salary shall be limited to half of the absentee's pay the time of taking leave.

Leave admissible to government servants remunerated by honoraria or daily wages.

F.R. 96 — A Government servant remunerated by honoraria may be granted leave at the discretion of the appointing authority provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government and that during leave the whole of the honoraria or allowances are paid to the person who officiates in his post.

Leave beyond the date of retirement or quitting of service

F.R. 97 — Except as provided hereinafter, no leave shall be granted to a government servant beyond —

- (a) the date of his retirement, or
- (b) the date of his final cessation of duties or
- (c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service or
- (d) The date of his resignation from service:

Provided a government servant to whom clause (c) of such sub-rule applies may be granted leave due and admissible to him which may extend beyond the dates on which he retires or is retired from service, but not exceeding beyond the date on which he attains the age of retirement.

A government servant who is retired by Government by giving him pay and allowances in lieu of notice, may apply for leave within the period for which such pay and allowances were given, and where he is granted leave, leave salary shall be allowed only for the period of leave excluding that period for which pay and allowances in lieu of notice have been allowed.

Grant of cash equivalent of leave salary in respect of the period of earned leave at the credit of a Government servant at the time of retirement.

F.R. 98 — State government servants shall be paid cash equivalent of leave salary in respect of the period of earned leave at their credit at the time of retirement on superannuation subject to the following conditions:-

- (a) The payment of cash equivalent of leave salary shall be limited to a maximum of 300 days earned leave.
- (b) The cash equivalent of leave salary thus admissible will become payable on retirement and will be paid in one lump-sum as a one time settlement.
- (c) Cash payment under this order will be equal to leave salary as admissible for earned leave and dearness allowance admissible on that leave salary at the rates in force on the date of retirement. No compensatory allowance and/or House Rent allowance/Hill allowance shall be payable.
- (d) The authority competent to grant leave shall suomotu issue orders granting cash equivalent of earned leave at credit on the date of retirement.
- (e) The benefit of cash payment in lieu of unutilised earned leave subject to the maximum period of 300 days but not beyond the date of superannuation shall be extended to government employees going on voluntary retirement or who are asked to retire by Government prematurely, other than as a disciplinary measure.
- (f) The benefit of cash payment of unutilised leave shall also be admissible to employees going on invalidation pension. The benefit in their case shall be upto a maximum of 300 days earned leave plus half pay leave at his/her credit at the time of such invalidation but not extending beyond the date of superannuation.

State Government decision

A government, servant can also avail of, as leave preparatory to retirement a part of earned leave at his credit. In that case, he will be allowed benefits of these rules for the earned leave that remains at credit on the date of retirement in accordance with the terms and conditions stipulated in these rules.

The benefit will also be admissible to a government servant who retired from service on attaining the age of compulsory retirement while under suspension if in the opinion of the authority competent to order re-instatement has fully exonerated him and suspension was found to be wholly unjustified.

The benefit will also be admissible to a government servant who retire from Service on attaining the age of compulsory retirement while under suspension if in the opinion of the authority competent to order re-instatement has fully exonerated him and suspension was found to be wholly unjustified.

If an officer in permanent service to whom the leave rules in this chapter, are applicable, is temporarily transferred to a work-charged establishment, he does not forfeit any leave then at his credit provided he retains a lien on a permanent appointment:

Provided that in a case where a permanent government servant is transferred to a post in an identical scale of pay in the work-charged establishment, in the interest of public service, he may be allowed to count the services rendered in the work-charged establishment for the purpose of leave.

RECORD OF SERVICE

Gazetted Government Servants

S.R. 116 — A record of the service of gazetted officers, excepting in respect of those officers drawing pay in establishment pay bill form, should be maintained by the audit officer who audits their pay. When an officer passes from one audit circle to another, a record of his past service should be passed on from the audit officer whose circle he leaves, to the audit officer to whose circle he is transferred.

S.R. 117 — When a gazetted officer, excepting those mentioned in exception above, is transferred to foreign service a copy of his service register will be sent by the audit officer whose duty it was to keep it, to the audit officer who will account for the contribution and the latter will return the register (or an extract from it) duly written up-to-date when the officer is re-transferred.

S.R. 118 — A service book must be maintained for every gazetted officers drawing pay in the establishment pay bill from/non-gazetted government servant holding a substantive post on a permanent establishment or officiating in a post or holding a temporary post with the following exceptions-

- (a) Government servants the particular of whose service are recorded in a history of service or a service register maintained by an audit officer.
- (b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment.

In all cases in which service book is necessary such a book shall be maintained for a government servant from the date of his first appointment to government service. It must be kept in the custody of the head of the office which he is serving and transferred with him from office to office. A certified copy of the service book may be supplied to the government servant on payment of a copying fee of Rs. 5/- on quitting government service by retirement; discharge or resignation.

S.R. 119 — Every step in government servants official life must be recorded in his service book, and each entry must be attested by the head of his office, or if he himself is the head of an office, by his immediate superior. The head of office must see that all entries are duly made and attested and that the book contains no erasure or over-writing, all corrections being neatly made and properly attested.

S.R. 120 — It shall be the duty of every head of office to initiate action to show the service books to government servants under his administration control, every year and to obtain their signature therein in token of their having inspected the service books. A certificate to the effect that he has done so in respect of the financial year should be submitted by him to his next superior officer by the end of every September. The government servants *inter-alia* ensure before affecting his signature that their services have been duly verified and certified as such. In cases of a government servant on Foreign Service, his signature shall be obtained in his service book after Audit Officer has made therein necessary entries connected with his foreign service.

S.R. 121 — Personal certificates of character should not, unless the Government so directs, be entered in the service book but if the government servant is reduced to a lower substantive appointment, the cause of the reduction should always be briefly stated thus “reduced for inefficiency” “reduced owing to revision of establishment, etc”.

S.R. 122 — Every period of suspension from employment and every other interruption in service should be noted with full details of its duration, by an entry written across the page and attested by the head of the office or other attesting officer. The head of the office should take efficient measures to see that these entries are made with regularity. The duty should not be left to the non-gazetted government servant concerned.

S.R. 123 — When a gazetted government servant drawing pay in the establishment pay bill form/non gazetted government servant is transferred whether permanently or temporarily from one office to another, the necessary entry of the nature of the transfer should be made in his service book which after being duly verified to date and attested by the head of that office should be transmitted to the head of the office to which the government servant has been transferred who will thenceforward have the book maintained in his office.

S.R. 124 — When a non-gazetted government servant is officiating in a gazetted post, his service book should be kept by the head of office to which he permanently belongs, but when he takes leave while so officiating, his service book should be forwarded to the audit officer for reporting admissibility of the leave. When he is confirmed the service book should be permanently sent to the audit office.

Note :- *In the case of gazetted government servant drawing pay in the Establishment pay bill Form, the service book should be maintained by the head of office and it is not necessary to obtain leave admissibility report from the Accountant General or to forward the same to the Accountant General in the event of his confirmation as such.*

S.R. 125 — If the government servant is transferred to foreign service the head of office or department should send his service book to the audit officer who will return it after noting therein, under his signature the order of Government sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particular which the audit officer may consider to be necessary in connection with the transfer. On the government servant’s retransfer his service book should again be sent to the audit officer who will then note therein under his signature all necessary particulars connected with the government servant’s foreign service.

S.R. 126 — Except as otherwise provided service rolls should be maintained for all class IV government servant for whom service books are not kept. In this service rolls should be recorded the date of the enrollment, caste, tribe, village, age, height, marks of identification when enrolled, rank, promotion, reduction or other punishment, absence from duty on leave or without leave, interruptions in service and every other incident in service which may involve forfeiture of portions of service or effect the amount of pension. Every entry in them should be signed by the head of the office, service rolls should invariably be submitted with the pension papers to the audit office.

REPEALS AND SAVINGS

- F.R. 99 —**
- (1)** Assam Fundamental Rules and Subsidiary Rule5 as adapted and amended by Meghalaya are hereby repealed.
 - (2)** Notwithstanding such repeal anything done or any action taken or deemed to have been done or taken under the said rules shall so far as it is not inconsistent with these rules be deemed to have been done or taken under the corresponding provision of these rules.

