

*The Odisha Education (Leave of Teachers and Other Members of the Staff of Aided Educational Institutions) Rules, 1977

CHAPTER I PRELIMINARY

1. **Short title and commencement** - (1) These rules may be called The Odisha Education (Leave of Teachers and Other Members of the Staff of Aided Educational Institutions) Rules, 1977.

[(2). They shall come into force on such date as the Government may by order appoint in that behalf :

Provided that it shall be within the competence of the Government to appoint different dates in respect of different categories of Aided Educational Institutions.

2. **Definitions** - (1) In these rules, unless the context otherwise requires-

- (a) **"Act"** means the Odisha Education Act, 15 of 1969;
- (b) **"Board"** means the Board of Secondary Education constituted under Section 3 of the Odisha Secondary Education Act, 1952 (Odisha Act 10 of 1953);
- (c) **"Director"** means the Director of Public Instruction and includes such other officer as Government may from time to time notify;

Provided that, when there is more than one Director of Public Instruction or when it is decided by Government that an officer shall be notified as the Director for the purposes of these rules, it shall be competent for Government to specify the categories of institutions in respect of which such officer shall function as the Director;

- (d) **"District Inspector"** means the District Inspector of Schools in charge of an educational district.
- (e) **"Employee"** means teachers of Aided Educational Institutions and includes other members of the staff of such institutions;
- (f) **"Government"** means the Government of Odisha in the Education Department;
- (g) **"Inspector"** means the Inspector of Schools in charge of an Educational Circle;

*. Published *vide* O.G.E. No. 741 dated. 30.5.1977-S.R.O. No. 318/77.

1. It came into force on 1.8.1977 *vide* Odisha Gazette Extraordinary No.1031 dated 30.7.1977 *vide* S.R.O. No. 525/77.

- (h) "Institution" means an educational institution as defined in Section 3(e) of the Act.
- (i) "Section" means a section of the Odisha Education Act, 1969;
- (j) "University" means a University incorporated under the provisions of Utkal University Act, 20 of 1966 or the Berhampur University Act, 21 of 1966 or the Sambalpur University Act, 22 of 1966.

(2) All words and expression used in these rules but not defined therein shall have the same meaning as are assigned to them in the Act.

CHAPTER - II

3. Leave cannot be claimed as matter of right. When the exigencies of work so require discretion to refuse or revoke or curtail leave is reserved to the authority competent to grant it.

4. Except as otherwise provided the various kinds of leave admissible under these rules; may be granted in combination with or in continuation of any other kinds of leave.

5. (1) Except as otherwise provided in these rules -

- (i) Leave begins on the day on which transfer of charge is effected or if charge is transferred afternoon, on the following day; and
- (ii) Leave ends on the day on which charge is resumed or if charge is resumed before noon on the preceding day.

(2) When an employee is permitted to prefix holidays to leave his leave ends on the first day after the holiday.

(3) When an employee is permitted to suffix holidays to leave his leave begins on the day on which it would have ended if the holidays had not been suffixed.

(4) When an employee is permitted under Rule 6 to combine leave with vacation, his leave begins or ends on the day on which it would have begun or ended if had not been combined with vacation.

6. An employee may be permitted to combine vacation with leave either at the beginning or at the end thereof provided that

- (i) no additional expenses shall be incurred by the institution for the period of the vacation;
- (ii) vacation shall not be both prefixed and suffixed to leave;
- (iii) leave shall not be both prefixed and suffixed to vacation;
- (iv) the total duration of vacation and earned leave taken in conjunction shall not exceed two hundred and eighty days.
- (v) the duration of vacation and earned leave and commuted leave taken in conjunction shall not exceed one hundred and forty days:

7. An employee who remains absent after the end of his leave is not entitled to leave salary for the period of such absence, and that

period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the competent authority. Wilful absence from duty after expiry of leave may be treated as misconduct involving disciplinary action.

8. An employee on leave is prohibited from taking any service or accepting any employment without obtaining the previous sanction of the appointing authority.

CHAPTER - III

9. **Earned leave** - (1) The earned leave admissible to an employee who hold a post substantively one eleventh of the period spent on duty.

(2) The earned leave admissible to an employee is subject to the following conditions, namely:

- (i) for each year of duty in which an employee has availed himself of the vacation, his earned leave shall be reduced by twenty days when the entire vacation has been enjoyed;
- (ii) if a part of the vacation has been enjoyed in any year, the period by which the earned leave shall be reduced shall be a fraction of twenty days equal to the proportion which the part of the vacation taken, bears to be full period of vacation.

¹[(3) An employee shall cease to earn leave when the earned leave due amount to two hundred and forty days.]

(4) The maximum earned leave that will be granted to an employee at a time shall be one hundred and twenty days.

