

UNIVERSITY BRANCH
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Mem No 1(e)

Government of West Bengal
Higher Education Department
University Branch
Bikash Bhavan, Salt Lake,
Kolkata - 700 091.

No. 44-Edn(U)

Dated 28/1/08

MEMORANDUM

The question of Uniform Leave Rules for the whole time teachers of the State-aided Universities namely (1) Calcutta University, (2) Jadavpur University, (3) Burdwan University, (4) Kalyani University, (5) Vidyasagar University, (6) North Bengal University, (7) Rabindra Bharati University, (8) Netaji Subhas Open University, (9) Bengal Engineering & Science University, Shibpur, (10) West Bengal University of Technology is under consideration of the State Government for some time past. A committee constituted in terms of G.O. No. 781-Edn(U) dated 28.12.94 made certain recommendations regarding introduction of Uniform Leave Rules in the State-aided Universities in West Bengal. The U.G.C., the West Bengal State Council of Higher Education, the Finance Department of Government of West Bengal and certain other bodies have also made certain recommendations in respect of Uniform Leave Rules for the whole time teachers of the State-aided Universities mentioned above.

2. After careful consideration of the matter, the Governor has been pleased to accept the above mentioned recommendations with some modifications and approved the benefits as incorporated in the annexure in respect of whole-time teachers of the State-aided Universities. The benefits as indicated in the Annexure read with the provisions of this memorandum shall be treated as a comprehensive package for implementation.

3. Concerned Universities will make amendments in their Statutes / Ordinances / Rules etc. where necessary for incorporation of the provisions of the Government order therein.

4. This order will be effective from 28th January, 2008 except fixed otherwise in any particular rule in this memorandum.

5. Any difficulty, which may arise in implementing the provisions of this order, may be referred to the State Government for clarification and / or order.

6. This order issues with the concurrence of the Finance Department vide their U.O. No. 875-Gr. P (Service) dated 10.08.07.

7. The Accountant General, West Bengal is being informed.


Assistant Secretary

No. 44-4/1(72)-Edn(U)

Dated 28/1/08

Copy forwarded for information and necessary action to the Registrar, Jadavpur

University, Kol - 32


Assistant Secretary

No. 44-4/2(20)-Edn(U)

Dated 28/1/08

Copy forwarded for information and necessary action to the :

1. Accountant General (Audit-II), West Bengal, 18, Rabindra Sarani, Kolkata – 700 001.
2. Finance Department of this Government (Group-P)
3. Finance Department of this Government (Group-B)
4. Pro-Vice Chancellor (B&F), Calcutta University
5. Finance Officer, University
6. Additional Chief Secretary of this Department
7. Budget Branch of this Department
8. P.A. to the Additional Chief Secretary of this Department
9. Shri M. Biswas, Joint Secretary of Department in-charge of publication of Hand Book
10. Guard file.


