**MINISTRY OF ENERGY**

**(Department of Petroleum)**

**NOTIFICATION**

**New Delhi, the 12th April, 1984**

GSR 277 (E) – In exercise of the powers conferred by section 31 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby makes the following rules, namely:-

1. Short title and commencement -

(1) These rules may be called the Oil Industry (Development) Board Employees (Leave) Rules, 1984.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definition – In these rules, unless the context otherwise requires -

(1) 'Act' means Oil Industry (Development) Act, 1974 (47 of 1974);

(2) "Appointing Authority" in relation to exercise of a power means the Board and includes any officer or authority to whom the power is delegated by the Board;

(3) 'Authority Competent to grant leave' means the Chairman and includes any other officer to whom the power is delegated by the Chairman;

(4) 'Board' means the Oil Industry Development Board constituted under the Act;

(5) "Chairman" means the Chairman of the Board;

(6) "Completed years of service" or "One Year's Continuous service" means continuous service of specified duration under the Board and includes the period spent on duty as well as on leave including extraordinary leave;

(7) 'Chief Accounts Officer' means the Financial Adviser and Chief Accounts Officer of the Board;

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(8) “Foreign Service” means service in which an employee receives his pay, with the sanction of the Board, from any source other than the funds of the Board.

3. Application – Save as otherwise provided in these rules, these rules shall apply to the officers (other than those appointed by the Central Government) and other employees of the Board, but shall not apply to :-

(a) persons in casual or daily rated or part time employees;

(b) persons paid from contingencies;

(c) persons employed on contract except when the contract provides otherwise;

(d) persons on foreign service to the Board for a limited duration.

4. General – Leave cannot be claimed as of right. When the exigencies of service in the Board so require leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the employee.

NOTE – The provision of this rule shall, however, not be interpreted in such a way as to abridge the leave entitlement of the employees and as far as possible, employees shall be encouraged to take leave regularly at intervals.

5. Kinds of Leave – The following types of leave shall be admissible to the employees;

(a) Earned Leave
(b) Half Pay Leave
(c) Commuted Leave
(d) Leave Not Due
(e) Extra Ordinary Leave
(f) Study Leave
(g) Quarantine Leave
(h) Accident and Disability Leave
(i) Maternity Leave

6. Sundays and Holidays

(1) Sundays or Holidays immediately proceeding or following any kind of leave shall be deemed to be prefixed or suffixed to that leave in the normal course unless specifically ordered otherwise by the leave

sanctioning authority. They shall, therefore not be counted as part of leave.

(2) A Sunday or a holiday falling between the first and the last day of any leave period other than casual leave shall count as part of the leave.

7. Combination of Leave – 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.

NOTE – 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.

8. Employment during leave – An employee while on leave including leave preparatory to retirement or leave granted beyond date of retirement or quitting service, shall not take up any service or employment elsewhere, including the setting up of a private professional practice as Accountant, Consultant, without obtaining the previous sanction of -

(a) the Board, if the proposed service or employment lies elsewhere than in India, or

(b) the authority empowered to appoint him, if the proposed service or employment lies in India.

9. Leave Account

(1) A leave account showing the various types of leave availed of shall be maintained in such form as may be prescribed and the balance at credit shall be worked out therein on each occasion that leave is applied for.

(2) Unless authority competent to grant leave extends the leave, an employee 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.

(3) Willful absence from duty after the expiry of leave render an employee liable to disciplinary action.

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10. Earned Leave

(1) The leave account of every employee shall be credited with earned leave, in advance, in two instalments of 15 days each on the first day of January and July of every calendar year.

(2) The leave at the credit of an employee at the clause 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 maximum limit of 300 days.

(3) A period spent in foreign service shall count as duty for purposes of this rule if contribution towards leave salary is paid on account of such period.

(4) The maximum amount of earned leave that may be granted to an employee on any single occasion shall not exceed 150 days.