(5) An employee who does not hold a post substantively shall not earn any leave during the first year of his service and shall earn it thereafter at one eleventh of the period spent on duty. If, however, he had availed of the entire vacation he shall not earn any leave, but when he has availed vacation, the reduction shall be made proportionately as provided in Sub-rule (2). In no case he shall earn further leave when the leave at his credit amounts to ninety days.

Explanation - (1) A person who has completed his probation satisfactorily will be deemed to hold the post to which he was appointed on a substantive basis, with effect from the date of completion of period of probation, provided that the period of probation will not be less than one year in any case.

(2) For the purpose of this rule vacation counts as duty.

10. (1) Half-pay leave admissible to an employee in respect of each completed year of service shall be twenty days.

(2) The half-pay leave due may be granted to an employee either on medical grounds or on private affairs :

1. Substituted *vide* Education Department Notification No. 25413-XT-Codes 7/91-6 Dt. 16.5.1991.

Provided that no half pay leave may be granted to an employee without a substantive appointment, unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

11. (1) At his option, an employee may have the half-pay leave due to his credit converted into half the amount of full pay leave when such leave is granted on medical certificate. Such converted leave shall be called commuted leave and the maximum limit up to which the commuted leave may be granted during the entire service is two hundred and forty days.

(2) Commuted leave may be combined with earned leave but such combination shall be limited to two hundred and forty days. This limit also applies to the combination of earned leave, vacation and commuted leave provided that no commuted leave may be granted when there is no reasonable prospect of the employee returning to duty on its expiry.

12. **Extraordinary leave-**(1) Extraordinary leave may be granted to an employee in special circumstances -

- (i) when no other leave is by rule, admissible; or
- (ii) when other leave is admissible, but the employee concerned applies for the grant of extraordinary leave.

(2) Except in the case of an employee with a substantive appointment who has rendered not less than three years continuous service, the duration of extraordinary leave on any one occasion shall not exceed the following limits -

- (i) two months; or
- (ii) four months in special cases where the sanctioning authority is satisfied that the absence is due to illness of the employee; or
- (iii) eighteen months in the case of an employee undergoing treatment for tuberculosis or leprosy supported by a medical certificate.

Provided that the concession in Clause (iii) above will be admissible only to those employees who have been in continuous service for a period exceeding one year.

(3) An employee who does not hold a post substantively may be granted during deputation on training, extraordinary leave from the date of his relief till the date of resumption of duty on return from training provided that he has completed a minimum period of one year's continuous service on the date of deputation; and the authority competent to grant the leave is satisfied that such training is necessary for improving the professional knowledge of the employee.

(4) Where an employee without any substantive appointment fails to resume duty on the expiry of the period of extraordinary leave granted to him, he shall, unless the appointing authority in view of the exceptional circumstances of the case otherwise determines, be deemed to have resigned his appointments and shall accordingly cease to be in employment.

¹[(5) Extraordinary leave taken on account of illness or for any reason beyond the employee's control or for prosecuting higher scientific or technical studies may be allowed to count for increments:

Provided that when extraordinary leave is sanctioned in favour of an employee for the purpose of study such employee shall on return from leave produce satisfactory evidence in the form of a degree, diploma or other qualification or in the form of a certificate from the head of the institute where the course of study had been prosecuted to show that he has profited from such study, failing which the order allowing the period of extraordinary leave to account for increments shall be revoked by the authority]

²[(6) Notwithstanding anything contained in the aforesaid subrules, when Government are satisfied that the operation of any of the provisions of the said Sub-rules causes under hardship to the employee or employees in any particular case it may be an order for the reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in just and equitable manner.

13. Study leave - (1) Study leave may be granted to a teacher of Aided College to enable him study scientific, technical or similar problems or to undergo a special course of instruction such leave is not debited against the leave account.

(2) Study leave will not ordinarily be granted to a teacher of an Aided College of less than five years service or to a teacher within three years of the date on which he will attain the age of compulsory retirement.

(3) The grant of study leave will be made with a regard to the interest of the college. In no case will the grant of this leave in combination with leave other than extraordinary leave or leave on medical certificate involve an absence or over thirty months during the whole period of his service nor will it be granted with such frequency as to remove him from contract with his regular work or to cause difficulties owing to absence on leave.

(4) Study leave sanctioned in favour of a teacher of an Aided College will be limited to the actual period required for the completion of the courses of study. If the courses of study involves a period less than the period of study leave sanctioned the excess period of leave will be treated to absence from study unless he produces the assent of the sanctioning authority to his taking it as ordinary leave.

(5) Study leave will count as services for all purposes but shall not be set off against any which may be due to a teacher of an Aided College.

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1. Added by S.R.O. No. 1229/84 dated 18.9.1984.
 2. Inserted *vide* Notification No. 2162 E.Y.S. dated 14.1.1986.

