

**BHARAT SANCHAR NIGAM LTD.**  
(A Govt. of India Enterprise)  
**Corporate Office**  
**Bharat Sanchar Bhawan,**  
**Janpath, New Delhi-1.**  
**(PAT SECTION)**

No.1-39/2012-PAT (BSNL)/Pt.

Dated : 22-11-2013.

To

All Heads of Telecom Circles/  
Other Administration Offices/  
Bharat Sanchar Nigam Ltd.

**Sub:- Encashment of earned leave to the employees appointed in BSNL after technical resignation from the Government-matters regarding.**

Sir,

The matter for grant of encashment of earned leave on superannuation to the employees absorbed in BSNL after technical resignation from the Govt. service has been examined in consultation with DOT / EF &CA Branches of BSNLCO.

2. Accordingly, I am directed to convey the approval of the competent authority that all such cases may be decided in terms of DOP&T clarification communicated by DOT vide letter no-7-26(1)/2013-PAT dated 21.01.2013 (copy enclosed).

Enc:- As above.

Yours faithfully,

( Sheo Shankar Prasad)  
Asstt. General Manager (P-V)  
Tel. No-011-23037477,23737886.

Copy to:

1. PPS to CMD, BSNL.
2. PPS to Dir (HR)/Dir. (Enterprises)/Dir.(Consumer Fixed Access)/Dir.(Consumer Mobility)Dir.(Finance), BSNL Board.
3. All Executive Directors,BSNLCO.
4. All PGMs/Sr.GMs/GMs in BSNL C.O.
5. DGM (A)/Pers)/ (BW)/ (Elect.)/(Arch.)/(EF)/(CA),BSNLCO.
6. AGM(R&P)/(EF)/(SEA)/(Pers-I/(Pers-II)/Pres-III)/(Civil)/(A&E)/(TF),BSNLCO.
7. DM (Pen)/ (Pay bill)/ (Cash)/ (L&A), BSNLCO.
8. Guard File.

File No. 7-26(1)/2013-PAT  
Government of India  
Ministry of Communications & I.T.  
Department of Telecommunications

Sanchar Bhavan, 20-Ashoka Road,  
New Delhi – 110001  
Dated : 21/01/2013

To

The Asstt. General Manager(P.V),  
Bharat Sanchar Nigam Limited,  
Corporate Office, Bharat Sanchar Bhavan,  
Janpath, New Delhi-110001

Sub.: Clarification regarding encashment of E.L. on superannuation retirement to  
JAO appointed by BSNL on immediate absorption basis.


Sir,

I am directed to refer your letter No.1-39/2012-PAT(BSNL)/Pt dated  
14.12.2012 on the subject mentioned above.

Clarification issued by the Department of Personnel & Training Estt.(Leave)  
Section vide FAQ uploaded on its website is enclosed for reference. The case may be  
disposed of in accordance with the clarification issued by DOP&T vide FAQ(Para No.  
6).

Encl: as above.

Yours faithfully,

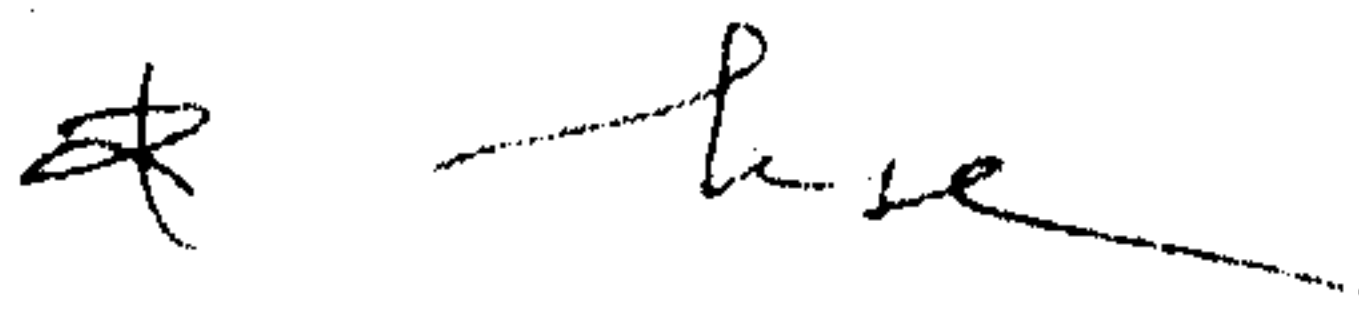
  
21/1/13  
(Santosh Kumar Meena)  
Assistant Director General (PAT)  
Phone : 23036910

Department of Personnel & Training  
Estt(Leave) Section

Frequently asked Question	Answer
1. What are the leave entitlements of Govt. servants serving in a vacation Department w.e.f. 1.9.2008?	<p><b>“28. Earned leave for persons serving in Vacation Departments:-</b></p> <p>(1) (a) A Government servant(other than a military officer) 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.</p> <p>(b) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days. as the number of days of vacation not taken bears to the full vacation: Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.</p> <p>(c) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 26.</p> <ul style="list-style-type: none"><li>• For the purpose of this rule, the term ‘year’ shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.</li><li>• A Government servant entitled to vacation 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 forgo such vacation or portion of a vacation:</li></ul> <p>Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.</p> <ul style="list-style-type: none"><li>• When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.</li><li>• As per Rule 29(1) the half pay leave account of every Government servant (other than a military officer shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.</li></ul>