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APPENDICES

APPENDIX I

(F.R. 4 and S.R. 1 in part I)

Delegations made by the Government of Meghalaya under Fundamental Rules

Sl. No.	Number of Fundamental Rules	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
1.	F.R. 7 (16)	Power to appoint a government servant to officiate in a vacant post.	Any authority which has power to make a Substantive appointment to the post	Full power
2.	F.R 23 (i) and 33.	Power to determine whether the appointment of a government servant to a new post involves the assumption of duties or responsibilities of greater importance. Power to with hold increments.	1. Head of the Office 2. Head of the Department 3. Departments of the Government of Meghalaya	To decide the relative importance in cases where the two posts are in the same office and are under his control. To decide the relative importance in cases where the two posts belong to two different offices within the same department. To decide the relative importance in all other cases.
3.	F.R. 26.		1. Any authority which has power to make a s u b s t a n t i v e appointment to the post which the Government servant holds 2. Any other authority whom the governor may, be general or special order authorise in this behalf.	Full power.

Sl. No.	Number of Fundamental Rules	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
			Superintendent of police	In respect of Sub-Inspector of police under their control whose conduct is not good or whose work is not satisfactory.
4.	F.R. 29	Power to grant an advance increment for each five good service marks to subordinate Police Officers.	Inspector General of police, Meghalaya.	Full power subject to the conditions laid down in rule 44, Part III of the, Meghalaya Police Manual.
5.	F.R. 37	Power to reduce the pay of an officiating government servant.	Any authority which has power to make an officiating appointment to the post concerned.	Full power.
6.	F.R. 41	Power to fix the pay of a temporary post which will probably be filled by a government servant.	Any authority which has power to create a temporary post on the pay fixed.	Full power.
7.	F.R. 43	Power to appoint a government servant to hold temporarily or to officiate in more than one post.	Departments of the Government of Meghalaya.	With concurrence of the Finance Department.
8.	F.R. 91 (2)	Power to require a medical certificate of fitness before return from leave.	Authority granting the leave.	Full power in the case of non-gazetted government servant a certificate of fitness signed by a registered medical practitioner may be accepted.
9.	F.R. 89 (1)	Power to extend leave of a government servant who remains absent after the end of his leave.	Authority granting the leave.	Full power provided that the government servant on leave will on his return be under the authority's administrative control.
10.	F.R. 69	Power to fix pay in foreign service, the amount of joining time admissible and pay during joining time.	Departments of the Government of Meghalaya.	With concurrence of the Finance Department.

APPENDIX 2

*Cases in which the assent of the Finance Department may
be presumed to have been given to the exercise of
powers by Departments of Government*

Sl. No.	Number of F.R. & S.R.	Nature of Power	Authority Empowered	Extent of power Conveyed
1	2	3	4	5
1.	F.R. 8	Power to dispense with a medical certificate of fitness before appointment to government service in individual cases	Departments of the Government of Meghalaya.	Full power
2.	F.R. 13 and 14	Power to suspend a lien or to transfer a lien.	-do-	-do-
3.	F.R. 41	Power to fix the standard rent of a building occupied as residences	Public Works Department in the case of residences borne on their book and the Administrative Department in-charge of the residence in other cases.	-do-
4.	F.R. 78	Power to decide the date of reversion of a government servant returning after leave from foreign service	Departments of the Government of Meghalaya.	Full power
5.	F.R. 9	Power to prescribe a government servant's headquarter	-do-	-do-
6.	F.R. 40	Power to direct that the whole or any part of an honorarium or fee paid from an outside source for work done during office time may be paid to the government servant who did the work.	-do-	-do-

Sl. No.	Number of F.R. & S.R.	Nature of Power	Authority Empowered	Extent of power Conveyed
1	2	3	4	5
7.	F.R. 72	Power to grant leave to a Gazetted Government servant not in foreign service.	Departments of the Government of Meghalaya.	Full power
8.	F.R. 74	Power to grant leave to a Government servant in respect of whom a Medical Committee has reported that there is no reasonable prospect that he will ever be fit to return to duty.	-do-	-do-
9.	S.R. 4(8)	Power to decide in a case of doubt whether a particular government servant is serving a Vacation Department	Departments of the Government of Meghalaya.	Full power

APPENDIX 3

[S.R. 4 (3)]

Authorities which will exercise the Power of a “Competent Authority” under the various Subsidiary Rules

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
1.	S.R. 9	Power to prescribe a Government Servant's headquarter	1. Heads of Departments	Full power in the case of those officers only whom they appoint
				<i>Note - The Conservator of Forests is authorised either to fix or change the headquarters of gazetted officers of the Forest Department attached to a Division.</i>
			2 Registrar, Co-operative Societies and the Director of Industries	To fix or change the headquarters of subordinate officers under them and to transfer them including Inspectors of Co-operative Societies from one charge to another.
2.	S.R. 20	Power to allot a building or part of a building to a specified post	Administrative Department in-charge of the residence with the concurrence of the Department to which the intended occupant belongs.	
3.	S.R. 21	Power to direct that an officer on leave shall be considered to be in occupation of a residence	- do -	Full power
4.	S.R. 22(1)	Power to suspend the allotment of a residence	Administrative Department in-charge of the residence with the concurrence of the Finance Department.	

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
5.	S.R. 22(4)	Power to allot residence of which the allotment has been suspended.	Executive Engineer when the residence is in-charge of the Public Works Department/ Heads of Department in other cases.	Full power in consultation with District Officer
6.	S.R. 23	Power to permit an officer to store furniture etc. in a residence during temporary absence.	Executive Engineer when the residence is in-charge of the Public Works Department. Heads of Departments in other cases	Full power
7.	S.R. 26	Power to nominate Public Works Officer to estimate the present value of a residences and power to determine the present value.	Chief Engineer when the residence is in-charge of the Public Works Department. In other cases Heads of Departments in consultation with the Chief Engineer.	Full power With concurrence of the Finance Department.
8.	S.R. 29(a)	Power to estimate probable cost of maintenance and repairs of leased residences.	Superintending Engineer when the residence is in-charge of Public Works Department. In other cases the head of the Department concerned in consultation with the Superintending Engineer.	Full power With concurrence of the Finance Department.
9.	S.R. 29(b)	Power to estimate amount to be included for capital expenditure on additions and alterations in rents of leased residences.	Superintending Engineer when the residence is in-charge of the Public Works Department. In other cases the head of the Department concerned in consultation with the Superintending Engineer.	Full power

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
10.	S.R. 30(b)	Power to estimate probable cost of maintenance and the repairs of the Government residences.	Superintending Engineer when the residence is in-charge of the Public Works Department. In other cases the Head of the Department concerned in consultation with the Superintending Engineer.	Full power with the concurrence of Finance Department.
11.	S.R. 30(1)(b)	Power to fix percentage to be adopted for calculation of cost of maintenance and repairs to Government residences.	Superintending Engineer when the residence is in-charge of the Public Works Department. In other cases the Head of the Department concerned in consultation with the Superintending Engineer.	Full power
12.	S.R. 30(3)	Power to revise amount on percentage referred to in Subsidiary Rule 34.	-do-	-do-
13.	S.R. 31 (1)	Power to determine rent for certain services and to estimate capital cost.	When the residence is in-charge of the Public Works Department, Secretary Public Work Department. In other cases, the Administrative Department concerned in consultation with the Public Work Department.	-do-
14.	S.R. 32 (1)	Power to fix the amount of profit that may accrue to Government from charges for electric energy.	When the residence is in-charge of the Public Works Department, Secretary Public Work Department. In other cases, the Administrative Department concerned in consultation with the Public Work Department.	Full power with the concurrence of Finance Department.

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
15.	S.R. 33(2)	Power to estimate the capital cost mentioned in clauses (a) (1) and (c) (i)	When the residence is in-charge of the Public Works Department, Secretary Public Work Department. In other cases, the Administrative Department concerned in consultation with the Public Work Department.	Full power
16.	S.R. 33(2)	Power to group a number of residences for purposes of assessment of charges for electric energy and meters.	-do-	-do-
17.	S.R. 34	Remission of rent when a portion of a residence is utilized as an Office.	Administrative Department in-charge of the residence with the concurrence of the Finance Department.	-do-
18.	S.R. 35	Remission or reduction of rent when a residence is rendered uninhabitable by reason of extensive repairs in progress or from any other causes.	-do-	-do-
19.	S.R. 36	Power to sanction the grant or acceptance of an honorarium or the acceptance of a fee.	Chief Secretary to the Government of Meghalaya	To sanction honorarium up to Rs. 1000 in each individual case in respect of the non-Gazetted and Gazetted Government Servants of the Secretariat.
			Heads of Departments	<i>Note 1 – Full power up to a maximum of Rs. 250 each case. In the case of recurring honoraria or fees, this limit applies to the total of the recurring payments made to an individual in a year.</i>

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
			Commissioner	As rewards upto Rs.250 in Excise and Rs. 1,000/- in opium cases where proceedings have been instituted and Rs.200 where no proceedings have been utilized.
			Deputy Commissioner	In similar cases upto Rs.500, 250 and 50 respectively
			Inspector General of Police	Rewards upto Rs.500 in any one case to police officers below the rank of Deputy Superintendent for good work done in the discharge of their ordinary duties, or for reimbursing such police officers for the expenses actually and legitimately incurred by them in the course of investigation which cannot be otherwise paid by them.
			Superintendent of Police Deputy Commissioner	On conditions similar to those stated in the case of the Inspector General of Police upto Rs. 50
				1. Honoraria to process serving peons
				2. Full powers to sanction payment of commission to the Nazirs of their offices on account of auctions for the sale of the property of private persons subject to the condition that –
				(i) There are no public auctioneers in the station concerned.
				(ii) The commission to be paid does not exceed 10 percent of the sale proceed of the property.