Assistant Secretary

ANNEXURE

LEAVE RULES FOR WHOLE TIME TEACHERS OF STATE AIDED UNIVERSITIES IN WEST BENGAL

1. These rules may be called "Leave Rules" in respect of whole-time teachers of the State-aided Universities in West Bengal.
2. These rules are applicable to all whole-time teachers of the (1) Calcutta University, (2) Jadavpur University, (3) Burdwan University, (4) Kalyani University, (5) Vidyasagar University, (6) North Bengal University, (7) Rabindra Bharati University, (8) Netaji Subhas Open University, (9) Bengal Engineering & Science University, Shibpur, (10) West Bengal University of Technology.
3. Leave of any description can not be claimed as a matter of right. Authorities granting leave shall have the power to refuse or revoke leave of the any description at any time according to the exigency of University service.
4. Leave ordinarily shall begin on the day on which the transfer of charge is effected and ends on the day preceding that on which duty is resumed. Leave (except casual and quarantine leave) may either be affixed or prefixed to holidays, but cannot be both affixed and prefixed to holidays; when leave is combined with a holiday by both prefixing and affixing it to the holiday, the holidays shall be reckoned as leave in calculating the amount of leave on full pay that may be admissible at a time.
5. A teacher on leave shall not return to duty before the expiry of leave granted to him without permission of the authority, which sanctioned the leave.
6. A teacher who has been granted leave on medical ground shall resume duty after producing a certificate of fitness from a Registered medical practitioner.
7. A teacher who remains absent after the expiry of leave is entitled to no leave salary for the period of such absence and that period shall be debited to leave, as though it were leave on full pay.
8. No teacher shall be allowed to absent himself from office without prior permission.
9. All applications for leave of absence and / or for leaving station should be previously made in writing and sanction obtained before leave is availed of except in case of emergency in which case the report of such absence must be sent, if possible, on the very day the teacher is forced to absent himself and in any case, within three days of such absence unless he is prevented from doing so due to physical incapacity to be certified by a registered medical practitioner or any other unavoidable cause.

10. If a teacher is on unauthorised absence or on unreported absence or on overstayal of leave for more than three months at a stretch without any report, the leave sanctioning authority shall inform the concerned teacher at his/her recorded address asking him/her to rejoin duty within a specified date. If the teacher does not join duty by he/she stipulated date, it would be open to the disciplinary authority to institute disciplinary action against him/her. If during the course of disciplinary proceedings the teacher comes for rejoining duty he shall be allowed to do so without prejudice to the disciplinary proceedings already initiated against him/her (unless he/she is placed under suspension) and the disciplinary proceedings concluded as quickly as possible. The question of regularisation of the period of unauthorised absence or unreported absence or overstayal of leave shall be left over for consideration till the finalisation of disciplinary proceedings.

11. Habitual irregularities or frequent absence without proper authorisation, will be considered gross negligence of duty and shall invite disciplinary action at the discretion of the appropriate authority of the University.

12. No leave shall be credited in the leave account of a teacher after he/she retires on superannuation or retires voluntarily or resigns.

13. Unless the Syndicate / Executive Council, in view of the special circumstances of a case, shall otherwise determine, after one year of continuous unauthorised and unreported absence from duty, the concerned teacher shall cease to be in service of the University.

14. Date of retirement in relation to calculation of leave due at the credit of a teacher shall mean the last day of the month in which the teacher attains the age prescribed for superannuation under the terms and conditions governing his/her service.

15. Subject to the foregoing general principles, "leave" shall mean: (i) Casual Leave (ii) Special Casual Leave / Leave on Duty (iii) Earned Leave (iv) Half Pay Leave (v) Commuted Leave (vi) Study Leave (vii) Extraordinary Leave (viii) Leave not Due (ix) Quarantine Leave (x) Maternity Leave (xi) Special Disability Leave (xii) Leave preparatory to retirement.

16. Casual Leave

(a) Casual Leave for short periods not exceeding four working days at a time and twelve in a calendar year may be granted to a teacher on account of certain emergency which may arise.

(b) Casual Leave shall be granted only on the basis of a written application and shall not be counted as part of the total leave available to a teacher. Casual Leave shall not be counted as part of the total leave available to a teacher. Casual Leave shall not be counted as part of the total leave available to a teacher. Casual Leave shall not be counted as part of the total leave available to a teacher.

and / or holidays or weekly off days except for special circumstances to be recorded in writing. Balance of such leave shall not be carried from one year to another.

(c) A teacher on casual leave shall be treated as on duty.

17. Earned Leave

(a) Earned Leave is the leave which is earned by a teacher by discharge of duties for a certain period as mentioned herein below and granted to him at the discretion of the authority granting such leave. Unless otherwise compelled by exigencies of circumstances, in all case applications for earned leave shall be made at least seven days prior to the date on which the concerned teacher proposes to proceed on leave for twenty days or more. Prior sanction should be obtained before leaving station and / or proceeding on leave as well as for extension of leave, even if the period of leave applied for is less than twenty days.

