

**Indian Institute of Teacher Education (Leave for Non-Teaching Staff and Non-Vacational Academic Staff) Rules 2019**

In exercise of the powers conferred under Section 21(j) of the Indian Institute of Teacher Education Act, 2010, the Executive Council of Indian Institute of Teacher Education, Gujarat has approved these rules at its meeting dated 26 December, 2019 vide resolution no. 1, namely:

**1. Applicability**

- i. These rules may be called Indian Institute of Teacher Education (Leave for Non-Teaching Staff and Non-Vacational Academic Staff) Rules 2019.
- ii. These leave rules shall be applicable to all the permanent non-teaching staff and Non-Vacational Academic Staff of the University.
- iii. Any rules or amendment made by University or Government of Gujarat will be applicable to these rules, as and when amended time to time.
- iv. These shall come into force from the date of notification.

**2. Right to Leave**

- i. Leave shall be availed with prior approval of the authorities. Leave should always be applied for and sanctioned before it is taken, except in cases of emergency and for satisfactory reasons.
- ii. Leave of any kind cannot be claimed as a matter of right.
- iii. The leave sanctioning authority may refuse or revoke leave of any kind.
- iv. Leave sanctioning authority cannot alter the kind of leave due and applied for, except at the written request of the University Employee.
- v. Absence from duty after expiry of leave entails disciplinary action.
- vi. Absence without leave will constitute an interruption in service.
- vii. A staff on leave should not take up any service or employment elsewhere without obtaining prior sanction of the competent authority.

**3. Authority empowered to sanction Leave**

- i. Applications for leave other than casual leave shall be addressed to the Registrar. It will be presented to the Vice Chancellor. Vice Chancellor shall be the competent authority to sanction such leave, except provision is made in these rules otherwise.
- ii. Casual Leave of Registrar shall be sanctioned by the Vice Chancellor. Casual Leave of all other staff shall be sanctioned by the Registrar. Leave record for the casual leave of staff will be maintained by respective Centre/Department/office.

**4. Consideration for sanctioning of leave on application**

- i. In case, where applications for grant of leave are more in numbers, and in public interest all applications cannot be granted, the authority competent to grant leave while deciding the applications shall take into consideration the following points, namely:
  - (a) The University employee who can be spared for the time being,
  - (b) The amount of leave due to the various applicants,

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- ii. The leave salary of a University employee who is permitted to take up employment under Government, other institute or a private employer during leave shall be subject to such conditions as the University may by order specify.
- iii. A University employee who is on leave on Medical Certificate shall not be permitted to undertake any service or employment elsewhere during such leave.
- iv. When a University employee on leave, whether with or without leave salary, is allowed to take up under this rule an employment in another Government office, institution or any other employment, all leave salary shall be ipso facto cease on joining the new employment, other than work or service referred to in sub-rule (i) of this rule.

#### **10. Application for leave**

An application for grant or extension of leave shall be made in respective form to the competent authority.

#### **11. Leave account**

A leave account in respective form of each University employee shall be maintained by the authority who maintains his service records.

#### **12. Combination of holidays with leave**

When the day, immediately preceding the day on which University employee's leave begins or immediately following the day on which his leave expires, is a holiday or on of a series of holidays, the University employee may be permitted to proceed on leave at the close day before, or return it on the day following such holidays or series of holidays.

#### **13. Return from leave**

- i. A University employee 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, authorised to grant leave.
- ii. A Government employee who has been granted leave on Medical ground may not return to duty until he has produced a medical certificated of fitness. Leave sanctioning authority may secure second medical opinion, if considered necessary.

#### **14. Rejoining of duty on return from Leave on medical grounds**

- i. An employee who has been granted leave on medical certificate is required to produce a medical certificate of fitness before resuming duty.
- ii. Leave sanctioning authority may secure second medical opinion, if considered necessary.

#### **15. Rejoining of duty before the expiry of leave**

- i. Except with the permission of the authority, which granted leave, no member of the staff on leave may return to duty before the expiry of the period of leave granted to him.