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
		(b) Power to grant leave to members of the ministerial establishment.	Officer in-charge of Forest Division	
		(vi) Power to grant leave to Divisional C o m p u t o r , Draftsman and Tracers.	Divisional Officer	Full power, the grant o leave and acting arrangements should be reported to the Chief Engineer Meghalaya.
		(vii) Power to grant leave to Inspector of Taxes and to make o f f i c i a t i n g arrangements in their places	Commissioner of Taxes	Officiating arrangement should be reported to Government
			Director of Agriculture	To Superintendent of Agriculture up to one-month provided that he is able to make arrangements for carrying on the absentees' work during leave without asking for extra officers.
			(3) Director of public Instruction	To members of the Meghalaya School Services.
			(4) Conservator of Forest	To officers of the State Forest Service up to one month provided he can make arrangements for carrying on the absentees' work during leave without asking for extra officers
			(5) Inspector General of Registration	All leave and extensions of leave to Sub-Registrars except in the case of Special Sub-Registrars.
			(6) Commissioner of Excise	To Superintendent of Excise, in cases in which the period of leave applied for does not exceed one month provided he can make arrangements for carrying on the absentees' work during leave without asking for extra officers.

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
20.	S.R. 39	Power to sanction the undertaking of a work whether with or without an honorarium or a fee.	Health of Departments	Full power subject to any general or special orders governing a particular case or class of cases. Where, however, permission is given to undertake a work on remuneration, the amount of the honorarium or the fee proposed must be within the competence of the authority specified to column 4 to authorize its grant or acceptance.
21.	S.R. (8)	(i) Power to grant leave to Grade IV government servant and to make acting arrangements in the absentee's place	(1) Superintendents of Normal School (2) Deputy Inspectors of Schools (3) Headmasters and (4) Headmistresses of Government High School	Full power subject to the condition that the power is to be exercised only in cases in which the leave is granted without imposing any extra cost on Government.
		(ii) Power to grant leave to directly appointed Inspectors of Co-operative Societies	Register Co-operative Society	
		(iii) Power to grant leave to the Weaving Demonstrator and to make acting arrangements in their place.	Weaving Superintendent	
		(iv) Power to grant leave to Class II officers of the Meghalaya School Service, and to make acting arrangements in their place	Inspectors and Inspectresses of Schools	
		(v) (a) Power to grant leave to members of the Subordinate Forest service above the lowest grade of Foresters	Officer in-charge of Forest Divisions including the Deputy Commissioner.	Upto three months. Note – The powers of District Officers in-charge of Forests, to grant leave to members of ministerial and menial establishments of the Forest Branch of their office are regulated by subsidiary Rule 61

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
			(7) Commissioner of Taxes.	To Superintendent of Taxes in cases in which the period of leave applied for does not exceed one month provided he can make arrangements for carrying on the absentees' work during the leave without asking for extra officers.
22.	S.R. 68 & 69	(a) Power to grant leave to a Gazetted Government servant in foreign service.	Authority sanctioning the transfer	To an officer in foreign service in India leave on average pay up to four months
		(b) Power to grant leave to a non-Gazetted Government servant in foreign service	(i) Foreign employer	Leave on average pay up to four months, provided he can arrange for a substitute if required
			(ii) Authority sanctioning the transfer	Any other leave also leave on average pay when the condition mentioned against (i) above is not fulfilled.
23.	S.R. 89	Power to waive provisio(a) in Subsidiary Rule 89.	Heads of Department	Full power.
24.	S,R. 62	Power to refuse, revoke, leave of absence at any time and also power to refuse to grant the full amount of leave applied for	The Authority competent to grant leave under Subsidiary Rules to non-gazetted and gazetted officers, respectively	Full power.
25.	S.R. 74	Power to grant leave to a government servant in respect of whom a Medical committee has reported that there is no reasonable prospect that he will ever be fit to return to duty	Heads of Department	Full power in the case of gazetted officers to whom they can grant leave and all non-gazetted officer under them.
26.	S.R. 4 (8)	Power to determine what government servants are entitled to vacation and the periods admissible in each case.	(1) Director of Public Instruction.	Full power.

Sl. No.	Number of S.R.	Nature of Power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
			(2) The Head of an office in the Education Department	Power to the extent permitted under orders of the Director of Public Information.
			(3) Director of Industries	Full power as regards the institutions under his control
27.	S.R. 111	Power to grant maternity leave	Authority competent to grant leave under Subsidiary Rules	Full power
28.	S.R. 51	Power to permit calculation of joining time by a route other than that which travelers ordinarily use.	Heads of Department	-do-

APPENDIX 4

[Subsidiary Rule 4 (4)]

Heads of Departments under the Government of Meghalaya

The following officers have been declared to be Heads of Departments;

- (1) Commissioner of Division.
- (2) Director of Land Records and Inspector-General of Registration
- (3) Registrar of Co-operative Societies and Director of Industries.
- (4) Conservator of Forests
- (5) Director of Surveys
- (6) Superintendent and Remembrance of Legal Affairs, Administrator General and Official Trustee
- (7) Inspector-General of Police
- (8) Director of Public Instruction
- (9) Director of Health Services
- (10) District and Sessions Judges
- (11) Chief Engineer, Public Work Department
- (12) Commissioner of Excise
- (13) Director of Agriculture
- (14) Chief Public Health Engineering
- (15) Director of Supply

The following Officers have been authorized to exercise the financial powers of a Head of Department given in the various financial rules and manuals of the Government including the Fundamental Rules and the Subsidiary Rules;

- (1) Chairman, Meghalaya Board of Revenue
- (2) Secretary, Legislative Assembly.
- (3) Secretary, Public Service Commission.
- (4) Labour Commissioner, Meghalaya.
- (5) Director of Information and Publicity.
- (6) Advocate General, Meghalaya
- (7) The Trade Adviser and Director of Movements, Government of Meghalaya
- (8) Director of Printing, Stationery & Form Store.
- (9) Liaison Commissioner, Meghalaya House, New Delhi
- (10) The Director of Accounts and Treasuries and Examiner of Local Accounts, Meghalaya.

APPENDIX 5

(Subsidiary Rule 68)

List of Officers who are Authorized to fill up Appointments

Sl. No.	Officer	Class of appointments	Remarks
1	2	3	4
1.	District Officer	<p>1. Ministerial and Grade IV establishments in their own and in sub-registration offices (except revenue sheristadars and Head Assistants of their own offices, ministerial establishment in Sub-Divisional Offices and Agricultural Demonstration staff placed under their direct control.</p> <p><i>Note - District Officers in-charge of Forests, are authorized to make appointments in the ministerial and Grade IV establishments of the Forest Branch of their office.</i></p>	
2.	Sub Divisional Officers	2. Excise, Jamadars and peons. Grade IV establishments of the Sub-divisional offices	
3.	Director of Land Records, Inspector General of Registration and Superintendent of Stamps.	Non-gazetted Governments servant of all classes under him except Sub-Registrars	
4.	Director of Survey	Non-gazetted and Grade 1 staff under him	
5.	Conservator of Forests	Non-gazetted appointments to any posts in the Forest service of ministerial establishments, ministerial and Class Iv establishment of his office.	
6.	Officers in-charge of Forest Division	<p>(1) Assistant Forester, Forest Guards and other Subordinate whose maximum pay in their respective scale does not exceed Rs. 425. Promotion of Forest Guards to Assistant Foresters will be made only to the extent of 25 per cent of posts of Assistant Foresters and will be controlled by Conservator of Forests. Passing g of orders on proceedings will be confined to the above categories of Subordinates whose maximum pay in their respective scale does not exceed Rs. 425.</p> <p>(2) Officiating appointments to vacancies in the lowest grade c Assistants within the limit of budget allotment and if the vacancies are leave vacancies.</p> <p>(3) Officiating appointment or promotion to the class of Foresters in vacancies not exceeding 6 months.</p>	