(5) An employee of the Board whose services are terminated by the Board before attaining the age of superannuation otherwise than as a result of disciplinary proceedings, may be granted earned leave due and admissible as a terminal benefit; subject to a maximum of 300 days.

(6) In every case where notice of termination of service is required to be given under the terms of employment of the employee and employee is relieved before the expiry of notice, the period of unexpired portion of the period of such notice shall run concurrently with the leave granted :

Provided that in the case of an employee whose service is terminated on the basis of resignation of his own accord, the amount of leave granted shall not exceed half the amount of earned leave standing to his credit on the date from which the resignation is effective or 90 days, which ever is less.

(GSR 280 (E) dt.10/7/2000)

11 Calculation of Earned Leave

(1) Earned Leave shall be credited to the leave account of an employee at the rate of 2-1/2 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.

(2) The credit for the half year in which an employee is due to retire or resigns from the service shall be afforded only at the rate of 2-1/2 days per completed calendar month upto the date of retirement or registration.

(3) When an employee is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2-1/2 days per completed calendar month upto the end of the calendar month preceeding the calendar month in which he is removed or dismissed from service or dies in service.

(4) If an employee has availed of extraordinary leave and or some period of absence has been treated as dies non in a half year, the credit to be afforded to his leave account at the commencement of the enxt half year shall be reduced by $1/10^{th}$ of the period of such leave and or dies non, subject to maximum of 15 days.

(5) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

(6) No earned leave shall be credited for any calendar month during which an employee has been absent from duty for more than 15 days on account of study leave.

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12. Encashment of leave

1. An employee shall cease to earn leave when the leave at his credit amounts to 300 days He may, however, encash such amount of earned leave as is in excess of 90 days, provided that the leave applied for enchasment is not for less than 30 days and one third of it is actually availed of.

2. Maximum amount of leave which will be enchased at a time will not exceed 60 days.

Provided that an employee retiring from service may be paid cash equivalent in respect of the earned leave at his credit on the date of retirement subject to a maximum of 300 days. In the case of an employee who dies while in service, the family of the employee will be paid similar amount :

Provided further that in case an employee resigns or quits service, then, he may be granted cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave to his credit, subject to a maximum of 150 days.

(GSR 280 dt. 10/7/2000)

3. The cash equivalent of the leave salary under sub-rule (1) and sub-rule (2) shall be calculated as follows :

No House Rent Allowance or City Compensatory Allowance shall be payable :

Cash equivalent $= \frac{\text{Pay plus Dearness Allowance}}{30}$ Number of days of earned leave to be enchased.

13. Half Pay Leave

1. Half pay leave shall be admissible to an employee at the rate of 20 days for each completed year of his service under the Board:

Provided that no half pay leave may be granted to an employee not in permanent employee, unless the authority competent to sanction leave has reason to believe that the employee will return to duty on its expiry.

2. The leave under sub rule (1) may be granted on medical certificate or on private affairs.

3. If an employee 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.

14. Commuted Leave

1. Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to an employee, subject to the following conditions :-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry.

(b) When communted leave is granted, twice the amount of such leave shall be debited against the half pay leave due.

2. Half pay leave upto a maximum of 180 days may be allowed to commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the interest of the Board by the leave sanctioning authority.

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15. Leave not due

(1) Save in the case of leave preparatory to retirement, leave not due may be granted to an employee in permanent service or quasi-permanent employee, subject to the following conditions :-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the employee 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 service 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 employee may earn subsequently.

(2) Leave not due may also be granted to such of the temporary employees as are suffering from tuberculosis, leprosy, cancer or mental illness, for a period not exceeding 360 days during the entire service, subject to fulfillment of conditions in classes (a), (b) and (d) of sub-rule (1) and subject to the following further conditions, namely :-

1. The employee has put in a minimum of one year's service.

2. the post from which the employee proceeds on leave is likely to last till his return to duty;

3. that the request for grant of such leave is supported by a medical certificate; and

4. where an employee who has been granted leave not due applies for permission to retire voluntarily, the leave not due shall be cancelled on the granting of such permission and the leave salary shall be recovered.