#### **16. Absence after expiry of leave**

- i. Unless the authority competent to grant leave approves the extension of leave, a University employee who remains absent shall not be entitled for the leave salary for the period so such absence and that period shall be debited against his leave account

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that the earned leave so carried forward plus the credit for the half year shall not exceed three hundred days.

- ii. In case of University employee who is appointed during the half year, earned leave shall be credited to his leave account at the rate of two and half days for each completed three hundred days.
- iii. The earned leave at the credit of the University employee on the close of the half year shall be carried forward to the next half year, subject to the following conditions.
  - (a) In the case of an employee, having at his credit earned leave of 285 days or less as on 1st January or 1st July of a year, earned leave of 15 days or proportionately less in respect of retiring persons or those leaving service during the next half year, shall be credited to his leave accounts in advance.
  - (b) In case of an employee having at his credit the earned leave as on 1st January or 1st July of 300 days or less, but more than 285 days, credit of earned leave of 15 days shall be kept separately and first adjusted against any earned leave that the University employee may take during the ensuing half year and the balance if any, credited to the earned leave account at the close of the half year subject to the ceiling of 300 days. If the earned leave taken during the half year is more than 15 days, the amount in excess of 15 days will, however, have to be debited to the leave account.
- iv. The credit for the half year in which a University employee is due for retirement from service or resigns shall be afforded only at the rate of two and half days per completed calendar month in the half year up to the date of retirement or resignation. If the leave availed of is more than the credit so due to him necessary adjustment shall be made in respect of leave salary over drawn, if any.
- v. All credit in the leave account shall be made only for complete days, the fraction being rounded off to the nearest day.
- vi. When a University employee is removed or dismissed from the service or dies while in service, credit of earned leave shall be allowed at the rate of two and half days per completed calendar month in the half year in which he was removed or dismissed from service or dies in service. When the quantum of earned leave is in excess of the leave enjoyed, the overpayment of leave salary shall be recovered.
- vii. For the purpose of this rule a period spent in Foreign Service shall count as duty if contribution towards leave salary is paid on account of such period or the recovery thereof is waived.
- viii. Subject to the provisions of sub-rules (4),(9) and (10), the maximum earned leave that may be granted at a time shall be one hundred twenty days.
- ix. Earned leave may be sanctioned ordinarily to a University employee on not more than three occasions during a calendar year, and the minimum period on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed or suffixed. If the full period of seven days is not admissible in a given case, the authority sanctioning leave may, at its discretion grant leave for a lesser period.

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- (a) The authority, competent to grant leave is satisfied that there are reasonable prospects of the University employee returning to duty on expiry of the leave;
  - (b) When commuted leave is granted, twice the amount of such leave is debited against the half pay leave due;
  - (c) The authority competent to grant leave obtains an undertaking from the University employee that in the event of his voluntary retirement from service he shall refund the difference between the leave salary drawn during commuted leave and that admissible during half pay leave.
- ii. Commuted Leave up to 90 days may be allowed during the entire service, without production of medical certificate, where such leave is utilised for an approved course of study whether full time or part time certified to be in the public interest by the leave sanctioning authority.
- iii. Where a University employee who has been granted commuted leave is permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as 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 University employee for further service or in the event of his death.
- Note: Commuted leave may be granted at the request of the University employee even though earned leave is due to him.
- iv. A University employee may be granted commuted leave also in case of sickness of any member of his family who is dependent on him on production of medical certificate from the medical officer in the form-5, appended to these rules who is competent to issue such medical certificate in respect of the University employee himself.
- v. The minimum period of commuted leave sanctioned to a University employee on each occasion shall not be less than seven days inclusive of holidays allowed to be prefixed and suffixed. If the full period of seven days is not admissible or the medical officer has certified the necessity of leave less than seven days, the authority sanctioning leave, at its discretion may grant leave for a lesser period.

