



Letter No. 39623/ FR-III/2015 - 1, Dated 07.01.2016

From
Thiru P.W.C. DAVIDAR, I.A.S.,
PRINCIPAL SECRETARY TO GOVERNMENT.

To
All Secretaries to Government, Chennai-9.
All Departments of Secretariat, Chennai-9.
All Heads of Departments including District Collectors/District Judges/District Magistrates.
The Registrar, High Court of Madras, Chennai-104.
The Secretary, Tamil Nadu Public Service Commission, Chennai-3.
The Accountant General (A&E), Chennai-18.
The Accountant General (Audit-I), Chennai-35.
The Pay and Accounts Officer, (North), Chennai-1.
The Pay and Accounts Officer, (South), Chennai-35.
The Pay and Accounts Officer, (East), Chennai-8.
The Pay and Accounts Officer, (Secretariat), Chennai-9.
The Pay and Accounts Officer, (High Court), Chennai-108.
All Treasury Officers.

Sir,

Sub: Leave – Tamil Nadu Leave Rules, 1933 - Sanction of Leave on Medical Certificates during probation period of Government servants – Instructions – Issued.

I am directed to invite your attention to Rule - 23(a)(i) of the Tamil Nadu Leave Rules, 1933, that reads as follows:-

"A non-permanent Government servant in superior service may also be granted, if he has completed two years of regular service, leave on medical certificate, for not exceeding one hundred and eighty days in all, subject to the restriction of ninety days for the first five years of service, which may be carried forward beyond five years of service".

The said rule provisions refers to sanction of leave on medical certificate, in respect of temporarily appointed employees, under Rule 10(a)(i) of the General Rules for Tamil Nadu State and Subordinate Services only and not for those who are regularly appointed in the post, as probationer, through Tamil Nadu Public Service Commission/ Employment Exchange/ Teachers' Recruitment Board/ Uniform Services Recruitment Board/ Medical Services Recruitment Board, etc.

2. It has been brought to the notice of the Government that 'Probationers' in a service are denied leave on Medical Certificates, during their probation period. The Tamil Nadu State and Sub-ordinate Service Rule- Part-I defines 'Probationer' in a service, as a 'member of that service'. Therefore, the probationers cannot be treated on par with the temporary employees, who are appointed under rule 10(a)(i) of the General Rules for Tamil Nadu State and Sub-ordinate Services.

(p.t.o.)

3. After detailed consideration, the Government direct that those who are recruited through the Tamil Nadu Public Service Commission/ Teachers' Recruitment Board/ Uniform Services Recruitment Board/ Medical Services Recruitment Board/ Employment Exchange, etc. in any post, in Basic Service or Superior Service are to be considered as regularly appointed 'Member of a Service' in that post, from the date of their initial appointment, for the purpose of sanctioning leave. Therefore, those who are appointed through the above recruiting agencies in the Government Departments may be granted "Extraordinary Leave / Earned Leave with Medical Certificate" from the date of their initial appointment, in that particular post, subject to the following conditions:-


- (i) Maximum period of leave shall be 6(six) months, at any one time.
- (ii) If the Leave on Medical Certificate is applied for sixty days and more at one stretch or on piece-meal or on transfer from one post or place to another, on receipt of such application, the competent authority shall refer him/her to the Medical Board and such reference should be made within 3 days.
- (iii) No Government Servant who has been granted Leave on Medical Certificate shall return to duty without first producing a Medical Certificate of Physical Fitness from a Registered Medical Practitioner or Government Doctor in the form prescribed in Annexure 1-A of the Fundamental Rules.
- (iv) Where the individual could not be referred to the Medical Committee or the Government Servant did not attend the Medical Board on the prescribed date or he did not join duty after obtaining fitness certificate, such absence from duty shall be regulated by sanctioning other categories of leave, to which the individual is eligible.

However, the 'Probationers' are entitled for Unearned Leave on Medical Certificate (Medical Leave with leave salary) as per Rule-15 of the Tamil Nadu Leave Rules, 1933, only after declaration of completion of their probation period and as approved probationers.

4. Necessary amendments will be issued to the Tamil Nadu Leave Rules, separately.

Yours faithfully,


for PRINCIPAL SECRETARY TO GOVERNMENT


07/07/2016

Copy to:-

All Officers in Personnel and Administrative Reforms Department, Chennai-9.
All Sections in Personnel and Administrative Reforms Department, Chennai-9.
The Private Secretary to Principal Secretary to Government, Personnel and Administrative Reforms Department, Chennai-9.
SF/SC.