(b) Earned Leave admissible to a teacher shall be (i) 1/30th of actual service including vacation plus (ii) 1/3rd of the period, if any, during which he / she is required to perform duty during vacation or equal to one eleventh of the period spent on actual service in a non-vacation department provided that the upper limit of accumulation of earned leave shall be 300 (three hundred) days and the maximum period of earned leave that may be granted at a time shall not normally exceed sixty days. Earned leave exceeding sixty days may be sanctioned in case of higher study / training / leave with medical certificate.

(c) Earned leave can be combined with any other kind of leave, except casual and quarantine leave.

18. Half Pay Leave

(a) A teacher of University shall be entitled to half-pay leave for 20 days in respect of each completed year of service.

This leave may be granted on production of certificate from a qualified registered medical practitioner or on private affairs.

Half pay leave upto a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course or study certified to be in students interest by the leave sanctioning authority.

(b) Half pay leave may be combined with any other kind of leave except casual and quarantine leave.

(c) Maximum period of accumulation of such leave would be 720 days.

19. Commutated Leave

(a) A teacher shall be entitled to commute the half pay leave that he has earned to full pay-leave on medical ground subject to production of a certificate from a registered medical practitioner.

Provided that when commuted leave is granted, twice the number of days of actual leave of absence on half pay shall be debited against the leave account. Provided also that total commuted leaves may be granted not exceeding 180 days during the whole service period of the teacher.

(b) Commuted leave may be combined with any other kind of leave except casual and quarantine leave.

20. Study Leave

(a) Study leave for advanced study and research directly related to his/her work in the University may be granted to a teacher by the Syndicate / Executive Council provided the concerned teacher has put in at least three years service and is not due to retire there from within five years of his/her return from such leave. There shall be a gap of at least three years between two periods of such leave.

The amount of scholarship, fellowship or other financial assistance that the concerned teacher, granted study leave, has been awarded will not preclude his / her being granted study leave with pay and allowances but the scholarship, etc. so received shall be taken into account in determining the pay and allowances on which the study leave may be granted. The Foreign Scholarship / Fellowship would be offset against pay, only if the fellowship is above a specified amount, which is to be determined from time to time, based on the cost of living for a family in the country in which the study is to be undertaken. In the case of a Fellowship / Scholarship / Financial Assistance which exceeds the salary of the teacher, the salary of the teacher shall be regulated in the following manner :

I.

Value of Scholarship/Fellowship/Financial Assistance per annum	Nature of Study Leave to be granted
(a) US\$ 30,000 or above	Leave without pay
(b) above US\$ 20,000 but less than US\$ 30,000	Leave with half-pay
(c) US\$ 20,000 or less	Leave with half-pay

II. For leave up to but not exceeding 3 months full pay and allowances notwithstanding the amount of Scholarship / Fellowship received per month will be paid. However, these are subject to variation / substitution as and when UGC rules in this regard are changed.

(b) An application for study leave with particulars of Institutional assignments, Scholarship / Fellowship of financial assistance including travel grant, if any, statement of nature of works enclosed with supporting documents has to be submitted ordinarily two months before the applicant intends to avail of such leave.

Study leave may be granted for a maximum period of two years. However, the same may be discontinued by the Syndicate / Executive Council. However, the same may be renewed by the Syndicate / Executive Council in case the number of

teachers sanctioned study leave in any department in any given period is likely to affect the academic programme of the concerned department.

(d) Subject to the maximum period of absence from duty on leave not exceeding three years, study leave may be combined with earned leave, half pay leave, extraordinary leave or vacation, provided that the earned leave at the credit of the teacher shall be availed of at the discretion of the teacher. A teacher who is selected to a higher post during study leave, will be placed in that position and get the higher scale only after joining the post.