¹[(6) During study leave a teacher of an Aided College shall be entitled to leave salary at the rate admissible to the counterpart in Government College only for a maximum period of two years.]

14. Maternity leave - (1) Maternity leave may be granted to a married female employee by the authority empowered to grant ordinary leave subject to the following conditions

²[(i) the period of such leave shall not extend beyond ninety days from the date of its commencement.]

³[(ii) No maternity leave shall be granted to a female employee for the third and subsequent issue.]

⁴[(2) Maternity leave may be combined with leave of any other kind due up to a maximum of sixty days.]

(3) Leave salary during the maternity leave shall be equal to the pay drawn by the employee concerned at the time of taking leave.

NOTE I - 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 Medical Attendant.

⁵[**NOTE II** - The expression "obtain" in NOTE I shall include an abortion induced under the Medical Termination of Pregnancy Act, 1971].

15. Earned leave at the credit of an employee shall lapse on the date of compulsory retirement, provided that if in sufficient time before that date, he has -

- (i) formally applied for leave due as preparatory to retirement which has been refused; or
- (ii) ascertained in writing from the sanctioning authority that such leave applied for would not be granted, in either case the ground of refusal being the requirement of service to the institution after paying due regard to the provisions in Sub-rule (3) of Rule 16, then he may be granted, after the date of retirement, the amount of leave so refused, subject to a maximum of one hundred and eighty days.

16. (1) Leave will not be granted to an extent which would unduly deplete the strength of the establishment available for duty.

When the duty strength has been reduced to an essential minimum. No further leave of any description will be granted except in cases of absolute necessity. When it is impossible, in the interest of the institutions to grant all applications for leave the following consideration should be taken into account in deciding which applications should be granted

1. Inserted *vide* No. 7050-XIVE/Codes -69/87 E.Y.S. dated. 19.2.1988.
2. Substituted by S.R.O. No. 1229/84 dated. 18.9.1984.
3. Inserted by S.R.O. No. 868/86 dated. 1.10.1986.
4. Substituted *ibid*.
5. Added by S.R.O. No. 1226/84 dated. 18.9.1984.

- (a) the employee who can, for the time being, best be spared due regarding being paid to the facility with which they could, if necessity arose, be recalled from leave;
- (b) the amount of leave due to the various applications;
- (c) the amount and nature of the service rendered by each applicant since he last returned from leave; and
- (d) the fact that any such applicant has previously been refused leave in the interest of the institution.

(2) If an employee applies for leave at short intervals on the ground of health, leave should be refused except on medical certificate. In such a case the frequency of the leave taken in the past should be brought to the notice of the medical examiner and he should be asked to advise with special care on the term required to establish a complete recovery.

(3) Notwithstanding the provisions in the preceding sub-rules, the application for leave preparatory to retirement by an employee should normally be allowed as soon as leave is applied for and the sanction order should not be cancelled subsequently resulting in refusal of leave.

17. (1) Except as provided in Sub-rule (2) an employee on earned leave is entitled to leave salary equal to the average monthly pay earned during the ten complete months immediately preceding the month in which the leave commences, or the substantive pay to which employee is entitled immediately before the commencement of the leave whichever is greater.

(2) An employee who proceeds on earned leave from a post having a scale of pay with a maximum not exceeding Rs. 100/- per month is entitled to leave salary equal to the pay drawn immediately before proceeding on leave.

(3) An employee on half-pay leave is entitled to leave salary equal to half the amount specified in Sub-rule (1) or Sub-rule (2) as the case may be.

(4) An employee on commuted leave is entitled to leave salary equal to the amount admissible under Sub-rule (2), as the case may be.

(5) An employee on extraordinary leave is not entitled to any leave salary.

18. (1) Casual leave with full pay for ten days and special casual leave for five days on expiry of the above period may be granted to an employee in any one calendar year. It may be granted in combination with gazetted holidays but subject to the condition mentioned in Clause (iii) of Sub-rule (2), such, holidays will be counted as part of the leave for the purpose of reckoning the total amount of casual leave and special casual leave. The unspent balance of casual leave and special casual leave in any calendar year will lapse at the end of that year.

(2) The grant of casual leave and special casual leave is subject to the following conditions, namely;

- (i) casual leave shall not be granted on vague and general grounds, as for 'urgent affairs' or for certain ceremony'. The specific purpose for which leave is required must be stated definitely;
- (ii) no employee may be allowed to proceed to casual leave or special casual leave at short intervals;
- (iii) casual leave or casual leave combined with special casual leave or casual leave combined with gazetted holidays shall not be allowed for more than ten days at a time; and
- (iv) casual leave shall not be granted so as to cause an evasion of rules regarding charge of office commencement and end of leave and return to the duty.

