

INDIA TRADE PROMOTION ORGANISATION LEAVE RULES

1. **Title:**
These Rules may be called the India Trade Promotion Organisation Leave Rules, 1979.
2. **Commencement:**
These Rules shall come into force with effect from 1.7.1979.
3. **Definitions:**
In these Rules unless the context otherwise requires:
 - (a) "Organisation" means the India Trade Promotion Organisation.
 - (b) "Managing Director/Chairman/Board of Directors/ standing Committee" means the Managing Director/ Chairman/ the Board of Directors and the Standing Committee of Directors respectively of the India Trade Promotion Organisation.
 - (c) "Pay" means basic pay including dearness pay, deputation pay, special pay and personal pay.
 - (d) "Year" means a calendar year according to Christian era.
 - (e) "Employee" means an employee of the Organisation borne on its regular establishment and does not include persons employed on contract or ad-hoc or daily wage employees.
 - (f) "Temporary employee" means a person who has been recruited by the organisation against a temporary post for a specific time or is recruited against a regular post but who has not completed his probationary period of one year, whichever is longer.
4. **Kinds of Leave:**
Employee shall be eligible for the following kinds of leave namely:
 - Casual Leave
 - Special Casual Leave
 - Earned Leave
 - Half-Pay Leave
 - Maternity Leave
 - Extraordinary Leave
 - Quarantine Leave
 - Compensatory Leave(**Added Vide O.O.No.Admn./1282/2011 dt.20.12.11**)

Note: 1. Employee on contract shall be eligible for leave as may be stipulated in the service contract.
2. Employees on deputation from other Government Departments (State or Central) or Public Sector Undertakings will not be governed by the organisation's Rules except in respect of Casual Leave, Special Casual Leave, maternity leave and quarantine leave.

Explanation:

After their absorption in the organisation, the earned leave at the credit of deputationists will be carried forward in the organisation subject to the condition that the lending organisation makes payment to the organisation of the leave salary due in respect of earned leave allowed to be carried forward.

5. General conditions governing grant of leave:

The following general conditions will govern the grant of leave to an employee:

- (i) Leave cannot be claimed as a matter of right. When the exigencies of the organisation's service so require, the discretion to refuse, post-pone, curtail or revoke leave of any description or to recall to duty any employee already on leave is reserved to the competent authority to grant leave.
- (ii) All types of leave except earned leave lapses on the cessation of the employee's service in the organisation whether as a result of discharge, dismissal, retirement, death or otherwise.
- (iii) An employee (including temporary employee) on leave shall not take up any other service or accept any other employment.
- (iv) Leave shall not be availed of without obtaining prior sanction of the competent authority. Application for such sanction shall be submitted in writing to the competent authority sufficiently in advance. In case where an employee (including temporary employee) is compelled to absent himself from duty on account of unforeseen circumstances and for reasons beyond his control without obtaining prior sanction, sanction for leave shall be applied for at the earliest possible opportunity.
- (v) An employee (including temporary employee) may return to duty before the expiry of leave sanctioned with the prior approval of the competent authority. In the case of leave taken on the basis of a medical certificate, however, a certificate of fitness from Medical Practitioner, as defined in the organisation's Medical Rules, shall be essential before the employee is permitted to return to duty.
- (vi) An employee (including temporary employee) who remains absent after the expiry of the leave sanctioned shall not be entitled to any leave salary for the period of over-stayed. The period of over-stayed will be treated as extraordinary leave unless it is regularised by the grant of leave due by the competent authority.

An employee (including temporary employee) who wilfully absents himself from duty shall be liable to disciplinary action also.

- (vii) Leave may be pre-fixed and or/suffixed to a holiday or holidays but holidays intervening the period of leave shall, except in the case of casual and special casual leave, count as part of leave.