<b>Leave Encashment with LTC</b>	
2. Whether encashment of leave is allowed after LTC is availed?	Sanction of leave encashment should, as a rule, be done in advance, at the time of sanctioning the LTC. However, ex-post facto sanction of leave encashment on LTC may be considered by the sanctioning authority as an exception in deserving cases within the time limit prescribed for submission of claims for LTC.
3. Whether encashment of leave with LTC can be availed at the time when the LTC is availed by the Government servant only or can leave be encashed at the time when LTC is availed by family members?	A Govt. servant can be permitted to encash earned leave upto 10 days either at the time of availing LTC himself or when his family avails it provided other conditions are satisfied.
4. Whether leave encashment should be revised on retrospective revision of pay/D.A?	In terms of 38-A of CCS(Leave) Rules, encashment of EL alongwith LTC is to be calculated on pay admissible on the date of availing LTC+DA admissible on that date. If pay or DA admissible has been revised with retrospective effect, going by the rule the Govt. servant would be entitled to encashment of Leave on the revised rates.
<b>Encashment of Earned Leave on joining Central Government from PSUs &amp; vice versa</b>	
5. Whether earned leave encashment allowed by the State Governments, PSUs, Autonomous Bodies to Govt. servant prior to his joining the Central Govt. is to be taken into account while calculating ceiling of leave encashment on his superannuation and retirement from Central Govt.?	Encashment of EL allowed by the State Governments, Public Sector Undertakings/Autonomous Bodies for services rendered in the concerned Govt. etc. need not be taken into account for calculating the ceiling of 300 days of Earned leave to be encashed as per CCS (Leave) Rules.
6. Whether Leave encashment allowed by Govt. under CCS (Leave) Rules, 1972 on absorption in a Central autonomous body/PSU is to be taken into account?	Encashment of EL allowed by the Govt. under the CCS(Leave) Rules, 1972 for service rendered in the Central Govt. prior to absorption in Central autonomous body shall not be taken into account while calculating the number of days E.L. encashable in an autonomous body/PSU for the post absorption period.
<b>Leave Encashment on Suspension/Dismissal/Removal</b>	
7. Whether leave encashment can be sanctioned to a Govt. servant on his superannuation while under suspension?	Leave encashment can be allowed. However, Rule 39(3) of CCS (Leave) Rules, 1972 allows withholding of leave encashment in the case of a Govt. servant who retires from service on attaining the age of superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, if in view of the authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he/she will become eligible to the amount so withheld after adjustment of Government dues, if any.

8. Whether leave encashment can be sanctioned to a Govt. servant on his dismissal/removal, from service?	A govt. servant who is dismissed/removed from service or whose services are terminated ceases to have any claim to leave at his credit from the date of such dismissal, as per rule 9(1). Hence he is not entitled to any leave encashment.
	<b>Interest on Leave Encashment</b>
9. Whether interest is payable on delayed payment of leave encashment dues?	No. There is no provision in the CCS (Leave) Rules 1972 for payment of interest on leave encashment.
	<b>Study Leave</b>
10. Whether a Govt. servant who has been granted study leave may be allowed to resign to take up a post in other Ministries/ Department of the Central Govt. within the bond period?	As per rule 50(5)(iii), a Govt. servant has to submit a bond to serve the Govt. for a period of 3 years. As the Govt. servant would still be serving Government in a Department other than parent Deptt., he may be allowed to submit his resignation to take up another post within the Central Govt. if he had applied for the post through proper channel.
	<b>Child Care Leave</b>
11. Whether women employees of Public Sector undertakings/Bodies etc. are entitled to CCL?	Orders issued by DOPT are not automatically applicable to the employees of Central Public Sector Undertakings/Autonomous Bodies, Banks, etc. It is for the PSUs/Autonomous Bodies to decide the applicability of the rules/instructions issued for the central Government employees to their employees in consultation with their Administrative Ministries.
12. Whether Govt. servant can be permitted to leave station/go abroad while on CCL.	Child care leave is granted to a woman employee to take care of the needs of the minor children. If the child is studying abroad or the Govt. servant has to go abroad for taking care of the child she may do so subject to other conditions laid down for this purpose.
13. What is the intention behind the instruction that CCL is to be treated like EL and sanctioned as such?	The intention is that CCL should be availed with prior approval of leave sanctioning authority and that the combination of CCL with other leave, if any, should be as per the restriction on EL. The restriction of the limit of 180 days at a stretch as applicable in the case of EL will not apply in case of CCL. The other conditions like CCL may not granted for less than 15 days or in more than 3 spells etc.. will apply.
14. Whether child care leave has been extended to female industrial employees?	Child Care leave has been extended to civilian female industrial employees working in Defence Establishments at par with non- industrial Central Govt. employees covered by the CCS(Leave) Rules, 1972 subject to the conditions provided in rule 43-C of the CCS(Leave) Rules, 1972, as amended from time to time.
	<b>Commuted Leave</b>
15. Whether commuted leave is admissible on the basis of medical certificates issued by Hospitals/Medical Practitioner approved by the employer of the spouse in cases where the concerned employee has been allowed to avail such facilities from the employer of the spouse?	Leave on medical grounds may be allowed on the basis of certificates issued by Hospitals/Medical Practitioners approved by the employer of the spouse in such cases.

  
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