

SCHEDULE D

INDIAN INSTITUTE OF TECHNOLOGY DELHI

[See Statute 17(i)]

LEAVE PROVISIONS

1. Applicability

The provisions contained in this Schedule shall apply to all employees of the Institute.

2. Definitions

In this Schedule unless the context otherwise requires :

- (a) "Commuted Leave" means leaves as provided under paragraph 17.
- (b) "Completed years of service" means continuous service of the specified duration under the Institute and includes periods spent on duty as well as on deputation and extraordinary leave.
- (c) "Earned Leave" means leave earned in respect of periods spent on duty.
- (d) "Half Pay Leave" means leave earned in respect of completed years of service calculated according to the provisions hereinafter contained.
- * (e) "Leave" includes earned leave, half-pay leave, commuted leave, leave not due and extraordinary leave.
- † (f) "Sabbatical Leave" means leave granted to any member of the academic staff referred to in clause (a) of Statute 11 for any of the objects mentioned in paragraph 21-C.

3. Right of Leave

Leave cannot be claimed as of right and when the exigencies so demand leave of any description may be refused or revoked by the authority empowered to sanction the leave.

4. Authority empowered to sanction Leave

- (1) Applications for leave shall be addressed to the Board by the Director and to the Director by the other members of the staff.
- (2) Leave may be sanctioned by the Director or by a member of the staff to whom the power has been delegated by the Director.

* Substituted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† inserted vide Ministry of Education letter No. F. 24-42/63-T. 6 (Vol. II), dated 26th February, 1976. Effective from February 25, 1976.

- (3) The Board may sanction leave to the Director, but the Director can avail himself of casual leave on his own authority.

5. Commencement and Termination of Leave

- (1) Leave ordinarily begins from the date on which leave as such is actually availed of and ends on the day preceding the one on which duty is resumed.
- (2) Sundays and other holidays or the vacation may be prefixed as well as suffixed to leave, subject to any limit of absence on leave prescribed under each category of leave.

6. Combination of Leave

Except as otherwise provided in this Schedule, any kind of leave under these provisions may be granted in combination with or in continuation of any other kind of leave, subject to any limit on the aggregate period of absence as may be prescribed in such cases.

7. Grant of Leave beyond the Date of Retirement and in the event of Resignation

- (1) No leave shall be granted beyond the date on which a member of the staff must compulsorily retire.

Provided that the authority empowered to grant leave may allow any member of the staff who had been denied earned leave in whole or in part on account of exigencies of service, the whole or any portion of the earned leave so denied even though it extends to a date beyond the date on which such member of the staff must compulsorily retire.

Provided further that a member of the staff whose service has been extended in the interest of public service beyond the date of his compulsory retirement, may be granted earned leave as under :

- (i) during the period of extension any earned leave due in respect of the period of such extension, and to the extent necessary the earned leave which would have been granted to him under the preceding proviso had he retired on the date of compulsory retirement;
- (ii) after the expiry of the period of extension —
 - (a) the earned leave which could have been granted to him under the preceding proviso, had he retired on the date of compulsory retirement, diminished by the amount of such leave as availed of during the period of extension; and
 - (b) any leave earned during the period of extension as has been formally applied for as preparatory to final cessation of his duties in sufficient time during the period of extension and refused to him on account of exigencies of public service;

- (iii) In determining the amount of earned leave due during the period of extension, the earned leave, if any, admissible under the preceding proviso shall be taken into account.

Note : For the purpose of this paragraph, a member of the staff may be deemed to have been denied leave only if a sufficient time before the date on which he must compulsorily retire or the date on which his duties finally cease he has either formally applied for leave and been refused it on the ground of exigencies of service or has ascertained in writing from the sanctioning authority that leave if applied for would not be granted on the aforesaid ground.

- (2) If any employee of the Institute resigns, he shall not be granted either prior or subsequent to his resignation, any leave due to his credit provided that the Director, may, in any case, grant leave to an employee prior to his resignation if, in the opinion of the Director, the circumstances of the case justify such grant of leave.

