



भारत सरकार / GOVERNMENT OF INDIA  
पोत परिवहन मंत्रालय / MINISTRY OF SHIPPING

नौवहन महानिदेशालय, मुंबई  
DIRECTORATE GENERAL OF SHIPPING, MUMBAI

F.No. PB-30(15)/2013-Misc

Date: 03.10.2019

CIRCULAR

07 OCT 2019

**Sub: Proceeding on leave without prior approval of the Competent Authority.**

It has been observed that some of the officers/staff of the Directorate are habitually proceeding on leave without prior sanction of the competent authority in violation of the provisions of CCS (Leave Rules) 1972. The Competent Authority has viewed it seriously and it is reiterated that such absence is unauthorized and warrants prompt and stringent action as per rules.

2. In view of this, attention of all officers/staff is invited to the various provisions of the relevant rules, as indicated in the Ministry of Personnel, P.G. & Pensions (Department of Personnel & Training), Government of India vide Office Memorandum No. 13026/3/2012-Estt (Leave) dated 28<sup>th</sup> March, 2013 (copy enclosed) regarding "**Consolidated instructions relating to action warranted against Government servants remaining away from duty without - authorization/grant of leave - Rule position**" for strict compliance.

3. Accordingly all officers/staff of the Directorate are advised to obtain prior approval of the competent authority before proceeding on leave without fail, and during any unforeseen emergency situations the employee should inform to their controlling officers/leave sanctioning authority and soon after coming back from the leave seek post facto approval of the competent authority.

4. This issues with the approval of the Competent Authority.

(Mahesh Yadav)

Assistant Director General of Shipping [Pers.]

To;

1. All Officers of the DGS.
2. All Branches of DGS.
3. All Allied Offices of DGS.

Copy for information to;

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2. PS to Jt. DG.
3. Sr. PS to NA
4. PS to CS
5. PS to CSS
6. Guard File.

No. 13026/3/2012-Estt (Leave)  
Government of India  
Ministry of Personnel, P.G. & Pensions  
(Department of Personnel & Training)

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New Delhi, the 28<sup>th</sup> March, 2013.

**OFFICE MEMORANDUM**

**Subject:- Consolidated instructions relating to action warranted against Government servants remaining away from duty without authorisation/grant of leave – Rule position**

The undersigned is directed to say that various references are being received from Ministries/Departments seeking advice/post facto regularisation of unauthorised absence. It has been observed that due seriousness is not being accorded by the administrative authorities to the various rule provisions, inter alia under the CCS(Leave) Rules, 1972, for taking immediate and appropriate action against Government servants staying away from duty without prior sanction of leave or overstaying the periods of sanctioned leave. It is reiterated that such absence is unauthorised and warrants prompt and stringent action as per rules. It has been observed that concerned administrative authorities do not follow the prescribed procedure for dealing with such unauthorised absence.

2. In view of this, attention of all Ministries/Departments is invited to the various provisions of the relevant rules, as indicated in the following paragraphs for strict adherence in situations of unauthorised absence of Government servants. It is also suggested that these provisions may be brought to the notice of all the employees so as to highlight the consequences which may visit if a Government servant is on unauthorised absence. The present OM intends to provide ready reference points in respect of the relevant provisions, hence it is advised that the relevant rules, as are being cited below, are referred to by the competent authorities for appropriate and judicious application. The relevant provisions which may be kept in mind while considering such cases are indicated as follows:

(a) **Proviso to FR 17(1)**

The said provision stipulates that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

(b) **FR 17-A**

The said provision inter alia provides that where an individual employee remains absent unauthorisedly or deserts the post, the period of such absence shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession and eligibility for appearing in departmental examinations, for which a minimum period of service is required.

(c) Rule 25 of the CCS (Leave) Rules, 1972

The said provision addresses the situation where an employee overstays beyond the sanctioned leave of the kind due and admissible, and the competent authority has not approved such extension. The consequences that flow from such refusal of extension of leave include that:

- i the Government servant shall not be entitled to any leave salary for such absence;
- ii the 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
- iii wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

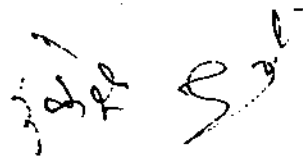
With respect to (iii) above, it may be stated that all Ministries/ Departments are requested to ensure that in all cases of unauthorised absence by a Government servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately/ within a specified period, say within three days, failing which he would be liable for disciplinary action under CCS (CCA) Rules, 1965. It may be stressed that a Government servant who remains absent without any authority should be proceeded against immediately and this should not be put off till the absence exceeds the limit prescribed under the various provisions of CCS (Leave) Rules, 1972 and the disciplinary case should be conducted and concluded as quickly as possible.

(d) Rule 32(6) of the CCS (Leave) Rules, 1972

This provision allows the authority competent to grant leave, to commute retrospectively periods of absence without leave into extraordinary leave under Rule 32(6) of CCS (Leave) Rules, 1972. A similar provision also exists under rule 27(2) of the CCS (Pension) Rules, 1972. It may please be ensured that discretion allowed under these provisions is exercised judiciously, keeping in view the circumstances and merits of each individual case. The period of absence so regularised by grant of extra ordinary leave shall normally not count for the purpose of increments and for the said purpose it shall be regulated by provisions of FR 26(b) (ii).

3. All Ministries/ Departments should initiate appropriate action against delinquent Government servants as per rules.

4. Hindi version will follow.

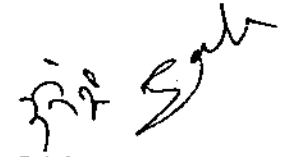
  
(Mukesh Chaturvedi)

Deputy Secretary to the Govt. of India

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(Mukesh Chaturvedi)

Deputy Secretary to the Govt. of India