- (viii) Any kind of leave may be granted in combination with or in continuation of any other kind of leave provided that casual cannot be availed of in conjunction or combination with any other kind of leave except special casual leave.
- (ix) An employee (including temporary employee) before proceeding on leave shall intimate to the competent authority his address while on leave and shall keep the said organisation informed of any change in address from time to time.
- (x) No employee shall be granted leave of any kind for a continuous period exceeding 5 years at a time. An employee who remains absent beyond that period without prior sanction of the competent Authority shall cease to be on the rolls of the organisation.
- (xi) The kind of leave applied for by an employee (including temporary employee) and lying at his credit may not be altered by the competent authority to grant leave.
- (xii) The period of suspension of an employee (including temporary employee) of the organisation which is treated as dies non shall not be reckoned as "Service" for the purpose of any of these rules.
- (xiii) Leave except casual & quarantine leave shall not be granted to an employee whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from service.
- (xiv) Application for leave on medical grounds must be supported by a certificate from a Medical Practitioner as defined in ITPO Medical Rules. Submission of a medical certificate for leave upto 3 days will not be necessary. Such leave shall not, however, be treated as leave on medical grounds.

6. Casual Leave:

- (i) An employee (including temporary employee) shall be eligible to a total of 12 days casual leave in a year. Employees who remain in the service of the organisation for less than a year shall be entitled to casual leave at the rate of one day for each completed calendar month of service.
- (ii) An employee (including temporary employee) shall be eligible to the grant of half day's casual leave.
- (iii) Casual leave may not be granted for more than 8 days at a time.

7. Special Casual Leave:

Special Casual leave may be granted by the competent authority:

- (i) to employees for participation in sporting events of inter-state, national or international importance upto 30 days in a calendar year.
- (ii) to employees for participating in cultural activities, like dance, drama, music, poetic symposium etc. of inter-state, national or international importance upto 30 days in a calendar year.

- (iii) to employees including temporary employee for vasectomy upto 6 days, including the day of operation. For I.U.C.D. insertion, women employees (including temporary employee) may be allowed special casual leave for the day of insertion. Leave for a longer period may be granted on the production of a certificate from the concerned doctor, such extension being reckoned against earned/half pay leave due.
- (iv) to a female employee who undergoes tubectomy or any other operation for birth control to the extent certified as essential by a recognised and approved family planning clinic/hospital/agency, subject to a maximum of 20 days.
- (v) to a male employee, whose wife undergoes a non-puerperal tubectomy operation upto fifteen days, subject to the leave being recommended by recognised/approved family planning clinic/hospital agency and certifying that presence of the male employee for the care of his wife is essential.

8. **Earned Leave:**

- (i) (a) An employee (including temporary employee) shall earn leave at the rate of 15 days for each half calender year of his continuous service. For broken period of service of less than 6 months earned leave shall be calculated at the rate of 2-1/2 days for each completed calender month, the fractions of earned leave being rounded off to the next digit.
 (b) An employee shall cease to earn leave under clause (a) when the earned leave due amounts to 180 days.
Amended vide O.O.No.Admn./426/2007 dt.4.4.2007
 (b) The existing maximum limit of 240 days on accumulation of earned leave provided in rule 26 & 28 ibid shall be enhanced to 300 days.
 (c) Leave earned for each half calender year shall be credited to the leave account in advance on 1st January and 1st July each year.
- (ii) The maximum period of earned leave which can be sanctioned at one time will not exceed 120 days if the leave is to be spent in India. If the leave is to be spent outside India, if due, it can be granted upto 180 days at a time.
- (iii) An employee (including temporary employee) on earned leave shall, during the period of earned leave, draw leave salary equal to pay drawn on the day preceding the day on which he proceeds on leave and all other allowances excepting conveyance allowance if any.
- (iv) The employee of the erstwhile Directorate of Exhibitions and Commercial Publicity, India International Trade Fair Organisation and Indian Council of Trade Fairs & Exhibitions who are absorbed in the TFAI (now ITPO) on its formation on 1.3.1977 will be allowed to carry forward the leave at their credit on that date to the extent it could be accumulated subject, however, to the condition that in case of all such employees, the merging organisations pay to the organisation the leave salary in respect of the leave allowed to be carried forward on absorption in the Organisation.

9. **Encashment of Leave:**

- (a) Except on retirement and death while in service an employee, other than a temporary employee, a daily wage employee, trainee or an apprentice, who has accumulated more than 30 days earned leave may avail of earned leave

and have encashment for an equivalent period but not exceeding 30 days once in every calendar year. For the period encashed, the employee will be entitled to receive his pay plus D.A. which he last drew.