8. Conversion of one kind of leave into another kind

- *1. At the request of a member of the staff the sanctioning authority may convert any kind of leave including extraordinary leave, retrospectively into leave of a different kind which may be admissible as on the day on which the member of staff proceeded on leave; but the member of the staff cannot claim such conversion as a matter of right.
2. If one kind of leave is converted into another, the amount of leave salary and allowances admissible shall be recalculated and the arrears of leave salary and allowances paid or amount overdrawn recovered, as the case may be.

9. Rejoining of Duty on return from Leave on Medical Grounds

A member of the staff who has been granted leave on medical certificate shall be required to produce a medical certificate of fitness before resuming duty.

10. Rejoining of Duty before the Expiry of Leave

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

11. General

- (1) Leave should always be applied for and sanctioned before it is taken, except in cases of emergency and for satisfactory reasons.
- (2) Continuous temporary service followed by permanent service without any break shall be included in permanent service for the purpose of computation of leave.

* Amended vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

12. Kinds of Leave

The following kinds of leave shall be admissible to members of the staff :

- (a) Casual Leave
- (b) Special Casual Leave
- (c) Special Leave
- (d) Half-Pay Leave
- (e) Commuted Leave
- (f) Earned Leave
- (g) Extraordinary Leave
- (h) Maternity Leave
- (i) Hospital Leave
- * (j) Quarantine Leave
- * (k) Leave not due
- † (l) Sabbatical Leave

13. Casual Leave

- ‡ (1) Casual leave is not earned by duty. A member of the staff on casual leave is not treated as absent from duty and his pay is not intermitted. Casual leave cannot be claimed as of right and its grant is always subject to the exigencies of service and subject to a maximum of 12 days in the aggregate in a calendar year.
- ** (2) Casual leave may be granted at the discretion of the sanctioning authority as and when occasion arises, provided that the total period of absence including Sundays and other holidays intervening, prefixed or suffixed shall not ordinarily exceed eight days at a time. Sundays and holidays, whether intervening, prefixed or suffixed, shall not be counted as casual leave.
- (3) Casual leave cannot be combined with any other kind of leave.
- †† (4) Omitted

* Added vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† Inserted vide Ministry of Education letter No. F. 24-42/63. T.6 (Vol. II), dated 26th February, 1976. Effective from February 25, 1976.

‡ Amended vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

** Substituted vide Ministry of Education letter No. F. 25-1/64-T.6, dated 16th July, 1969. Effective from May 9, 1969.

†† Omitted vide Ministry of Education letter No. 24-39/65-T. 6, dated 14th January, 1969.

14. Special Casual Leave

- * (1) Special casual leave, not counting towards ordinary casual leave, may be granted to a member of the staff when he is—
- (i) summoned to serve as a Juror or Assessor or to give evidence before a court of law as a witness in a civil or a criminal case in which his private interests are not at issue;
 - (ii) deputed to attend a reference library or other institutes or conferences and scientific gatherings of learned and professional societies in the interest of the Institute;
 - (iii) required to be absent for any other purposes approved by the Board of Governors.
- (2) The periods of such leave admissible in a year shall ordinarily not exceed fifteen days but should, however, be sufficient to cover the period of absence necessary. The conditions under which such leave will be granted will, if necessary, be laid down by the Board.

15. Special Leave

Members of the staff deputed for practical training in or out of India shall be entitled to special leave as may be determined by the Board in each case.

† Provided that Sabbatical Leave shall be admissible to a member of the academic staff—

- (i) After the completion of six years' continuous service, or more, with the Institute.
- (ii) Where he avails of special leave, after the completion of six years' service or more with the Institute after his return from such special leave; but in any case such leave shall not exceed three times (inclusive of special leave in case such leave has been granted) during the entire service of such member.

16. Half Pay Leave

- (1) The half pay leave admissible to a member of the staff in respect of each completed year of service shall be 20 days.
- (2) Half pay leave may be granted to a member of the staff on medical certificate or on private affairs. No half pay leave may be granted to a member of the staff in temporary appointment except on medical certificate.

* Substituted vide Ministry of Education letter No. 24-39/65-T. 6, dated 14th January, 1969.