(3) Notwithstanding the provision in the foregoing Sub-rules additional casual leave, with full pay may be granted for the following purposes and to the extent indicated below, namely:

- (i) for service on a jury or for attending approved conferences or University or Board meetings for the minimum period considered necessary; and
- (ii) for undergoing sterilization operation for a period not exceeding six days for men and fourteen days for women.

(4) Applications for casual leave and special leave showing reasons for the leave shall be addressed to the authority competent to sanction it and should under ordinary circumstance be made atleast three days in advance prior of the date from which casual leave is required except on grounds of personal illness or other emergent and unforeseen causes.

19. Quarantine leave on full pay be granted to an employee who is prevented from attending duty on account of presence of infectious disease in his house at the headquarters. Such leave may be granted up to thirty days by the authority competent to grant regular leave on the basis of a Medical Certificate. For this purpose only Cholera, Small Pox, Plague, Diptheria, Typhus fever and Cerebrospinal Meningitis shall be considered as infectious disease.

20. Leave other than casual leave and special casual leave may ordinarily be granted to an employee of Secondary Schools and Colleges by the Managing Committee or the Governing Body, as the case may be. In case of urgency or during a vacation when the Managing Committee or the Governing Body will not meet for some time, leave may be granted by the President but any leave so granted should be reported to the Managing Committee or Governing Body, as the case may be, at its next meeting for approval.

¹[Provided that study leave under Rule 13 may be granted to a teacher of an Aided College only with the prior approval of Government.]

21. (1) Casual leave and special casual leave referred to in Sub-rules (1) and (2) of Rule 18 will be granted -

- (i) by the President of the Managing Committee or the Governing Body, to the Headmasters and Principals respectively;
- (ii) by the Principal and the Headmaster, in the case of other employees of the Colleges and Secondary School respectively.

(2) Special casual leave referred to in Sub-rule (3) of Rule 18 will be sanctioned by authority referred to in Rule 20.

22. (1) A leave account in respect of earned leave, half-pay leave, commuted leave and extraordinary leave, may be maintained in respect of all employees of the Aided Educational institutions in the Form shown in Appendix -A.

(2) A leave account for casual leave and special casual leave referred to Sub-rules (1) and (2) of Rule 18 may be maintained in the Form shown in Appendix-B.

(3) The leave account maintained in an institution shall be subject to inspection by an officer

- (a) not below the rank of a Deputy Director in respect of a College;
- (b) not below the rank of an Inspector of Schools in respect of High School; and
- (c) not below the rank of a District Inspector of School in respect of institutions imparting instruction below Class VII.

23. If any question arises relating to the interpretation of these rules it should be referred to Government for decision.

NOTE -2 -The entries in Cols 10 and 11 should indicate only the beginning and end of completed years of service at the time of half pay leave commences in cases where an employee completes another year of service while on half-pay leave the extra credit should be shown in Cols. 10 to 14 by making suitable additional entries and this should be taken into account when completing Col. 23

NOTE - 3 -When the rate of earning leave changes, the fraction of the earned leave accumulated at the earlier rate should be rounded off to the nearest day, i.e. fraction below half should be ignored and those of half or more should be reckoned as a day.

NOTE - 4- In calculating 'earned leave' the actual number of days of duty performed should first be counted and then multiplied by 1/11 or 1/12 as the case may be, the product expressed in day (and a fraction of a day) and limited to 180 or 90, as the case may be.

NOTE - 5- The deduction of earned leave under Rule 10(i) should be recorded in red ink as minus entry in Column 4.

APPENDIX - A
[See Rule 22]
FORM OF LEAVE ACCOUNT

Name of the employee..... Date of birth.....
 Date of commencement of continuous service..... Date of compulsory retirement.....

Duty		Leave taken	Balance on return from leave cols. 5-8	Length of service	
From	To			From	To
1	2	From To	9	10	11
	3	No. of days			12
	4	Leave earned (in days)			
	5	Leave at credit in days cols. 9 + 4 subject to limit appropriate			
	6	From			
	7	To			
	8	No. of days			

Half pay leave on private affairs and on medical certificate

Credit of leave		Leave taken				Remarks					
Leave earned in days	At credit cols. (23 + 13)	From	To	No. of days	No. of days						
13	14	15	16	17	18	19	20	21	22	23	24
								Commutd leave commuted into half pay leave (twice of col. 20)	Total half-pay leave taken (Cols. 17 + 21)	Balance on return from leave (cols. 14 - 22)	

APPENDIX-B
[Vide Rule 22]

**Form of Leave Account for Casual Leave and
Special Casual Leave**

Name and designation of the employee

Date(s) on which Leave begins or ends	Number of days	Progressive total	Initial of the sanctioning authority
(1)	(2)	(3)	(4)