

[Translation]

### LPG Agencies

806. DR. SATYANARAYAN JATIA : Will the PRIME MINISTER be pleased to state :

(a) the names of places in Madhya Pradesh for which advertisements for allocating LPG agencies appeared during the last three years;

(b) the reasons for not setting up LPG agencies there so far; and

(c) the location-wise details of inclusion of such places in marketing plan, advertisement and the dates of interview?

THE MINISTER STATE IN THE MINISTRY OF PETROLEUM AND NATURAL GAS (SHRI T.R. BAALU): (a) to (c). During the last three years, 179 LPG distributorships were advertised in Madhya Pradesh by the Oil Marketing Companies. Interviews were completed by the Oil Selection Board in 80 cases, out of which 58 distributorships have already been commissioned. 99 cases were reported pending with the Oil Selection Board for conducting interviews.

[English]

### Grant of Full Pay Leave

807 SHRI RAM NAIK . Will the PRIME MINISTER be pleased to state :

(a) whether the Government of India is aware that Government of Maharashtra grants full pay leave to their employees for treatment of serious illness due to T.B. Cancer, Leprosy, Paralysis etc;

(b) whether Government of India grants similar facility to their employees;

(c) if so, the details of Government order under which it is granted, and

(d) if not, whether the Government of India would also consider to grant the above facility to their employees?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI S.R. BALASUBRAMONIYAN) : (a) The Government of India does not monitor the service Rules of the State Governments. However, a copy of the relevant rules of the Maharashtra Govt is presently available with the Department of Personnel & Training

(b) and (c) Extracts of Rules embodied in the Central Civil Services (Leave) Rules, 1972 relating to the treatment of various illnesses (including T.B., Cancer etc.) are given in the enclosed statement

(d) The Fourth Central Pay Commission had observed that "The existing leave rules are quite

comprehensive and do not require any major modifications." Also, the Conditions of service of the Central Govt. employees are presently under consideration of the Fifth Central Pay Commission. There is, therefore, no proposal at present to review the Leave Rules to grant any extra facility.

### STATEMENT

#### 31. Leave not due

<sup>1</sup>[(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions :

- (a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant 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 shall be debited against the half-pay leave the Government servant may earn subsequently.]

(1-A) Leave not due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service, subject to fulfilment of conditions in <sup>1</sup>[ clauses (a) to (c) of sub-rule (1) ] and subject to the following conditions, namely :—

- (i) that the Government servant has put in a minimum of one year's service,
- (ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty, and
- (iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clauses (c) and (d) of sub-rule (2) of Rule 32

- (2)(a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

<sup>1</sup> Substituted, vide G 1, Dept of Per & Trg. Notification No 11012/1/85-1 E (1) dated the 8th June, 1988, published as G S R No 476 in the Gazette of India, dated the 18th June, 1988 and takes effect from the 18th June, 1988

- (b) Where Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently :

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

<sup>1</sup>[Provided further that no leave salary shall be recovered under clause (a) or clause (b), if the Government servant is compulsorily retired prematurely under Rule 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56 (j) or Fundamental Rule 56 (l)]

### 32. Extraordinary leave

(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances :

- (a) when no other leave is admissible ;  
 (b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits :-

- (a) three months' where the Government servant has completed [one year's continuous service] on the date of expiry of leave of the kind due and admissible under these (a) and his request for such leave is supported by a medical certificate as required by these rules,  
 (c) Deleted.  
 (d) eighteen months, where Government servant who has completed one year's continuous service is undergoing treatment for-  
 (i) Pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium.

NOTE-The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis

1 Substituted, vide G.I. DP & A.R. Notification No P 11012/1/77 E IV (A), dated the 21st November 1979

2 Deleted, vide G.I. DP & A.R. Notification No P 11011/77-E IV (A), dated the 21st November 1979

specialist recognised as such by the State Administrative Medical Officer concerned and produces a certificate signed by that 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.

- (ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon;

or

- (iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned.

- <sup>1</sup>(iv) Cancer or for mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such disease

- (e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under clause (a).

- (3) (a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub-rule (2), shall be required to execute a bond in form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before period of three years after return to duty.