Sl. No.	Officer	Class of appointments	Remarks
1	2	3	4
7.	Commissioner of Divisions	1. All appointments in his own office 2. Revenue sheristadars, Head Assistants in the offices of the Deputy Commissioners and Sub-Divisional Officers.	
8.	Commissioner of Excise.	Ministerial and Class IV appointments in his own office. Ministerial staff in the office of the Superintendent of Excise. Non-gazetted staff (excluding Jamadars is the District Executive Establishment and Grade IV) of the Excise Department.	
9.	District Judges	The ministerial and Class IV establishments of their own offices and of Subordinate Judges and Munsiffs, process serving Grade IV, duffries. and night watchmen on these establishment, and Civil Court Amins, on their own establishment.	
10.	Inspector General of Prisons	Jailor, Assistant Jailors, Jail Assistants, Compounders (Jails), Reserve head warders, and ministerial and Class IV establishments of his own.	
11.	Inspector General of Police	Ministerial establishments of his own office.	
	(a) Deputy Inspector General of Police	Inspectors, Sergeant Majors, Ministerial establishments of his own office and also of the offices of the Superintendents of Police and Class IV establishment of his own office (and of the Transport Authorities).	
	(b) (i) Secretary of State and Regional Transport Authorities, and (ii) District Transport Officer.	} Class IV establishment of the offices	(Secretaries of State and Regional Transport Authorities are also authorized to grant leave to the ministerial establishment of their offices and to make local arrangements in their places where necessary).
12	Superintendent of Police	Sub-Inspectors, Sergeant Assistant Sub-Inspectors, Head Constables, Constables, Interpreters and Class IV establishments of his own and subordinate officers, except the employees in Civil police hospitals	

Sl. No.	Officer	Class of appointments	Remarks
1	2	3	4
13.	Director of Public Instruction	Appointment in Class (II) of the Meghalaya School Service and in the selection grade of the Meghalaya Lower School Service. The ministerial and Class IV staff of his office. The Head and 2nd Assistants of the offices of the Inspectors of Schools, Head and 2 nd Assistants, Assistants mistresses, Matrons, Nurses and Assistants in Pine Mount School. Also all appointments out-side the graded service.	
14.	Inspectors of School, (Inspectresses of Schools) and Principals of Colleges	All appointments in the ordinary grades of the Meghalaya Lower School Services and posts outside the graded Services. Subordinate ministerial establishments employed in their own offices or in those directly under their control. Class IV appointments in their own offices and in institutions not under the control of Deputy Inspectors of Schools	
15.	Headmistress, Pine Mount School, Superintendents of Normal Schools, Deputy Inspectors of School, Head- masters and Head. mistresses of Government High Schools.	Class IV appointments in their own offices or institutions, as the case may be, and in those directly under their control.	
16.	Director of Health Services	Midwives, Nurses, Dhais, the ministerial and Class IV establishments of his own office, Civil Surgeons Assistants. All other non-gazetted establishments of the Health Department under his control.	
17.	District Medical and Health officer/Surgeon Superintendent	Compounders other than compounder Havildars, dressers, vaccinators and Class IV servants under them including compounders, dressers and Class IV attached to hospitals of Civil Police	
18.	Director of Agriculture	Ministerial and Class IV establishment of his own office, Chemical Assistant, Entomological Assistant, Botanical Assistant, Mycological Assistant, Farm Managers, Agricultural Inspectors, Fruit Inspector and staff under him, Demonstrators, Grade IV to the Agricultural Inspector, Inspector of Government Gardens, Shillong, the Class IV establishments at the Botanical Garden and Station Nursery, Shillong	

Sl. No.	Officer	Class of appointments	Remarks
1	2	3	4
19.	Director of Sericulture and Weaving/and Registrar of Co-operative Societies	Assistant Superintendent of Sericulture. Overseers of rearing stations, Auditors of Cooperative Societies and other non-gazetted appointment under his control.	
20.	District Sericultural Officer.	Rearers and Class IV establishment attached to his office and to Sericultural Stations.	
21.	Director, Veterinary Department	Veterinary Assistant Surgeons, Assistants Compounders and Grade IV of his staff and of Officers subordinate to him.	
22.	Director of Printing and Stationery.	Ministerial and Technical establishment and all Class IV establishment.	
23.	Chief Engineer	Meghalaya Subordinate Engineering Service and Lower Subordinate Establishment, Supervisor and Sectional officers under Civil Public Works Disbursers. Drawing branch establishment of his office and of Divisional offices. Temporary Sectional Officers, and Class IV establishments of his office	
24.	Executive Engineers	Office and petty establishment of their respective offices	
25.	Director of Accounts and Examiner, Local Accounts	All non-gazetted establishments under him.	
26.	Principals of Technical Schools	To appoint Class IV establishments attached to the technical schools under their control. Him	
27.	Senior Electrical Inspector and Chief Inspector of Factories	Non-gazetted staff under him	
28.	Chief Inspector of Boiler	Non-gazetted staff under him.	
29.	Advocate General	Ministerial and Class IV establishments of his office	
30.	Deputy Director of Survey	Ministerial, Class IV and technical staff under him	
31.	Director, Pasteur Institute	Laboratory Assistants, laboratory attendants, media makers, testers, decanters, packers, and scalers and engineman, carpenter, etc., and the Class IV establishment under him	

Sl. No.	Officer	Class of appointments	Remarks
1	2	3	4
32.	Labour Commissioner, Meghalaya	Ministerial and Class IV establishments in his office and in the office subordinate to him	
33.	Director of Statistics	Ministerial and Class IV establishments of his office	
34.	Chief Public Health Engineer, Meghalaya.	All non-gazetted establishments under his control	Subject to observance of rules and regulations issued by Government from time to time
35.	Legal Remembrancer	All non-gazetted staff under him	

APPENDIX 6

[S.R. 100 (3)(a)]

I. Bond for permanent Government Servants proceeding on Study Leave under the Study Leave Rules

Know all men by these presents that I resident of in the District of at present employed as in the Department of/office of do hereby bind myself and my heirs, executors and administrators to pay to the Governor of Meghalaya (here-in-after called "the Government") on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Dated this, day of one thousand nine hundred and

WHEREAS the above boundenis granted study leave by Government.

AND WHEREAS for the better protection of the Government the above bounden has agreed to execute this bond with such condition as hereunder is written.

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the above bounden not conforming to the instructions regarding study/training conveyed to him by an authorized agent of the Governor of Meghalaya or of his continued adverse report regarding the progress of his studies/training or regarding his conduct or the above bounden resigning or retiring from service without returning to duty after the expiry or termination of the period of study leave or at any time within a period of 3 years after his return to duty or the above bounden refusing to serve the Governor of Meghalaya if required to do so as an officer of the Government of Meghalaya in any other employment indicated by the Governor of Meghalaya for a minimum period of 5 years he shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of rupees (Rupees.....) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the above bounden making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Government of Meghalaya have agreed to bear the stamp duty payable on this bond.

Signed and delivered by the above Bounden in the presence of.....

ACCEPTED

For and on behalf of the Governor of Meghalaya.

APPENDICES

[S.R. 100 (3) (a)]

II. Bond for permanent Government Servants granted extension of Study Leave

Know all men by these presents that I resident of in the District of at present employed as in the Department of/office of do hereby bind myself and my heirs, executors and administrators to pay to the Governor of Meghalaya (here-in-after called "the Government") on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Sign and dated thisday of One thousand nine hundred and

Whereas I was granted study leave by Government for the period from in consideration of which I executed a bond datedfor Rs..... (Rupees) in favour of the Government of Meghalaya.

And whereas the extension of study leave has been granted to me at my request until

And whereas for the better protection of the Government I have agreed to execute this bond with such condition as hereunder is written.

Now the condition of the above written obligation is that in the event of my resigning or retiring from service without returning to duty after the expiry or termination of the period of study leave so extended or any time within a period of three years after my return to duty I shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs..... (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon my making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain full force and virtue.