Amended vide O/O. No. Admn.600/96 dt. 24-6-96

Except on retirement and death while in service the earned leave at the credit of employee other than a temporary employee, a daily wage/contract employee, trainee or an apprentice, will be allowed encashment of leave once in a calendar year subject to maximum of 60 days with the proviso that 15 days earned leave should be on credit at all times. No separate account needs to be maintained for encashable and non-encashable leave w.e.f. 1.1.92. The employee will be entitled to receive pay plus dearness allowance last drawn for the period of leave encashed”.

Amended vide O/O. No. Admn./981/2014 dt. 10.09.2014 (w.e.f.25.8.14)

Except on retirement and death while in service the earned leave at the credit of an employee other than a temporary employee, a daily wage/contract employee, trainee or an apprentice, will be allowed encashment of EL at his/her credit once in a calendar year subject to maximum of 60 days with the proviso that 30 days, EL should be on credit at all times. Further, an employee within one year of his/her credit twice in a calendar year subject to the proviso that 30 days EL should be on credit at all times. The employees will be entitled to receive pay plus dearness allowance last drawn for the period of leave encashed.

- (b) On retirement or death while in service, an employee (including temporary employee) will be entitled to encash the earned leave at his credit subject to a maximum of 180 days.

Amended vide O.O.No.Admn./426/2007 dt.4.4.2007

The existing ceiling of 240 days for availing the benefit of encashment of unutilized earned leave shall be increased to 300 days in respect of following categories :-

- (i) retiring on attaining the age of superannuation (Rule 39(2));
- (ii) cases where the service of an ITPO employee has been extended, in the interest of public service beyond the date of retirement on superannuation (Rule 39(4));
- (iii) Voluntary/pre-mature retirement (Rule 39(5));
- (iv) Where the services of an ITPO employee are terminated by notice or by payment of pay & allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment (Rule 39(6)(a)(i)) ;
- (v) in the case of termination of re-employment after retirement (Rule (6)(a)(iii));
- (vi) in the case of death of a ITPO employee while in service, to the family of the deceased (Rule 39(a));
- (vii) in the case of leave preparatory to retirement (Sub rule (1) of Rule (38));
- (viii) in the case of transfer of ITPO employee to an industrial establishment (rule 6) and
- (ix) on absorption of a ITPO employee in the Central Public Sector Undertakings.

Amended vide O/O.No. Admn.803/87 dt. 31-8-87 w.e.f. 1.7.86

9.(a&b). A ITPO employee who resigns or quite service shall be entitled to cash equivalent in respect of earned leave at credit on the date of resignation of service, to the extent of half of such leave at his credit, subject to a maximum of 120 days (Rule 39(6)(a)(ii)).

- (c) Earned leave encashed will be treated as leave availed of by the employee and will be debited to his leave account as such.
- (d) No employee shall be eligible for encashment of leave during the period of suspension.

Note:-

- (i) Amount payable towards encashment of leave will not be reckoned as wages/salary for the purposes of overtime allowance, provident fund, bonus etc.
- (ii) The competent authority for encashment will be the same as competent to sanction earned leave (vide Rule 16-III).
- (iii) Persons on deputation from other Government Departments or Public Sector Undertakings will not be covered under this rule.

10. Half-Pay Leave.

- (i) An employee (including Temporary Employee) shall be eligible for the half pay leave at the rate of 20 days for each completed year of service subject to a maximum of 2 years.
- (ii) The leave due under (i) above may be granted during sickness on medical certificate or for private affairs.
- (iii) Half pay leave at the credit of an employee may be commuted as leave on full pay on medical certificate upto a maximum of one year in his entire service career. The half pay leave account shall in such case be debited to the extent of twice the commuted leave granted.
- (iv) An employee during the period of half pay leave shall be eligible to draw leave salary equal to half of leave salary that he would have been entitled to draw had he proceeded on earned leave. He will, however, be eligible to draw all allowances (except conveyance allowance) payable on his full pay.
- (v) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilised for an approved course of study certified to be in the public interest by the leave sanctioning authority.

11. Maternity Leave:

- (i) A female employee (including temporary employee) may be granted maternity leave by the competent authority for a period not exceeding 90 days from its commencement. The application for maternity leave must be supported by a certificate from a medical officer as defined under the medical rules of the organisation.
- (ii) Maternity leave may also be granted in the case of miscarriage including abortion subject to the condition that :-

(a) the leave does not exceed 6 weeks.