(e) A teacher granted study leave shall on his / her return and re-joining the service of the University may be eligible to the benefit of the annual increment(s) which he/she would have earned in course of time if he / she has not proceeded on study leave. No teacher shall however, be eligible to receive arrears of increments.

(f) Study leave shall count as service for Pension / Contributory Provident Fund, provided the teacher joins the University on the expiry of his / her study leave.

Study leave granted to a teacher shall be deemed to be cancelled incase it is not availed of within 12 months of its sanction. Provided that where study leave granted has been so cancelled, the teacher may apply again for such leave.

(g) A teacher availing himself / herself of study leave shall undertake that he / she shall serve the University for a continuous period of at least three years to be calculated from the date of his / her resuming duty after expiry of the study leave.

(h) After the leave has been sanctioned, the teacher shall, before availing himself / herself of the leave execute a bond in favour of the University binding himself / herself for the due fulfilment of the conditions laid down in sub clause above.

21. Extraordinary Leave

(1) Extraordinary leave may be granted to a teacher in special circumstances :-

(i) when no other leave is admissible to him; or

(ii) when other leave is admissible, but still he applies in writing for the grant of extraordinary leave.

(2) Except in the case of a permanent teacher, the duration of extraordinary leave shall not exceed three months on any one occasion.

Provided that -

(a) when such a teacher is undergoing treatment for -

(i) tuberculosis in a recognized hospital or at an approved sanatorium or at his residence under a Specialist recognized as such by the Vice-Chancellor; or for

(ii) leprosy in a recognised leprosy institution by a Medical Officer of health or a Specialist in leprosy recognized as such by the Vice-Chancellor; he may subject to such conditions as may be prescribed, be granted extraordinary leave for a period not exceeding 12 months; or

(b) when such an teacher requires leave for the purpose of study in India or abroad, the Executive Council may grant him extraordinary leave upto a maximum 24 months in combination with or in continuation of any other kind of leave admissible under the rules, provided that the teacher concerned agree to give an undertaking in writing to

serve in a similar capacity, if so required by the University, for a period of at least 5 years after the expiry of the leave.

Note 1 :- The concession of extraordinary leave upto 12 months under proviso (a) of this sub-rule would be admissible to a teacher if he produces a certificate signed by the Superintendent of the hospital or the Specialist, as the case may be, to the effect that he has reasonable prospect of recovery on the expiry of the leave recommended.

Note 2 :- the concession of extraordinary leave under provisos (a) and (b) of this sub-rule will be admissible only to those teachers who have been in continuous service for a period exceeding one year.

(3) The authority empowered to grant leave may commute retrospectively period of absence from duty without leave into extraordinary leave.

22. Quarantine Leave

(a) Quarantine leave is leave of absence from duty necessitated by orders not to attend office in consequence of the presence of infectious diseases in the residence of a teacher. Such leave may be granted on the basis of a certificate of a Public or Municipal Health Officer or a registered medical practitioner for a period not exceeding 21 days, or in exceptional circumstances for a period not exceeding 30 days. Quarantine leave, which is not debited to leave count, may be combined with any other kind of leave except casual leave. A teacher on quarantine leave will be treated as absent from duty.

(b) For the above purpose smallpox maybe considered as infectious disease, chickenpox shall not, however, be considered as infectious disease unless the medical officer or Public Health Officer or a registered medical practitioner consider that because of doubt as to the true nature of disease, e.g. smallpox there is reason for grant of such leave. The following diseases shall also be treated as infectious for the purpose of grant of quarantine leave :

- i) Scarlet fever
- ii) Plague (Bubonic or Bubonic)
- iii) Typhus
- iv) Cerebro-spinal meningitis

23. Maternity Leave

(a) Maternity leave may be granted to a whole-time female teacher for a period not exceeding 135 days including the period of confinement as per advice of a registered medical practitioner, preferably a Gynaecologist.

(b) Maternity leave may also be granted in case of miscarriage, including abortion for a period not exceeding six weeks provided the application for leave is supported by the written advice of a registered medical practitioner, preferably a Gynaecologist.