The Government of Meghalaya have agreed to bear the stamp duty payable on this Bond.

Signed and delivered by

.....

in the presence of Witness

(1)

(2)

*Accepted for and on behalf of
the Governor of Meghalaya.*

**I. Bond for Temporary Government Servants proceeding
on Study Leave**

[S.R 100 (3)b]

KNOW ALL MEN by these presents that we resident of in the District of at present employed as in the Department of/office of (here-in-after referred to as “the obligor”) and Shri..... son of and Shri..... son of of sureties on his behalf do hereby jointly and severally bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Meghalaya (here-in-after referred to “the Government”) on demand and without demur the sum of Rs. (Rupees) together with interest thereon from the date of demand/Government rates for the time being in force on Government loans or, if payment is made in a country other than India the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Dated this day of one thousand nine hundred and

WHEREAS the above bounden is granted study leave by the Government.

AND WHEREAS for the better protection of Government the above bounden has agreed to execute this bond with such condition as hereunder is written:

AND WHEREAS the said and have agreed to execute this bond as sureties on behalf of the above bounden

NOW the conditions of the above written obligation is that in the event of the above bounden interrupting his course of study or training to suit his own convenience or changing the programme of study approved from time to time or resigning or retiring from service without returning to duty or training after the expiry or termination of the period of study leave or at any time within a period of three years after his return to duty he shall forthwith pay to Government on demand and without demur the said sum of Rs..... (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loan.

AND upon the above bounden obligor Shri.....and, or Shri and, or Shri the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

PROVIDED ALWAYS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by any forbearance act or omission of the Government or any per authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to see the said obligor before suing the above bounden sureties..... and Shri..... or any of them for amounts due hereunder.

Stamp duty payable on this bond shall be borne and paid by Government.

Signed and delivered by the above
bounden in the presence of
.....

Signed and delivered by the surety above
named
in the presence of

Signed and delivered by the surety above
named
in the presence of

*Accepted for and on behalf of
the Government of Meghalaya*

II. Bond for Temporary Government Servants granted extension of Study Leave

Know all men by these presents that we resident of in the district of at present employed as in the Department/Office of (here-in-after referred to as “the obligor”) and Shri..... son of and Shri..... son of of (here-in-after called the sureties) do hereby jointly and severally bind ourselves, our respective heirs, executors and administrators to pay to the Governor of Meghalaya (here-in-after called “the Government”) on demand the sum of Rs. (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India and together with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

Signed and dated this..... day of one thousand nine hundred and

Whereas the obligor was granted study leave by the Government for the period from to in consideration of which he executed a bond datedfor Rs..... (Rupees) in favour of the Governor of Meghalaya.

And whereas the extension of study leave has been granted to the obligor at his request until

And whereas for the better protection of the Government the obligor has agreed to execute this bond with such condition as hereunder is written.

And whereas the said sureties have agreed to execute this bond at sureties on behalf of the above bounden.....

Now the condition of the above written obligation is that in the event of the obligor Shri resigning from service without returning to duty after the expiry or termination of the period of study leave so extended or at any time within a period of three years after his return to duty the obligor and the sureties shall forthwith pay to the Government or as may be directed by the Government on demand the said sum of Rs (Rupees) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

And upon the obligor Shri.....and, or Shri..... and, or Shri..... the sureties aforesaid making such payment the above written obligation shall be void and of no effect otherwise it shall be and remain in full force and virtue.

Provided always that the liability of the sureties hereunder shall be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the sureties) nor shall it be necessary for the Government to sue the

obligor before suing the sureties Shri and Shrior any of them for amounts due hereunder.

The Government of Meghalaya have agreed to bear the stamp duly payable on this bond.

In witness whereof the government servant above named has signed these presents the day, month and year first above written.

Signed, sealed and delivered by

..... **in the presence of -**

(1)

(2)

*Accepted for and on behalf of
the Governor of Meghalaya.*

APPENDIX 7

(See S.R. 99)

Procedural Instructions for making Application for Study Leave and Grant of such Leave

1. The Administrative Departments shall draw up a definite programme of courses of study or training including the number of persons to be trained in each course in consultation with the Planning and Development and Finance Departments. The programme may be revised from time to time.
2. All applications for study leave shall be submitted in the form prescribed in Scheduled I to this Appendix with the Audit Officers Certificate to Government through proper channel. If the course of study is out of India, Government shall forward to the Head of the Indian Mission in that Country if there is such a Mission in that Country, a copy of the approved programme of study or training. In a case where it is not possible for the government servant to give full details in his original application, or if after leaving India he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Indian Mission or the Government as the case may be. In such cases he shall not, unless prepared to do at his own risk, commence the course of study or training nor incur any expenses in connection there-with until he receives approval of Government to the course which may include any programme of tour also.
3.
 - (1) On an application for study leave out of India being sanctioned by Government, it shall inform the Head of the Indian Mission, if there is such a Mission in that country of the particulars of the case.
 - (2) The government servant shall also place himself in communication with the Head of the Indian Mission (if there is such a Mission in that country, who will arrange any details and issue any letter or introduction that may be required.
4. The continuation of study leave will depend on the satisfactory progress and favourable report from the Head of the Institution in which the government servant is prosecuting studies or receiving training. Such report shall be called for at least once a year by the Administrative Department.
5. On completion of a course of study or training a certificate in proper form together with certificate of examination passed or special course of study or training undertaken, indicating the dates of commencement and termination of the course with remarks, if any, of the authority in-charge of the course of study or training shall be forwarded to the Head of the Indian Mission concerned. When the study leave has been taken in India or any other country where there is no Indian Mission such certificate shall be forwarded to the Government which sanctioned the study leave.

SCHEDULE I

Form to be used by Government Servants in making Application for Study Leave

1. Name in full
2. Father's name in full and present address
3. Post held
4. Pay and allowances drawn in the present post
(Indicate special pay, if any, separately).
5. Educational qualification together with School/
College /University certificates (attested
copies) and the subjects studied in the
Intermediate degree and Post Graduate
examinations.
6. Other special qualifications (Give full
particulars)
7. The period of continuous service under
Government
8. Age on the 1st January. (According to Matric
or any other equivalent certificate. Attach
attested copy.)
9. Have you taken study leave previously. (If yes,
give full particulars of the total period of leave
taken so far, the courses of study or training
undertaken and examination or examinations
passed.)
10. Course of study/training and examination, if
any, proposed to be undertaken (Give full
details of the programme of the study/training
showing its duration as also the name of the
country and the institution in which it is
proposed to be taken.)

The facts slated above are true to the best of my knowledge and belief. In case of any false statement, I am liable to any action Government may deem fit and proper.

Date

Signature of the applicant

To be used by the Administrative Department-

1. Whether the course of higher study/specialized training has a direct and close connection with sphere of duty of the government servant and shall be definite advantage from the point of view of public interest:
2. Whether it will be possible to spare the services of the government servant for the duration of study leave without creating cadre difficulties;
3. (a) Whether the application is for leave out of India. If so, whether a certificate of admissibility has been obtained from the Audit Officer;
- (b) If the application is for leave in India, whether Audit Officer's certificate has been obtained in respect of gazetted government servants. In the case of non-gazetted government servants the appointing authority certificate as to the admissibility of the leave should be obtained:
4. Whether adequate facilities exist in India or under any of the schemes administered by the State Government or the Government of India for the study/training contemplated
5. Whether all the conditions of F.R. 95 have been fulfilled
6. Any special remarks as to ability of the candidate.