† Inserted vide Ministry of Education letter No. F-24-42/63-T. 6 (Vol. II), dated 26th February 1976. Effective from February 25, 1976.

^{*}(3) Omitted

Provided that in case of a temporary member of staff, no half pay leave will be granted unless the authority competent to sanction leave is ready to believe that the officer will return to duty on the expiry of the leave, except in the case of an officer who has been declared completely and permanently incapacitated for further service by medical authorities.

17. Commuted Leave

†(1) Commuted leave not exceeding half the amount of half pay leave may be granted on medical certificate to a member of the staff subject to the following conditions :

‡(a) Omitted

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

** (b) The Total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days provided that no commuted leave may be granted under this provision unless the authority competent to sanction leave has reason to believe that the officer will return to duty on its expiry.

‡‡(2) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service where such leave is utilised for an approved course of study such as a course which is certified to be in public interest by the leave sanctioning authority.

18. Earned Leave

Earned Leave admissible to Members of the Vacation Staff

(1) During the period of academic year, the period of vacation for an employee entitled to it will be 60 days.

(2) In case such a member of staff is required to return on duty during the whole or any part of the vacation, he shall be eligible to the following amount of earned leave on full pay :

* Omitted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† Amended vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

‡ Omitted vide Ministry of Education letter No. F.11-5/78-T. 6, dated 23rd February, 1979 and No. F. 11-5/78-T. 6, dated 22nd March, 1979. Effective from February 16, 1979.

** Re-lettered as clause (a) and clause (b) vide Ministry of Education letter No. F. 11-5/78-T. 6, dated 23rd February, 1979 and No. 11-5/78-T. 6, dated 22nd March, 1979. Effective from February 16, 1979.

‡‡ Inserted vide Ministry of Education letter No. F. 11-5/76- T. 6, dated 16th July, 1978. Effective from July 11, 1978.

<u>Duration of duty during vacation</u>	<u>Eligibility to earned leave on full pay</u>
Entire vacation	30 days
Part of vacation	$30 \times \frac{\text{No. of days of vacation not availed of}}{\text{No. of days of the entire vacation}}$

Earned Leave admissible to Members of the Non-vacation Staff

- * (3) The earned leave admissible to a member of the staff other than vacation staff, shall be 30 days in a calendar year.
- † (4) The leave account of every employee shall be credited with earned leave in advance in two instalments of 15 days each on the first January and first July every year.
- ‡ (5) The leave at the credit of an employee at the close 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 180 days.

Limits of Accumulation and Grant (applicable to all members of the staff)

- (6) A member of the staff shall cease to earn such leave when the earned leave amounts to 180 days.
- (7) The maximum amount of earned leave that can be granted to a member of the staff at a time shall be 120 days. Earned leave may be granted for a period exceeding 120 days if the entire leave so granted or any portion thereof is spent outside India, Burma, Ceylon, Nepal and Pakistan, provided that when earned leave exceeding 120 days is so granted the period of such leave spent within India, Burma, Ceylon, Nepal and Pakistan, shall not in the aggregate exceed 120 days.

19. Extraordinary Leave

- ‡ (1) Extraordinary leave shall always be without leave salary and may be granted when no other kind of leave is admissible or when other leave being admissible, the member of the staff concerned specifically applied in writing for the grant of extraordinary leave.

* Amended vide Ministry of Education letter No. F. 11-4/68-T. 6, dated 15th July, 1970. Effective from March 9, 1970.

† Substituted vide Ministry of Education letter No. F. 11-6/76-T. 6, dated 16th July, 1978. Effective from July 11, 1978.

