

GOVERNMENT OF KERALA
Abstract

KERALA SERVICE RULES---EARNED LEAVE ----ADMISSIBILITY TO OFFICERS
OF VACATION DEPARTMENT SENT ON FOREIGN SERVICE—GOVERNMENT
DECISION – ISSUED.

FINANCE DEPARTMENT

G.O.(P) 309/70/Fin.

Dated, Trivandrum, 12th May, 1970

Read:- 1. Letter No. GA4/G/2564 dated 21-2-1969 from the Accountant General.

O R D E R

Under rule 80 read with rule 81, Part I, Kerala Service Rules, an officer working in a vacation department is not eligible for any earned leave unless he has been prevented from enjoying vacation either in full or in part. A doubt has arisen whether officers of the Vacation departments when deputed in foreign service terms and conditions to other Governments, private institutions etc. can be granted earned leave based on their vacation duty in institutions having regular vacations by virtue of duty in non-vacation posts to they have been deputed on foreign service terms and conditions.

According to rule 152, Part I, Kerala Service Rules, an Officer on foreign service should not be granted leave otherwise than in accordance the rule applicable to the service of which he is a member and under 147 ibid the recovery of leave salary contribution from the foreign employer is to secure for the officer leave salary on the scale and under the conditions applicable to him in his parent department. The Accountant General has pointed out that so long as the officer is borne on the cadre of a vacation department of Government the above rules put a restriction on the earning of leave while on foreign service. Vacation duty contemplated in rule 81 is vacation duty in a Government department. Performance of duty during vacation of the foreign institution cannot, therefore, entitle the officer to earn leave as provided for in the rule. So also by virtue of the fact that foreign service dues not have vacation the officer should not derive leave benefits in excess of what he would have earned in the parent department. Moreover, grant of earned leave based on duty in foreign service would not only result in

an additional benefit not contemplated in the terms of deputation but also render foreign service for more attractive than service in the parent department. In the circumstances, the Accountant General has suggested that the officers deputed from vacation departments may be granted only Half Pay Leave, which they would have got, had they continued in Government service, irrespective of the nature of their duty in posts in foreign service. Government have examined the question in detail and they are pleased to accept the suggestion of the Accountant General, Accordingly the following Government, Decision under rule 152, Part I, Kerala Service Rules is hereby issued.

GOVERNMENT DECISION

Under rule 152, Part I, Kerala Service Rules

At present, there is no ruling or Government decision as to whether an officer deputed to foreign service from a vacation department can be granted earned leave if he has been prevented from availing himself of the regular vacation in foreign service either in full or in part or if the duty in foreign service is in a non-vacation post. According to rule 80, Part I, Kerala Service Rules read with rule 81 *ibid* an officer of a vacation department is eligible for earned leave if he has been prevented from enjoying vacation either in full or in part. Vacation duty contemplated therein is vacation duty in a Government department. Performance of duty during vacation of the foreign institution will not, therefore, entitle the officer to earned leave as provided for in the rule. So also by virtue of the fact that foreign service does not have vacation the officer cannot derive leave benefits on excess of what he would have earned in the parent department. Grant of earned leave in this case based on duty in foreign service would result not only in an additional benefit not contemplated in the terms of deputation but also render foreign service for more attractive than service in the parent department. In the circumstances, it has been decided by Government that officer deputed to foreign service from vacation departments will earn only Half Pay Leave which they would have earned had they continued in Government service irrespective of the nature of their duty or of the fact that

they are prevented from enjoying vacation either in full or in part while in foreign service.

By order of the Governor

P.VELAYUDHAN NAIR,
Finance Secretary

To

The Accountant General, Kerala

All Heads of Departments and Offices

All Departments and Sections of Secretariat

The Registrar, University of Kerala and Calicut(with C.L)

The Registrar, Kerala High Court (with C.L)

The Secretary, Kerala Public Service Commission (with C.L)

All Officers of the Secretariat

The Secretary to the Governor

The Private Secretary to Chief Minister and other Ministers

The Stenographer to the Chief Secretary.