(c) Maternity leave will not be debited against leave account.

(d) The concerned teacher on maternity leave will be entitled to normal annual increment in time-scale of pay.

24. Special Disability Leave

(a) A teacher who is disabled by injury accidentally incurred in consequence of the due performance of his official duties or by illness incurred on 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 post may be allowed special disability leave on full pay and allowances for a maximum period of twenty four months during the whole course of service.

(b) Special disability leave may be combined with any other kind of leave except casual leave.

(c) The concerned teacher is entitled to normal annual increment in time-scale pay during such leave of absence.

(d) 'Special Disability Leave' shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the teacher disabled acted with due promptitude in bringing it to the notice of the appropriate authority.

(e) Such leave shall be granted only on the recommendation of a Medical Board. The period of such leave shall be such, as is certified by the 'medical board' and such leave in no case exceed 24 months.

(f) Such leave may be granted more than once if the disability is a aggravated or reproduced in similar circumstances at a later date but not more than 24 months.

(g) Since 'Special Disability Leave' is granted owing to an injury caused in during, due discharge of official duty and in consequence of the due performance of the office duty of a teacher concerned the appropriate leave sanctioning authority should be satisfied first as to the cause of accident which sustained him the injury for the entitlement of such leave.

25. Leave Not Due

(a) Leave not due, may at the discretion of the Vice Chancellor be granted to a permanent teacher for a period not exceeding 360 days during the entire period of service, out of which not more than 90 days at a time and 180 days in all may be otherwise thereon medical certificate. Such leave shall be debited against the half pay leave earned by him / her subsequently. Leave not due generally shall be granted in exceptional cases of illness.

(b) 'Leave not due' shall not be granted unless the Vice Chancellor is satisfied that as far as can reasonably be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.

(c) A teacher to whom 'Leave not due' is granted shall not be permitted to tender his / her resignation from service so long as the debit balance in his / her leave account is not wiped off by active service, or he / she refunds the amount paid to him / her as pay and allowances for the period not so earned. In a case where retirement is unavoidable on account of reason of ill health, incapacitating the teacher for further service, refund of leave salary for the period of leave still to be earned may be waived by the Executive Council.

Provided further that the Executive Council may in any other exceptional case waive, for reason to be recorded, the refund of leave salary for the period of leave still to be earned.

26. Special Casual Leave

Unless specifically deputed by the University for the purpose, special casual leave upto a maximum period of 30 days in a year may be granted for

(a) Presenting paper / participating in conferences, congress, symposia, workshop and seminars on literary / scientific / educational subjects and / or presenting performance (Performing Arts), Exhibition (Visual Arts) where applicable, with prior permission of or intimation to appropriate authority (Vice Chancellor / Head of the Department).

(b) Delivering lectures as well as demonstrations in academic institutions of repute / Universities at the invitation of such institutions or Universities (Prior permission / intimation) to the appropriate authority.

(c) For participating in All India or Regional Games / Sports organised by bodies recognised by the University.

(d) For attending meetings of recognised public bodies, participating in a delegation or working in a Committee appointed by the Government of India / Government of West Bengal / UGC / Sister University / recognised Academic Body (prior permission / intimation).

(e) For conducting examinations, acting as Chairman / Member of Selection Committee constituted by Public Service Commission / College Service Commission / sister University / recognised Academic Body.

(f) To attend Refresher Course / Orientation Course.

If for performing any such duty, the teacher is specifically deputed by the Vice Chancellor and / or given an assignment by the University to conduct field work of the students as per curriculum, no leave is required as he / she will be considered to be on duty.

27. Encashment of accumulated Leave

Every teacher shall be entitled to leave salary of the earned leave accumulated at his credit after cessation of his service by way of retirement on superannuation, voluntary retirement or death in harness provided the maximum number of accumulated leave and maximum of leave encashable shall be 300 days.