Amended vide O/O.No. Admn.808/94 dt. 15-11-94 w.e.f. 16-6-94

(a) The leave does not exceed 45 days in the entire career of a female employee.

-- In calculating the number of days of Maternity Leave on account of miscarriage/abortion, such maternity leave granted and availed of by a female employee before 16.6.94 shall not be taken into account.

-- In cases requiring longer duration of rest, leave of the kind due and admissible can be availed to cover the period of absence.

(b) the application for leave is supported by a medical certificate.

(iii) Maternity leave not exceeding 6 weeks may also be granted in the case of abortion induced under the Medical Termination of Pregnancy Act,1971.

(iv) Maternity leave under (i) above shall not be admissible to a female employee (including Temporary employee) who has three or four children living.

Amended vide O/O.No. Admn.550/91 dt. 9-9-91 w.e.f. 9.9.91

(iv) Maternity Leave under (i) above shall not be admissible to a female employee (including temporary employee) who has two or more living children.

(v) Maternity leave may be combined with leave of any other kind (except casual and special casual leave) but any leave applied for in continuation of the former may be granted only if the request is supported by a medical certificate.

(vi) Leave due may also be granted in continuation of maternity leave in case of illness of a newly-born baby subject to the production of medical certificate to the effect that the condition of the ailing baby warrants mother's personal attention and that her presence by the baby's side is absolutely necessary.

(vii) Maternity leave shall not be debited against the leave account of an employee (including temporary employees), but an account of it will be kept in the service book.

(viii) During maternity leave the employee (including temporary employee) shall draw full leave salary as defined under Rule 8(iii).

(ix) After availing maternity leave, a certificate of fitness, as defined in Rules 5(v), must be produced before joining duty.

12. Extra-Ordinary Leave :

(i) An employee may be granted extra-ordinary leave when no other leave is admissible or when other leave being admissible, the employee applies for the grant of extra-ordinary leave.

(ii) An employee on extra-ordinary leave shall not be eligible to draw leave salary, dearness allowance and or conveyance allowance. He shall, however, be eligible to draw house rent and city compensatory allowances for a period not exceeding 120 days, at the same rate at which he was drawing these allowances before he proceeded on leave.

The Managing Director may relax the limit of 120 days in the case of employees undergoing prolonged medical treatment.

(iii) Unless the Board of Directors, in view of exceptional circumstances of the case otherwise determines, temporary or contract employees shall not be granted extra-ordinary leave on any one occasion in excess of the following limits:

- (a) Upto 90 days without medical certificate;
- (b) Upto 6 months with medical certificate for common ailments; and
- (c) Upto 18 months on medical certificate for cancer, mental illness, pulmonary tuberculosis or pluresy of tubercular origin, T.B., leprosy and heart diseases.

Provided that for grant of extra-ordinary leave as at (b) or(c) above, the employee should have put in a minimum of one year's continuous service in the organisation.

13. Quarantine Leave :

(i) Where, in consequence of the presence of infectious disease in the family or household of an employee (including temporary employee) at his place of duty, residence or sojourn, his attendance at his office is considered hazardous to the health of other staff members, such employee (including temporary employee) may be granted quarantine leave.

Note : The definition of infectious disease will be the same as under G.O.I. rules.

(ii) Quarantine leave may be granted by the competent Authority on the basis of a certificate from a medical officer for a period not exceed 21 days.

(iii) Quarantine leave may be granted subject to the maximum limits laid-down in the foregoing sub-rule, when necessary, in continuation of other leave.

(iv) Any leave in excess of the period of quarantine leave shall be treated as leave admissible and shall be debitable to the leave account of the employee (including temporary employee). Leave not due (Rule 15) will also be admissible to employees in continuation, of quarantine leave which will, however, be granted on production of a medical certificate.

(v) An employee (including temporary employee) on quarantine leave shall be treated as on duty.