- (b) The bond shall be supported by sureties from two permanent Government servants having status comparable to or higher than that of the Government servant

(4) Government servants belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination

### 44. Special disability leave for injury intentionally inflicted

(1) The authority competent to grant leave may grant special disability leave to a Government servant

1 Inserted vide G.I. DP & A.R. Notification No P 1011/77-E IV (A), dated the 21st November 1979

(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.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice :

Provided that the authority competent to grant leave may, if it is satisfied as to the cause of the disability, permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

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

(4) Special disability leave may be combined with leave of any other kind.

(5) Special disability leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Special disability leave shall be counted as duty in calculating service for pension and shall not, except the leave granted under the provision to clause (b) of sub-rule (7), be debited against the leave account.

(7) Leave salary during such leave shall, -

(a) for the first 120 days of any period of such leave including a period of such leave granted under sub-rule (5), 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 a Government servant may, at his option, be allowed leave salary as in sub-rule (a) for a period not exceeding another 120 days, and in the event the period of such leave shall be debited to his half pay leave account.

NOTE—Leave salary in respect of special disability leave granted to a Government servant who has ? service under more than one Government may be apportioned between the Government accordance with the normal rules.

(8) (a) 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 (i) of section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) The provisions of this rule shall also apply-

(i) to a Civil Government servant disabled in consequence of service with a military force, if he discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; and

(ii) to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force.

(b) In either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

Training Course at the centres notified by the Government from time to time, be granted extraordinary leave by head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

#### 45. Special disability leave for accidental injury

(1) The provisions of Rule 44 shall apply also to a Government servant whether permanent or temporary, who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty, which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds.

(2) The grant of special disability leave in such case shall be subject to the further conditions-

(i) that the disability, if due to disease, must be certified by an Authorised Medical Attendant to be directly due to the performance of the particular duty;

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the authority competent to sanction leave, exceptional in character; and

- (iii) that the period of absence recommended by an Authorised Medical Attendant may be covered in part, by leave under this rule and in part by any other kind of leave, and that the amount of special disability leave granted on leave salary equal to that admissible on earned leave shall not exceed 120 days.

#### 46. Hospital leave

(1) The authority competent to grant leave may grant hospital leave to-

- (a) Class IV Government servants, and
- (b) such Class III Government servants whose duties involve the handling of dangerous machinery, explosive materials, poisonous drugs and the like, or the performance of hazardous tasks,

while under medical treatment in a hospital or otherwise, for illness or injury if such illness or injury is directly due to risks incurred in the course of their official duties.

(2) Hospital leave shall be granted on the production of medical certificate from an Authorised Medical Attendant.

(3) Hospital leave may be granted for such period as the authority granting it may consider necessary, on leave salary-

- (i) equal to leave salary while on earned leave for the first 120 days of any period of such leave; and
- (ii) equal to leave salary during half-pay leave, for the remaining period of any such leave.

(4) Hospital leave shall not be debited against the leave account and may be combined with any other kind of leave which may be admissible, provided the total period of leave, after such combination does not exceed 28 months.

(5) (a) 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 (a) of sub-section(i) of section 4 of the said Act.

(b) In the case of person to whom the employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period

#### 47. Seamen's sick leave

(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on

leave salary equal to full pay for a period not exceeding six weeks:

Provided that such leave shall not be granted if a Government medical officer certifies that the Government servant is malignering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely :-

- (a) a Government Medical Officer must certify the disability;
- (b) the disability must not be due to the seaman's own carelessness or inexperience;
- (c) the vacancy caused by his absence must not be filled.

(3) (a) 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 (t) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

#### Tribal Farmers

808. SHRI MANIKRAO HODLYA GAVIT : Will the Minister of RURAL AREAS AND EMPLOYMENT be pleased to state :

(a) whether the Union Government have sought report from the State Government of Maharashtra regarding the cases of indebtedness and settlement of the persons involved particularly the tribal farmers of the State; and

(b) if so, the details thereof and relief provided to them?

THE MINISTER OF STATE IN THE MINISTRY OF RURAL AREAS AND EMPLOYMENT (SHRI CHANDRADEO PRASAD VARMA) : (a) No such report has been called by the Union Government from the State Government of Maharashtra.

(b) Question does not arise.

#### DRDA

809. DR. JAYANTA RONGPI : Will the Minister of RURAL AREAS AND EMPLOYMENT be pleased to state

(a) whether DRDA functions are entrusted to Zila Parishads and Autonomous Councils in certain States, and