

No.13026 /3/2010-Estt. (Leave)

Government of India

Ministry of Personnel, P.G. and Pensions
(Department of Personnel & Training)

DG, ICMR Office
Duty No. 669
Dt. 30/6/10

New Delhi, the 22nd June, 2010

Office Memorandum

Sub: Consolidated instructions on Regularization of Unauthorized Absence.

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The undersigned is directed to say that this Department has been receiving various references from Ministries/ Departments regarding regularization of unauthorized absence for long periods. The references are made basically because the Ministries/Departments do not follow the prescribed procedure for dealing with such unauthorized absence. Guidelines/instructions exist for handling such situations.

2. As per Rule 25 of the CCS (Leave) Rules 1972.

(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 extraordinary leave.

(2) Willful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action. Government of India decisions also exist that a Government Servant who remains absent without any authority should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed in Rule 32(2) (a) of the CCS (Leave) Rules, 1972.

3. It is once again stressed that a Govt. servant who remains absent without any authority should be proceeded against immediately. All

Ministries/Departments are requested to ensure that in all cases of unauthorized absence by a Government Servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately / within a specified date, say within three days, failing which he would be liable for disciplinary action under CCS(CCA) Rules 1965. If the Government Servant does not join duty by the stipulated date the Disciplinary Authority should initiate disciplinary action against him and the disciplinary case should be conducted and concluded as quickly as possible.

4. It is only due to apathy of the Disciplinary Authorities that the situation arises where long pending unauthorized absence leads to delay in other service matters of Government Servants, including promotions. To avoid such situations all Ministries / Departments should advise Disciplinary Authorities to ensure that prompt action is taken against Government Servants who absent themselves with out permission and that Charge-Sheets are issued without delay.

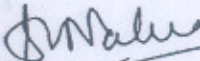
5. The consequences and procedure to be followed in respect of an officer who is absent from duty without any authority has been brought out under FR 17(1) and 17-A. As per FR 17-A(iii) without prejudice to the provisions of Rule 27 of the Central Civil Services (Pension) Rules, 1972, remaining absent without any authority or deserting the post, shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in department examinations, for which a minimum period of continuous service is required.

6. Comptroller and Auditor General have issued orders that the period of absence not covered by grant of leave shall have to be treated as "dies non" for all purposes, viz., increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorized leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers under Article 421, Civil Service Regulations [now

Rule 27 of the CCS (pension) Rules] to treat the period as leave without allowance, the entire past service will stand forfeited.

7. It may be noted that regularization of unauthorized absence for pension purpose is to be considered under the CCS (Pension) Rules. Only in cases where the disciplinary authority is satisfied that the grounds adduced for unauthorized absence are justified, the leave of the kind applied for and due and admissible may be granted to him under the CCS (Leave) Rules.

8. Hindi version will follow.


(Simmi R. Nakra)
Director