16. Extraordinary Leave

(1) Extraordinary leave shall be granted to an employee in special circumstances when :-

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(a) no other leave is admissible; or

(b) other leave is admissible, but the employee applies in writing for the grant of extraordinary leave.

(2) The period of extraordinary leave granted on any one occasion shall not exceed 3 months except under the following circumstances, namely:-

(a) if such leave is availed of on medical grounds duly supported by medical certificate, the maximum period admissible shall be 6 months:

Provided that in a case where such leave is required for undergoing treatment for any of the following diseases, the limit shall be 18 months:-

(1) pulmonary, tuberculosis and the application of leave is supported with a certificate from a specialist in tuberculosis; or

(2) tuberculosis of any other part of the body and the application is supported with a certificate from a specialist in tuberculosis or a civil surgeon, or

(3) leprosy in a recognized leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in a recognized leprosy hospital; or

(4) Cancer or for mental illness, in an institution recognized for the treatment of such diseases or by a Civil Surgeon or Staff Surgeon or a specialist in such disease:

Provided further that leave upto 18 months may be sanctioned only if the employee has put in one year's continuous service in the Board on the date of proceeding on such leave or on the date of expiry of leave otherwise due and admissible under these rules.

(b) In case such leave is required for prosecuting studies certified to be in the interest of the Board, the maximum period admissible shall be 24 months, provided the employee concerned has completed three years continuous service on the date of expiry of the leave of kind due and admissible under these rules including three months' extraordinary leave taken under sub-rule (2).

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(3) The authority competent to grant leave may at its discretion commute retrospectively periods of absence without leave into extraordinary leave.

17 Study Leave

(1) Study leave may be granted to an employee to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a professional or technical subject having a direct or close connection with the sphere of his duties or to undertake a course of training or study tour:

Provided if it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of Board's interest.

(2) Study leave out of India shall not be granted for prosecution of studies for which adequate facilities exist in India.

(3) Such leave shall be granted only to those employees who have completed at least 5 years service in the Board.

(4) Employees who have attained the age of 50 years shall not ordinarily be considered for the grant of study leave.

(5) The maximum amount of study leave which may be granted an employee shall be –

(a) ordinarily twelve months at any one time, and

(b) twenty four months in all during his entire service.

(6) Study leave shall not be debited against the leave account fo the employee.

(7) 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 extraordinary leave, involve a total absence of more than twenty eight months from the regular duties of the employee.

(8) When the course of study falls short of study leave granted to an employee, 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 the period of short fall as ordinary leave.

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(9) During study leave an employee shall draw leave salary equal to the pay (without allowances other than dearness allowance) that the employee drew while on duty with the Board immediately before proceeding on such leave and the amount if any received by the employee during the period of study leave as scholarship, stipend or remuneration in respect of any part time employment shall be adjusted against the leave salary payable under this sub-rule, subject to the condition that leave salary shall not be reduced to an amount less than that payable as leave salary during half pay leave.

(10) A study allowance as may be admissible shall be granted to an employee who has been granted study leave for studies outside India.

(11) No allowance of any kind other than dearness allowance and study allowance where admissible shall be admissible to an employee in respect of the period of study leave granted to him.

(12) An employee to whom study leave has been granted shall ordinarily be required to meet the cost of traveling and the cost and fees paid for the study but in exceptional circumstances the Board may sanction payment of such fess and allowances.

(13) An employee who is granted study leave shall be required to execute a bond to the effect that if he resigns or otherwise quits service of his own accord at any time within a period of 3 years from the date of expiry of the study leave, he would refund the entire amount of the study incurred by the Board and other agencies such as foreign Governments Foundations and trusts in connection with the course of study.