(Added Vide O.O.No.Admn./1282/2011 dt.20.12.11)

13.(A) Compensatory Leave:

The officials from Engineering, Protocol, Marketing Division and those otherwise deputed for organization for Fairs, whose services are required on holidays for organizing the events and who are not entitled to claim OTA will be permitted to avail Compensatory Leave, subject to meeting the following conditions:-

- (i) The official who will put minimum of eight hours service on Saturday/Sunday/Holiday by orders of his Head of Division would become eligible for compensatory leave for one day;
- (ii) The compensatory leave may be availed during the month or in the following month from the date of performing such extra duties on Saturday/Sunday/Holiday subject to maximum of two days' compensatory leave in a month with the prior approval of the Head of Division;

- (iii) The Head of Division may ensure that compensatory leave shall in no way result in dislocation of work and such leave is not allowed on Monday and Friday to be prefixed or suffixed with weekends or with other holidays;
- (iv) The attendance would be notified by the bio-metric attendance system for availing and granting leave; and
- (v) The compensatory leave cannot be clubbed with any other leave like Casual Leave, Earned Leave, Medical Leave etc.

Ammended vide O.O.No.Admn./927/2013 dated 17.09.2013

13.A Compensatory Leave:

Compensatory Leave can be availed by all ITPO employees who are not entitled to claim OTA, in the event of their attending office on Saturday/Sunday/Holidays as required by their HoD. However, this leave will not be applicable in the case of IITF relating duty during the month of November.(The terms and conditions governing the Compensatory Leave will remain the same as mentioned in the O.O.No./1282/2011, dt 20.12.11)

14. The apprentices in the Organisation shall be entitled to:-

- (a) Leave on medical grounds on production of a medical certificate on leave-salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship.
- (b) Casual leave under Rule 6 and quarantine leave under Rule 13 aforesaid.

15. Leave not due:

Except in the case of leave preparatory to retirement, leave not due may be granted to the employee, other than temporary, daily wage, ad-hoc employee, trainee or apprentice, subject to the following conditions : -

- 1. (a) Leave not due in the entire service shall be limited to a maximum of 360 days out of which not more than 90 days at a time and 180 days in all may be granted otherwise than on Medical grounds.

(b) The Competent Authority to grant leave is satisfied that there is reasonable prospect of the employee returning to duty on its expiry. Leave not due shall be debited against the half pay leave, which the employee is likely to earn thereafter. For leave not due availed of, an employee will be entitled to salary etc., as per rule 10 governing the half pay leave.
- 2. (a) Where an employee who has been granted leave not due resigns from service or at his request is permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled and his resignation or retirement will take effect from the date on which such leave had commenced and leave salary if paid will be recovered.

(b) Where an employee who having availed himself of leave not due returns to duty but resigns or retires from service he has earned such leave, he shall be liable to refund leave salary to the extent of the leave not due availed of but not earned subsequently, provided that no leave shall be recovered under clause (a) and (b) if the retirement is by reason of ill-health incapacitating the employee for further service or in the event of his death.

16. Competent Authority:

- i. Casual Leave

(a) For officers of the organisation the next higher officer will be competent to sanction casual leave.

(b) In case of personal staff like PAs and Peons, the officer under whom an employee (including temporary employee) is working, will be competent to grant casual leave.

(c) In case of other categories of staff, the officer in charge of Section/Cell will be competent to sanction casual leave.

ii. Leave Ex-India :

(a) In continuance of foreign deputation :

Competent Authority

SM(Admn.) at HQ on
recommendation of
HOD

(b) Leave of travel abroad at own expenses (other than at (a) above)

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iii. All other kinds of leave will be recommended by officers as in (i) above and will be sanctioned by the competent authority to which power delegated for the purpose under the DFPR.

iv. The Managing Director will obtain the approval of the Chairman, for any leave he proposes to avail under these Rules.

17. Power to amend.

The power to amend these rules shall vest in the Board/Standing Committee of the Board of Directors.

Provided that, in so far as these rules correspond to the leave rules applicable to the Central Government employees (other than Railway and Defence), amendments to the leave rules of Central Government employees shall ipso facto be adopted for the employees of the organisation and necessary amendments to these Rules shall be made by the Managing Director in consultation with the FA&CAO..

18. Residual Rules

Government of India rules on the subject will apply in respect of types of leave not covered in these Rules like Study leave and also regarding recall to duty before expiry of leave.