**Secretary to Government of Meghalaya
In the Department**

APPENDIX 8

(See F.R. 71)

Rates of monthly contribution for pensionary benefits payable during active foreign service in respect of:

Length of service	Group I – those who are ordinarily expected to qualify the maximum pension of Rs. 1100/- p.m. Officers belonging to services who are in scale of pay whose maximum is Rs. 2500/- and above	Group II – Officers of General State Services (Class I). Other than those covered by Group I	Members of Class II Services	Members of Class III Services	Class IV Government Srvants
1	2	3	4	5	6
0-1 year	Rs. 48	4% of maximum monthly pay	4% of montly maximum pay	5% of montly maximum pay	7% of montly maximum pay
1-2 years	56	4 percent	5 percent	5 percent	7 percent
2-3 years	64	5 “	5 “	6 “	8 “
3-4 years	73	5 “	5 “	6 “	8 “
4-5 years	81	5 “	6 “	6 “	8 “
5-6 years	89	6 “	6 “	7 “	8 “
6-7 years	97	6 “	6 “	7 “	8 “
7-8 years	105	7 “	7 “	7 “	8 “
8-9 years	113	7 “	7 “	8 “	8 “
9-10 years	121	7 “	7 “	8 “	8 “
10-11 years	129	8 “	8 “	8 “	8 “
11-12 years	137	8 “	8 “	8 “	9 “
12-13 years	145	9 “	8 “	9 “	9 “
13-14 years	153	9 “	8 “	9 “	9 “
14-15 years	161	9 “	9 “	9 “	9 “
15-16 years	169	10 “	9 “	10 “	9 “
16-17 years	177	10 “	9 “	10 “	9 “

Length of service	Group I – those who are ordinarily expected to qualify the maximum pension of Rs. 1100/- p.m. Officers belonging to services who are in scale of pay whose maximum is Rs. 2500/- and above	Group II – Officers of General State Services (Class I). Other than those covered by Group I	Members of Class II Services	Members of Class III Services	Class IV Government Servants
1	2	3	4	5	6
17-18 years	Rs. 185	11 percent	10 percent	10 percent	9 percent
18-19 years	193	11 “	10 “	10 “	9 “
19-20 years	201	11 “	11 “	11 “	9 “
20-21 years	209	12 “	11 “	11 “	9 “
21-22 years	218	12 “	11 “	11 “	10 “
22-23 years	226	13 “	11 “	12 “	10 “
23-24 years	226	13 “	11 “	12 “	10 “
24-25 years	226	13 “	11 “	12 “	10 “
25-26 years	226	13 “	11 “	12 “	10 “
26-27 years	226	13 “	11 “	12 “	10 “
27-28 years	226	13 “	11 “	12 “	10 “
28-29 years	226	13 “	11 “	12 “	10 “
Over 29 years	226	13 “	11 “	12 “	10 “

LEAVE SALARY CONTRIBUTION

Class of government servant in foreign service	Percentage of pay drawn
All classes of government servants subject to Leave Rules as incorporated in Chapter XIII	11 Percent

APPENDIX 9

(Note 1 Under S.R. 3)

List of Controlling Authorities for Travelling Allowances

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
1.	District Officers	Assistant Commissioner, Extra-Assistant Commissioner, Honorary Magistrates, Superintendent and Additional Superintendents of Police, and ministerial and menial esablishment of the amalgamated district establishment and Record staff not on major settlements.
<p><i>Note 1. - The Additional District Magistrate or the Additional Deputy Commissioner or where there is no officer the Senior Extra-Assistant Commissioner of the District headquarters may countersign such traveling allowance bills as are made over to him by the Deputy Commissioner. The Additional Deputy Commissioner may also countersign the traveling allowance bills of the Ministerial and Menial Establishment of the Sadar offices in the absence of the Deputy Commissioner.</i></p> <p><i>Note 2. - The Sub-Divisional Officer may countersign the traveling allowance bills of the Ministerial and Menial Establishment of his office</i></p>		
2.	District Officers of the Khasi Hills and Jaintia Hills and Garo Hills	Subordinate of the Civil Public Works Establishment
3.	District Officers where there is no Forest Division	Non-gazetted forest staff of the district
4.	District Officers as <i>Ex-officio</i> District Registrars	Special Sub-Registrars, Sub-Registrars, ministerial and menial staff of Registration Office
5.	District Officers as <i>Ex-officio</i> Sub-Judges	Their ministerial and menial establishment
6.	Deputy Commissioner, Khasi Hills and Jaintia Hills.	Non-gazetted subordinate, ministerial and menial staff of the Forest Division.
7.	Deputy Commissioner, Garo Hills.	Establishment of Primary Schools
8.	Commissioner of Divisions	Himself, District Officer, Additional District Magistrates, his own Personal Assistant and office establishment.
9.	Commissioner of Taxes	Himself, Office Superintendent, ministerial and 4 th Grade Establishment of own office and all other Gazetted and Non-gazetted Officers of the Department

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
<p><i>Note 1. - The Deputy Commissioner of Taxes signs for the Commissioner of Taxes</i></p> <p><i>Note 2. - The Assistant Commissioner of Taxes signs for the Commissioner of Taxes and Deputy Commissioner of Taxes when the latter two are on tour except in respect of traveling allowance bill of the Assistant Commissioner of Taxes.</i></p>		
10.	Director of Land Records, Inspector General of Registration, and Superintendent of Stamps.	Himself, Settlement Officers of major settlements, Assistant Director of Land Records, Settlement Officer, Assistant Settlement Officers and Establishment engaged in minor Settlement, his Personal Assistant and Establishment, and non-official members of the permanent committee appointed for the supervision of Muhammedan Marriage Registrars and Kazis.
11.	Settlement Officers of Major settlements.	Assistant Settlement Officer, Kanungoes, Mandals or Patwaris and ministerial and menial staff under their control
12.	Director of Surveys	Himself, Superintendent, Personal Assistant, technical, ministerial and menial establishment
13.	Deputy Director, Surveys	All officers deputed for survey and settlement training to the Survey School, and ministerial, menial and technical staff under him
14.	Conservator of Forest	Himself, and gazetted officers of the State, subordinate, ministerial and menial staff attached to the Direction Division
15.	Chief Engineer, P.W.D.	<p>(i) Himself, Superintendent Engineer in charge of Circle.</p> <p>(ii) All Gazetted, Subordinate, Ministerial and Grade IV staff attached to his office.</p>
16.	Addl. Chief Engineer, P.W.D.	<p>Himself and all Gazetted, Subordinate Ministerial and Grade IV Staff attached to his office.</p> <p>Himself, Superintending Engineers within his jurisdiction and all Gazetted Subordinate, Ministerial and Grade IV staff attached to his office</p> <p>Himself, and Superintendent Engineers with in his Jurisdiction</p>
17.	Superintending Engineer	Executive Engineers in-charge of Public Works Divisions and Mechanical Engineer, Public Works Department

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
18.	Director of Health Services	Himself District Medical and Health Officer, Surgeon Superintendent, Medical Officers on special duty and his ministerial and menial staff and Personal Assistant, Director, and Assistant Director, Pasteur Institute and Medical Research Institute
19.	Inspector General of Prisons	Jailor
20.	Inspector General of Police	Himself, personal Assistant, Ministerial and menial staff of his own Office, Superintendent and Deputy Superintendent of Police when proceeding beyond their jurisdiction to attend cooperative meeting
21.	Deputy Inspector General of Police	Himself and his establishment and establishment of the Finger Print Bureau
<i>Note - Special Superintendent of Police signs for Deputy Inspector General</i>		
22.	Director of Public Instruction	Himself, his personal Assistant and ministerial and menial staff of the office, Inspectors and Assistant Inspectress of Schools and their establishment, Headmistress of Pine Mount School and establishment. Principals and Professors of Colleges.
23.	Chief Engineer, Public Health	(i) Himself, Superintendent Engineers in-charge of circle
		(ii) All Gazetted, Subordinate, Ministerial, and Grade IV attached to his office
24.	Joint Director of Health Services	Medical and Health Officer and other Subordinate staff under his control
25.	Director of Agriculture	Himself, his own office staff, Deputy Directors of Agriculture, Agriculture Chemist, and Inspector of Government gardens
26.	Marketing Officer	Assistant and peons of the marketing section
27.	Deputy Director of Agriculture	Agricultural Inspector, his peon and Demonstrators under him. Fruit inspector, his peon and the Demonstrators under him
		His own office, non-gazetted staff including stipendiaries
28.	Registrar of Co-operative Societies/ Director of Sericulture and Weaving.	Himself, Weaving Superintendent and his establishment, District Sericulture Officer and his establishment, establishment of Sericultural stations at Shillong, Assistant Registrars of Co-operative Societies, Auditors and Inspectors of Co-operative Societies and their establishment.