‡ Amended vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

- * (2)** The period of extraordinary leave shall not count for increment except when such leave is granted due to sickness on medical certificate or for pursuing higher studies, provided that in case of any doubt whether the extraordinary leave taken was for pursuing higher studies or not, the decision of the Chairman shall be final.
- (3)(a)** Except in the case of a permanent employee, the duration of extraordinary leave on any one occasion shall not exceed the following limits :
- (i) three months;
 - (ii) six months, in case of employee who has completed three years continuous service on the date of expiry of the leave admissible to him under the rules and his request for such leave is supported by a Medical Certificate;
 - (iii) eighteen months where the employee is suffering from tuberculosis or leprosy and undergoing treatment in a recognised clinic or under a specialist.
- (b)** Where an employee other than a permanent employee fails to resume duty on expiry of the maximum amount of extraordinary leave granted to him or where such an employee who was granted a lesser amount of extraordinary leave than the maximum amount admissible to him, remains absent from duty for any period which, together with the period of extraordinary leave granted to him exceeds the limit up to which he could have been granted extraordinary leave under sub-rule (a), he shall, unless the Board in view of the exceptional circumstances of the case otherwise determine, be deemed to have resigned his appointment and shall cease to be in Institute employment.
- (4)** The authority empowered to grant leave may commute retrospectively the period of absence without leave into extraordinary leave.

Note : The power of commuting retrospectively periods of absence without leave into extraordinary leave is absolute and not subject to the conditions mentioned in (i) above.

20. Maternity Leave

- †(1) (a)** Maternity leave may be granted to a woman member of the staff on full pay for a period up to 90 days from the date of its commencement.
- (b)** Maternity leave may also be granted on full pay in cases of miscarriage

* Substituted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† Substituted vide Ministry of Education letter No. F. 11-1/80-T.6, dated 3rd November, 1980. Effective from November 1, 1980.

including abortion, subject to the condition that the leave applied for does not exceed six weeks and the application for leave is supported by medical certificate.

- (2) Maternity leave shall not be debited to the leave account.
- (3) Maternity leave may be combined with leave of any other kind except casual leave but any leave applied for in continuation of maternity leave may be granted only if the application is supported by a medical certificate.

21. Hospital Leave

- * (1) Hospital leave may be granted to a member of the staff under medical treatment for illness or injury if such illness or injury is directly due to risks incurred in the course of his official duty. This concession will be available to such members of the staff, the nature of whose duties exposes them to such illness or injury and whose appointing authority is the Director.
- * (2) Hospital leave may be granted on leave salary, either average or half average as the authority granting it may consider necessary.
- † (3) Member of staff eligible for Hospital leave will be entitled to such leave without any restriction on the quantum of leave and the leave can be granted for such period as is considered necessary by the authority competent to grant it.
- (4) Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible, provided that the total period of leave after such combination shall not exceed 28 months.

‡21-A Quarantine Leave

- (1) Quarantine leave is granted when a member of staff is precluded under orders of the competent medical authority from attending office in consequence of an infectious disease in his family or household. Such leave can be granted only on the certificate of a medical or public health officer. Maximum duration of Quarantine leave is ordinarily twenty one days and may be extended up to thirty days in exceptional circumstances. Any absence beyond these limits has to be treated as regular leave. A member of staff on Quarantine leave is not treated as absent from duty and his pay is not interrupted.

* Amended vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† Substituted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

‡ Inserted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

- (2) Quarantine leave is not admissible if the member of staff himself is suffering from an infectious disease.
- (3) Cholera, Small-pox, Plague, Diphtheria, Typhus fever and Cerebrospinal Meningitis can be treated as infectious diseases for the grant of Quarantine leave. In the case of Chicken-pox, however, no Quarantine leave can be granted unless the Health Officer considers that in view of some doubt about the nature of the disease there is reason for grant of such leave.

*21-B Leave Not Due

- (1) Save as in the case of leave preparatory to retirement, leave not due may be granted to a permanent member of staff both on medical certificate and on private affairs for a period not exceeding 360 days during his entire service out of which not more than 180 days in all can be on private affairs.
- (2) Leave not due shall be granted to a member of staff only if the sanctioning authority is satisfied that there is reasonable chance of the member of staff returning to duty on expiry of leave and shall be limited to half pay leave which he is likely to earn thereafter.
- (3) Leave not due is admissible when no other kind of leave is due and admissible.
- (4) A member of staff while on leave not due is entitled to the same leave salary as during half pay leave.