18. Quarantine Leave

1. Quarantine Leave is leave of absence from duty necessitated by orders not to attend office consequence of the presence of infectious diseases in the family or household of an employee of the Board.
2. Such leave may be granted by the competent authority on the certificate of a Medical Officer or Public Health Officer for a period of 21 days or in exceptional circumstances for a period of 30 days and any leave necessary in excess of this period shall be treated as ordinary leave.
3. Quarantine leave shall be admissible in cases of cholera, smallpox, plague, diphtheria, typhus fever and cershrospinal meningitis.
4. Quarantine leave is not admissible in a case in which the employee is himself suffering from the infectious disease.
5. An employee on quarantine leave is not treated as absent from duty.

6. Quarantine leave may be combined with any other type of leave except causal leave or special casual leave.

19 Special Disability Leave

1. The authority competent to grant leave may grant special disability leave to an employee, who is disabled by injury intentionally inflicted or caused in or in consequence of, or accidentally incurred in or in consequence of due performance of his official duties, or in consequence of his official position and such leave shall not be debitable to the leave account.

2. Such leave shall not be granted unless the accident has been reported by the employee immediately after the occurrence of the accident and the disability manifests itself within 3 months of the occurrence:

   Provided that the limit of 3 months may be relaxed by the competent authority on merits, if it is satisfied as to the cause of disability.

3. Special disability leave can be combined with any other type of leave other than casual leave or special casual leave.

4. 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.

5. The period of leave granted shall be such as certified by an Authorised Medical Attendant and shall in no case exceed 24 months.

6. Leave Salary during such leave shall –

   (a) for the first 120 days of any period of such leave, including period granted under sub-rule (4) 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 an employee may, at his option be allowed leave salary as in clause (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.

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7. Where the accident or disability referred to in these rules has resulted due to the fault or negligence of the employee, the authority competent to grant leave may, at its discretion, cover the period of absence in part by granting leave under this rule and in part by granting other kind of leave due to him.

20 Maternity Leave :

1. A female employee (including an apprentice) may be granted maternity leave by an authority competent to grant leave for a period of 135 days from the date of its commencement. During such period she shall be paid leave salary equal to pay drawn immediately before proceeding on leave.

(GSR 280 dt. 10/7/2000)

2. Maternity leave may also be granted in case of miscarriage, including abortion, subject to the conditions that –

   (a) the leave does not exceed six weeks and

   (b) the application for the leave is supported by a medical certificate in the prescribed form.

3. Maternity leave may be combined with leave of other kind.

4. Notwithstanding the provisions contained in these rules, 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.

5. Leave in further continuation of leave granted under sub-rule (4) may be granted on production of medical certificate for the illness of the female employee. 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 presence of the mother by the baby's side is absolutely necessary.

6. The maternity leave shall not be debited against the leave account.

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21. Leave Salary

1. Except as provided otherwise in this rule, an employee who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

2. An employee on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1).

3. An employee on commuted leave is entitled to leave salary equal to amount admissible under sub-rule (1).

4. An employee on extra ordinary leave is not entitled to any leave salary.

22. Power to relax – Where the Board is satisfied that the operation of any of these rules causes undue hardship in any particular case, the Board may, for reasons to be recorded, recommend that case to the Central Government for relaxation and that Government may dispense with, or relax the requirements of, that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in just and equitable manner.

23. Savings – Any matter not covered by these rules shall be regulated, to the extent applicable and appropriate, in accordance with the relevant provisions contained in the Central Civil Services (Leave) Rules, 1972, as amended from time to time."

(GSR 280 dt. 10/7/2000)

## EXPLANATORY MEMORANDUM

The leave rules for the employees of the Oil Industry Development Board are on the lines of the leave rules applicable to the Central Government employees. The Central Government has amended, on the basis of recommendations of the Fifty Pay Commission, Leave rules for its employees, with reference to Earned Leave and Maternity Leave w.e.f. the 1st July, 1997 and 7th October, 1997 respectively. The Oil Industry (Development) Board Employees (Leave) Amendment Rules 2000, is, therefore, also being given retrospective effect from those dates. It is certified that the retrospective effect being given to these rules will not affect adversely any employee to whom these rules shall apply.

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