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
<i>Note - Deputy Registrar of Co-operative Societies may sign for Registrar of Co-operative Societies.</i>		
29.	Director, Veterinary Department.	Himself, and all Subordinates and ministerial and menial establishment of Veterinary Department His own office, non-gazetted staff including stipendiaries
30.	Director of Accounts and Treasuries and Examiner, Local Accounts	Himself, Office establishment and local Auditors.
31.	Chief Secretary	Himself, all officers of the Secretariat below the rank of Deputy Secretary, all ministerial and Grade IV Establishment of the Civil Secretariat
<i>Note - Under Secretary to the Government of Meghalaya in the Secretariat Administration (Accounts) Department signs for the Chief Secretary</i>		
32.	Secretary, Labour	Himself, Chief Inspector of Boilers, Meghalaya
33.	Secretary, Education	Himself, honorary State Director, Department of Historical and Antiquarian Studies, Meghalaya.
34.	Finance Secretary	Himself
35.	Secretary, P. W. D	Himself and other Gazetted and non-gazetted staff of the Secretariat
<i>Note - The Deputy Chief Engineer signs the T.A. bills of all Gazetted Officers for Chief Engineer.</i>		
36.	Chief Electrical Inspector and Electrical Adviser, Meghalaya.	Himself
37.	Secretaries to Government	Themselves, and Deputy Secretaries to Government under their respective control.
<i>Note - Under Secretaries and Deputy Secretaries sign for Secretaries</i>		
38.	Joint Secretaries to Government	Themselves
39.	Secretary, Legislative Assembly	Himself ministerial and menial staff of his office
40.	Secretary, Law Department and Legal Remembrancer	Himself, gazetted and other non-gazetted posts and Government Pleaders and Public Prosecutors.

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
41.	Liaison Commissioner, Meghalaya House, New Delhi.	Himself and other gazetted and non-gazetted posts under him.
42.	Military Secretary	Himself, the Aid-de-camp and his staff.
43.	District and Sessions Judges	Themselves, Additional and Assistant and Subordinate Judges, ministerial and menial establishments of themselves and their subordinates
<i>Note - Additional Judges sign fbr District and Sessions-Judges when on tour</i>		
44.	Officers-in-charge of Forest Divisions	Non-gazetted Forest staff of the Forest Divisions
45.	Executive Engineer, P.W.D. and P.H.E. Department	Assistant Engineers, Supervisors, Upper and Lower Subordinates, technical, ministerial and work-charged establishment of their division
46.	District Medical and Health Officer/ Surgeon Superintendent	Medical and Health Officer, Health Officers, Inspectors and Sub-Inspectors of Vaccination and Disinfectant Carriers, Compounders, ministerial and menial staff of their own offices and of Government police, and Jail Hospitals and Dispensaries and Vaccinators
47.	District Medical and Health Officer as Superintendents of Jails	Subordinate, medical, ministerial and menial establishments, below the rank of Jailor
48.	District Medical and Health Officer/ Surgeon Superintendent	Medical and Health Officer, Government House, and his establishment
49.	Director, Pasteur Institute and Medical Research Institute	Technical, ministerial and menial staff
50.	Superintendent Mental Hospital	Technical and other staff of the Mental Hospital.
51.	Superintendent of Police	Assistant Superintendent and Deputy Superintendents and Subordinate officers of Police, ministerial and menial establishment of the District
52.	Superintendent of Police, Deputy Commissioner in-charge of Police	Motor vehicles staff
53.	Deputy Director of Agriculture	Inspectors of Agriculture, Demonstrators except those placed under direct control of District Officers, Farm Managers and Farm Staff including apprentices, Entomological Assistant and his peon.

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
54.	Marketing Officer	Assistant Marketing Officers, Marketing Inspector, their peons and Marketing Demonstrators
55.	Weaving Superintendent	Peripatetic Weaving parties
56.	Agriculture Chemist	Himself and his staff
57.	Inspectors of Schools	Assistant Deputy and Sub-Inspector of Schools and establishment of all Schools under their control
58.	Inspectress of Schools	Assistant Inspectress of Schools and her establishment and all officers under her control
59.	Chief Inspector of Factories	Assistant Electrical and Factory Inspector, technical, ministerial and menial staff of his office
60.	Chief Inspector of Boilers	Inspector of Boilers, Technical, ministerial and menial staff of his office
61.	Commissioner of Excise	Himself, his Personal Assistant, and the ministerial and menial staff of his office, the Special Superintendent of Excise and his establishment and all excise officers, Jamadars and peons appointed to the special staff
62.	Superintendent of Excise	Excise peons of the Special Branch
63.	Assistant Registrar of Co-operative Societies	Inspector of Co-operative Societies and their establishments
64.	Deputy Director of Animal Husbandry and Veterinary Department	Managers and other non-gazetted staff including apprentices of the farm at Upper Shillong
65.	Honorary State Director Department of Historical and Antiquarian studies, Meghalaya	Ministerial and menial staff of his office
66.	Chairman, Meghalaya Public Service Commission.	Himself, Members and Secretary of the Commission
67.	Secretary, Meghalaya Public Service Commission.	Ministerial and menial staff of the Commission
68.	Secretary to the Governor	Himself, ministerial and menial staff of his office
69.	Secretaries, State and Regional Transport Authorities	Ministerial and menial establishment of their offices.

Sl. No.	CONTROLLING OFFICER	OFFICER OR ESTABLISHMENT
70.	Director of Statistics	Himself, his own office, staff District office staff and all other Gazetted and non-Gazetted Officers under him
71.	Principal Private Secretary to the Chief Minister, Meghalaya	Himself
72.	Director of Information and Publicity	Himself, his own office staff, District Office staff and all other Gazetted and non-Gazetted Officers under him
73.	Deputy Secretary to the Government of Meghalaya, General Administration Department	Trade Adviser, Meghalaya House, Calcutta
74.	Director of Soil Conservation	Himself, all Gazetted Officers of the Department and all Subordinate staff attached to the Directorate.
75.	Joint Director of Soil Conservation Research	Non-gazetted staff attached to the Research. Station.
76.	Divisional Soil Conservation Officer	Non-gazetted staff of the Soil Conservation Division
77.	Director of Public Instruction, Meghalaya, Shilong	Himself, all gazetted and non-gazetted Officers of his office and heads of all subordinate offices under his control
78.	Principal, Government College.	Office staff including all gazetted and non-gazetted Officers under his control.
79.	Inspector of Schools	Office staff of his own and subordinate Officers including gazetted and non-gazetted Officers under his control.
80.	Librarian, State Central Library	Office staff including gazetted non-gazetted Officers under his control.
81.	Deputy Director of Public Instruction/N.C.C.	Civilian Office staff of all N.C.C. Unit Special Officers of N.C.C. (I) and (II)
82.	Director of Supply	Himself and & his establishment.
83.	Trade Adviser, Meghalaya House, Calcutta.	Non-gazetted staff under him .

FORM No. I

(See S.R. /1)

NOTES

1. The earned leave due should be expressed in days.
2. When a government servant is appointed during the course of a particular calendar half year, earned leave should be credited @ 2½ days for each completed year and the fraction of a day will be rounded. to the nearest day.
3. The old leave account in respect of existing government servants has to be closed and the balance as on 31-12 will have to be carried forward to the new account in col. 11, while doing so the balance at credit on 31-12 may be rounded off to the nearest day.
4. Tn entries in Col. 6 should be in complete days. Fraction of a day will be rounded to he nearest day.
5. Period of extraordinary leave should be noted in red ink.

The entries in col. 12 and 13 should indicate only the beginning. and end of completed years of service at the time the half pay leave commences. Where a government servant completes another year of service while on half pay leave, the extra credit should be shown in Col. 12 to 16 by making suitable additional entries and this should be taken into account while completing Col. 32

FORM No. 2.

(Subsidiary Rule 86)

Application for leave

Note – Item 1 to 9 must be filed in by all applicants whether gazetted or non-gazetted

Item 12. applies only in the case of gazetted officers.

Item 13 and 14 apply only in the case of non-gazetted officers.

1. Name of applicant
2. Rules applicable
3. Post held
4. Department/Office
5. Pay
6. House rent allowance, conveyance allowance or her compensatory allowances drawn in the recent post
7. Nature and period of leave applied for and date from which required.
8. Ground on which leave is applied for
9. Date of return from last leave, and the nature and period of that leave.
10. I undertake to refund the difference between the leave salary drawn during leave on average pay-commuted leave and that admissible during leave on half average pay/half pay leave, which would not have been admissible had the provisions to S.R. 91 (a) (iii) not been applied in the event of my retirement from service at the end or during the currency of the leave.