†21-C Sabbatical Leave

- (1) Sabbatical leave may be granted for one or more of the following objects, namely :
 - (a) to conduct research or advanced studies in India or abroad;
 - (b) to write textbooks, standards, works and other literature;
 - (c) to visit or work in Industrial concerns and technical departments of Government to gain practical experience in their respective fields;
 - (d) to visit or work in a University, Industry or Government research laboratories in India and abroad; and
 - (e) any other purpose for the academic development of the staff member, as approved by the Board of Governors.

* Inserted vide Ministry of Education letter No. F. 25-1/64-T. 6, dated 16th July, 1969. Effective from May 9, 1969.

† Inserted vide Ministry of Education letter No. F.24-42/63-T. 6 (Vol. II), dated February, 1976. Effective from February 25, 1976.

- (2) The grant of sabbatical leave shall be subject to the following conditions, namely :
- (a) the period of sabbatical leave shall not exceed one year at a time including vacations, if any, but the Board may grant in addition any other leave up to a maximum of 120 days which the member might have earned during the service at the Institute.
 - (b) a member of the academic staff shall, during the period of sabbatical leave, be paid full salary and allowances as admissible under the normal rules but he shall not be entitled to any travelling allowance or any extra allowances in India or abroad;
 - (c) no substitute shall be appointed in the vacancy and his work shall be shared by the other members of the faculty;
 - (d) a member of the academic staff shall not undertake during the period of sabbatical leave, any regular appointment under any other organisation in India or abroad; he shall, however, be free to receive a scholarship or fellowship or bursary or any other *ad hoc* honorarium other than his regular employment;
 - (e) a member of the academic staff availing sabbatical leave shall furnish a bond in the prescribed form to serve the Institute for a minimum period of three years on return to duty.

22. Vacation and Leave Salary

- (1) An employee of the Institute entitled to vacation shall be eligible for pay and allowances at full rates during the period of vacation.
- ^{*}(2) (a) Except as provided in sub-para 22(2)(b) below, a member of staff on earned leave, is entitled to the leave salary equal to average monthly pay drawn during the 10 complete months immediately preceding the month in which the leave commences or the substantive pay to which he is entitled immediately before the commencement of the leave, whichever is greater.
- ^{**}(b) A member of the staff who proceeds on earned leave shall be entitled to leave salary equal to the pay drawn immediately before proceeding on leave.
- ^{*}(3) A member of staff on half pay leave is entitled to leave salary equal to the half amount specified in sub-para (2)(a) or (2)(b) as the case may be subject

* Substituted vide Ministry of Education letter No. F. 11/8/68-T. 6, dated 18th January, 1969 and 4th February, 1969.

** Substituted vide Ministry of Education letter No. F. 11-5/78-T. 6, dated 23rd February, 1979. Effective from February 16, 1979.

to a maximum of Rs. 750/- provided that the limit will not apply if the leave is on medical certificate.

- (4) A member of the staff on commuted leave is entitled to leave salary equal to twice the amount admissible under sub-rule (3).

23. Increment during Leave

If the increment falls due during the leave other than casual leave, the effect of increase in pay shall be given from the day following the date of expiry (last day) of the leave as such, without prejudice to the normal date of increment.

24. Limit of Total Absence

A member of staff ceases to be in the service of the Institute if he is continuously absent from duty for five years, whether with or without leave, unless such absence is absence on foreign service in India.

***25. Cash equivalent of Leave Salary in Certain Cases**

In case an employee dies while he is in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave on the date of death shall be given to his family subject to a maximum of leave salary for 180 days.

†26. Cash Payment In lieu of Unutilised Earned Leave on the Date of Retirement.

An employee may be paid cash equivalent of leave salary admissible in respect of the period of earned leave at his credit at the time of retirement on superannuation in one lump sum as a one time settlement subject to a maximum of 180 days, and further subject to other conditions laid down by the Government from time to time.

* Inserted vide Ministry of Education letter No. F. 11-6/78-T. 6, dated 16th July, 1978. Effective from July 11, 1978.

† Inserted vide Ministry of Education letter No. F. 11-5/78-T. 6, dated 23rd February, 1979. Effective from February 16, 1979.