### **23. Leave Not Due**

- i. Leave not due may be granted to a University employee in permanent employment subject to the following conditions:-
  - (a) The authority competent to grant leave is satisfied that there is reasonable prospect of the University employee of returning to duty on expiry of the leave.
  - (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 service shall be limited to maximum of three hundred sixty days out of which not more than ninety days at a time and one hundred eighty days in all may be granted without medical certificate; Leave

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(c) Fifteen months where the Government employee who has completed one year's continuous service in undergoing treatment for:

1. Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognized sanatorium;
2. Tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon:

Note: The concession of extraordinary leave up to fifteen months shall be admissible also to a University employee suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

- iii. Two spell of extraordinary leave, if intervened by a spell of vacation or by any other kind of leave, shall be treated as one continuous spell of extraordinary leave.
- iv. The authority competent to grant leave may commute retrospectively period of absence without leave into extraordinary leave.
- v. The Maximum period of leave which may be granted to University employee on the basis of completed years of continuous qualifying service, shall be as follows namely:
  - (a) For ten years of continuous qualifying service, maximum twelve months;
  - (b) For Twenty years of continuous qualifying service, maximum twenty four months;
  - (c) For thirty years or more continuous qualifying service, maximum thirty six months;

Provided the aforesaid provisions shall not apply to the cases which falls under sub-rule (ii).

#### **25. Maternity Leave:**

- i. A competent authority may, subject to the provisions of this rule, grant to a female University employee in permanent employee, who does not have two or more living children at the time the maternity leave asked for, is actually sanctioned; leave for a period of One Hundred and Eighty days from the date of its commencement. Such leave shall not be debited to the leave account.
- ii. A female University employee not in permanent who has put in at least one year of continuous service shall also, subject to the provisions of this rule, be eligible for maternity leave referred to in sub-rule (i)
- iii. The leave salary admissible during the period of maternity leave shall be a regulated as follows:
  - (a) In the case of a female University employee who is permanent or who has put in two or more years continuous service, the leave salary admissible shall be equal to the pay drawn immediately before proceeding on leave.
  - (b) In the case of a female University employee who has put in continuous service for a period exceeding one year, but less than two years, the leave salary

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- iii. Female University employee during one child or no children shall be granted maternity leave not more than seven working days in case of medical termination of pregnancy (MTP). Provided the applicant for the grant of the same is supported by Medical Certificate.
- iv. Medical Leave in case of Medical Termination of Pregnancy shall be granted only once during five years.
- v. This leave shall not be debited in the leave account of the female employee.

**28. Special disability leave for injury intentionally inflicted**

- i. The authority competent to grant leave may grant special disability leave to a University (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.
- ii. Such leave shall not be granted unless the disability manifested itself within three months of occurrence to which it is attribute4d and parson disabled acted with due promptitude in bringing it to notice:  
Provide that the authority component to grant leave, may if it is satisfied as to the cause of the disability, permit leave to be granted in case where the disability manifested itself more than three months after the occurrence of the cause.
- iii. The period of leave granted shall be such as is certified by a Medical Board and shall in no case exceed twenty four months.
- iv. Special disability leave may be combined with other leave.
- v. Special disability leave may be granted more than once if the dis ability is aggravated or reproduced in similar circumstances at a later date, but not more than twenty four months of such leave shall be granted in consequence of any one disability.
- vi. Special disability leave shall be counted as duty in calculating service qualifying for pension and shall not, except the leave granted under the provision to clause (b) of sub-rule (vii), be debited against leave account.
- vii. Leave salary during such leave shall:
  - (a) For the first one hundred twenty days of any period of such leave, including a period of such leave granted under sub-rule (5), be equal to leave salary while period on earned leave, and
  - (b) For the remaining period of such leave, be equal to leave salary during half pay leave;Provided that a University employee may, at his option, be allowed leave salary as in clause (a) for a period not exceeding another one hundred twenty days, and in that event the period of such leave shall debited to his half pay leave account.
- viii. 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.

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