Date:

Signature of applicant

11. Remark, and/or recommendation of the Controlling Officer.

Signature

Date:

Designation

12. Report of the Audit Officer:-

Date:

Signature

Designation

13. Statement of leave granted to applicant previous to this application.

Name of leave		In current year	During past year	Total
Privilege/on average Pay/earned				
On average pay on M.C/Commuted				
On half average pay/ half pay Not due				
On Quarter average pay Extra ordinary				
Total				
14.	Certified that	Leave on average pay for	
		Earned leave		
19..... is admissible under of the				

Date

Signature

Designation

15. Orders of the sanctioning authority:

Date

Signature

Designation

A. SENGUPTA
Special Officer and Ex-Officio
Under Secretary, Finance Department

- (d) 'Patient' means a Government servant or a member of his/her family or a Government pensioner or his/her spouse who requires medical attendance and treatment.
- (e) Medical Attendance' means attendance in Government Hospital or at the residence of the patient and includes:-
 - (i) such pathological, bacteriological, radiological or other methods of examination for the purpose of diagnosis, carried out in a Government Hospital or laboratory at the instance of the authorized medical attendant irrespective of whether the patient is hospitalised or not, and.
 - (ii) such consultation with any other Medical Officer or Specialist in the service of Government as the Medical Attendant certifies to be necessary to such extent and in such manner as the Medical Officer or the Specialist may, in consultation with the authorised Medical Attendant determine.
- (f) 'Treatment' means the use of all medical and surgical facilities as are available at the Government hospital in which a patient is treated and includes:-
 - (i) the employment of such pathological, bacteriological, radiological, or any other methods as are considered necessary by the authorised medical attendant;
 - (ii) dental treatment where the diagnosis of the physiological or other disability from which patient is suffering indicates that the teeth are the source of disturbance provided it is of major kind such as treatment of jaw bone disease, wholesale removal of teeth etc.;
 - (iii) the supply of such medicines, vaccines sera or other therapeutic substances as are ordinarily available in the Government hospital
 - (iv) such accommodation as is ordinarily provided in the Government hospital to which the patient is admitted and is suited to his status;
 - (v) the services of such nursing staff are ordinarily employed by the Government hospital to which the patient is admitted;
 - (vi) the medical attendance described in sub-clauses (i) and (ii) clause (e) but does include diet or provision, at the request of the patient, of accommodation superior to that described in sub-clause (iv);

Note - Surgical operation needed for the removal of odontones and impacted wisdom tooth also fall under the category of dental treatment of a major kind. Treatment of gum boils come under oral Surgery of the mouth and such as admissible under the rule. Treatment for pyorrhea conjunctivities of teeth is, however, not covered.

- (g) 'Family' means the family of a Government servant consisting of:-
- (i) wife or husband, as the case may be
 - (ii) parents ordinarily residing with and wholly dependent on the Government servant, and
 - (iii) non-earning sons up to the age of 25 years and un-married daughters.

- Note -*
- (1) *Parents include step-parents*
 - (2) *The term 'sons' and 'daughters' includes children adopted under any law or custom and step-children residing with and wholly dependent on the Government servant.*

- Indoor Patient**
- 4. (i) A patient shall be entitled to medical attendance or treatment at the nearest Government hospital within the State free of charge.
 - (ii) Cost of medicines necessary for the indoor patient purchased by the patient from outside the hospital shall be reimbursed to him.

- Treatment at Residence**
- 5. (i) Where the authorised medical attendant is of the opinion that owing to the severity of the illness
 - (ii) A patient who is not in a position to visit the nearest hospital may receive medical attendance and treatment at his residence
 - (iii) A Written information may be sent to the authorized medical attendant about his illness and the patient shall be attendant to at his residence free of charge.

- Treatment at another Government hospital**
- 6. The authorized medical attendant, if considered necessary, may refer a patient to another Government hospital and Government hospital and the patient shall receive medical attendance and treatment at the referred hospital free of charge.

- Scale of accommodation as Indoor patient**
- 7. (1) Accommodation in a Government hospital shall be provided in accordance with the scale suitable to the status of the patient as may be determined by Government from time to time.
 - (2) At the commencement of these rules, accommodation shall be provided as follows:

Pay of Government servant/pay of pensioner immediately before retirement	Accommodation
Rs. 1,400.00 and above	Private Ward with single bed in a room (Special type).
Rs. 625.00 and above but below Rs. 1,400.00	Private Ward with two beds in a room (Ordinary type) or single bed in a smaller room
Rs. 425.00 and above but below Rs. 625.00	Private Ward with six beds in a room or ten beds in a room or twelve beds in a room depending on availability at the time of admission.
Rs. 425 and below	General Ward.

Hospitalization in a Private Hospital

8. (i) Where seat ate not aailable in a Government hospital and where the authorized medical attendant recommends immediate hospitalization, the patient may seek admission in a private hospital and receive medical attendance and treatment
- (ii) Non-availability of accommodation in a Government hospital shall be certified by the following authorities:-
- (a) In the case of Civil Hospital at the district or sub -divisional headquarters by the Superintendent of the Hospital, if there is one, or by the Sub-divisional Medical and Health Officer in which the Hospital is situated, if there is no Superintendent
- (b) In the case of Primary Health Centres and Dispensaries by the District Health Officer in the District in which the Primary Health Centre or Dispensary is situated
- (iii) In cases of acute emergency the Authorized Medical Attendant may refer the patient to the nearest private hospital subject to the approval by the Director of Health Services.
- (iv) Re-imburement of expenditure incurred by the patient for accommodation in private hospitals shall be restricted to what a private person would have incurred in a Government hospital had he been accommodated in a ward to which the patient is entitled.
- (v) Re-imburement of the expenditure incurred by the patient for medical attendance and treatment in the private hospital shall not exceed the expenditure that should have been incurred by a private person admitted in a private ward of a Government hospital.

(*Explanation:-*

Re-imbusement means re-imbusement to the Government servant or Government pensioner, as the case may be)

(vi) Expenditure incurred by the patient in excess of the admissible limits shall be borne by the patient himself /herself.

Fell diseases 9.

(i) Fell diseases like tuberculosis, cancer, polio, leprosy and other chronic disease like chronic bronchitis, peptic ulcer, heart diseases, mental diseases, psychosis, epilepsy and paraplegia which require prolonged treatment whether in the hospital or outside involving use of costly medicines purchased on an authorised prescription shall be fully re-imbursible.

Provided, that re-imbusement of the cost of preparations which are primarily of food, toilet, disinfectant, etc, shall no be admissible.

(ii) 'Authorized Medical Attendant' for the purpose of this rule shall be any Medical Attendant authorized by the Director of Health Service from time to time on this behalf.

Treatment at Institution outside the State 10.

(i) Cases requiring specialized treatment in specialized Institutions outside the State for which treatment facilities are not available within the State, the authorized medical attendant; not below the rank of a Superintendent of a Government hospital or a Civil Surgeon may, with the prior approval of the Director of Health Services refer the patient treatment to such recognised Institution and the cost of treatment thereof shall be re-imbursed by Government.

(ii) The disease for which this facility will be available and the Institutions to which the authorised medical attendant may refer the patients shall be decided by Government from time to time.

(iii) At the commencement of these rules, the institution shall be as follows:-

NAME OF INSTITUTIONS

- (a) Calcutta Medical College/Hospital/Seth Suklai Kanani Memorial Hospital, Calcutta.
- (b) Tata Cancer Institute, Bombay
- (c) Jaslok Cancer Institute, Bombay
- (d) Cancer Institute, Adyar, Madras
- (e) Chrstian Medical Gollege Hospital, Vellore
- (f) Mental Hospital, Ranchi
- (g) Eye Hopital, Sitapur, Uttar Pradesh
- (h) Chittaranjan Cancer Institute, Calcutta
- (i) All India Institute of Medical Science, New Delhi
- (j) School of Tropcal Medicines, Calcutta
- (k) B.B. Cancer Institute, Gauhati

Travelling Allowance for patient

11. (i) When a patient is required to travel from his headquarters to a referred Hospital on the advice of the Authorized Medical Attendant as provided in these rules, he/she shall, he/she is a Government servant, be entitled to travelling allowance by air, rail or road as on tour for journey from headquarters to the referred hospital and back.
- (ii) A member (patients) of a Government servant's family who is not a Government servant will be entitled to the same rates of travelling allowance as applicable to the Government servant.
- (iii) A Government pensioner or his spouse will be entitled to the rates of travelling allowance which the pensioner was entitled to immediately before his retirement..

Attendant accompanying the patient

12. (i) Where the Authorized Medical Attendant consider it necessary, he may allow an attendant to accompany the patient from the headquarters to the referred hospital and back.
- (ii) The attendant, if a Government servant shall be entitled to draw travelling allowance by air, rail or road as on duty..
- (iii) The attendant, who is not a Government servant shall be entitled to actual single railway fare according to the class to which the patient is entitled under the T.A. rules.

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