

**BHARAT SANCHAR NIGAM LTD.**  
(A Govt. of India Enterprise)  
**Corporate Office**  
**Bharat Sanchar Bhawan,**  
**Janpath, New Delhi-1.**  
**(PAT SECTION)**

No.1-39/2012-PAT (BSNL)/Pt.

Dated : 22-11-2013.

To

All Heads of Telecom Circles/  
Other Administration Offices/  
Bharat Sanchar Nigam Ltd.

**Sub:- Encashment of earned leave to the employees appointed in BSNL after technical resignation from the Government-matters regarding.**

Sir,

The matter for grant of encashment of earned leave on superannuation to the employees absorbed in BSNL after technical resignation from the Govt. service has been examined in consultation with DOT / EF &CA Branches of BSNLCO.

2. Accordingly, I am directed to convey the approval of the competent authority that all such cases may be decided in terms of DOP&T clarification communicated by DOT vide letter no-7-26(1)/2013-PAT dated 21.01.2013 (copy enclosed).

Enc:- As above.

Yours faithfully,

( Sheo Shankar Prasad)  
Asstt. General Manager (P-V)  
Tel. No-011-23037477,23737886.

Copy to:

1. PPS to CMD, BSNL.
2. PPS to Dir (HR)/Dir. (Enterprises)/Dir.(Consumer Fixed Access)/Dir.(Consumer Mobility)Dir.(Finance), BSNL Board.
3. All Executive Directors,BSNLCO.
4. All PGMs/Sr.GMs/GMs in BSNL C.O.
5. DGM (A)/Pers)/ (BW)/ (Elect.)/(Arch.)/(EF)/(CA),BSNLCO.
6. AGM(R&P)/(EF)/(SEA)/(Pers-I/(Pers-II)/Pres-III)/(Civil)/(A&E)/(TF),BSNLCO.
7. DM (Pen)/ (Pay bill)/ (Cash)/ (L&A), BSNLCO.
8. Guard File.

File No. 7-26(1)/2013-PAT  
Government of India  
Ministry of Communications & I.T.  
Department of Telecommunications

Sanchar Bhavan, 20-Ashoka Road,  
New Delhi – 110001  
Dated : 21/01/2013

To

The Asstt. General Manager(P.V),  
Bharat Sanchar Nigam Limited,  
Corporate Office, Bharat Sanchar Bhavan,  
Janpath, New Delhi-110001

Sub.: Clarification regarding encashment of E.L. on superannuation retirement to  
JAO appointed by BSNL on immediate absorption basis.


Sir,

I am directed to refer your letter No.1-39/2012-PAT(BSNL)/Pt dated  
14.12.2012 on the subject mentioned above.

Clarification issued by the Department of Personnel & Training Estt.(Leave)  
Section vide FAQ uploaded on its website is enclosed for reference. The case may be  
disposed of in accordance with the clarification issued by DOP&T vide FAQ(Para No.  
6).

Encl: as above.

Yours faithfully,

  
21/1/13  
(Santosh Kumar Meena)  
Assistant Director General (PAT)  
Phone : 23036910

Department of Personnel & Training  
Estt(Leave) Section

Frequently asked Question	Answer
1. What are the leave entitlements of Govt. servants serving in a vacation Department w.e.f. 1.9.2008?	<p><b>“28. Earned leave for persons serving in Vacation Departments:-</b></p> <p>(1) (a) A Government servant(other than a military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed in any year in which he avails himself of the full vacation.</p> <p>(b) In respect of any year in which a Government servant avails himself of a portion of the vacation, he shall be entitled to earned leave in such proportion of 30 days. as the number of days of vacation not taken bears to the full vacation: Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.</p> <p>(c) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under rule 26.</p> <ul style="list-style-type: none"><li>• For the purpose of this rule, the term ‘year’ shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.</li><li>• A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:</li></ul> <p>Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.</p> <ul style="list-style-type: none"><li>• When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.</li><li>• As per Rule 29(1) the half pay leave account of every Government servant (other than a military officer shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year.</li></ul>

<b>Leave Encashment with LTC</b>	
2. Whether encashment of leave is allowed after LTC is availed?	Sanction of leave encashment should, as a rule, be done in advance, at the time of sanctioning the LTC. However, ex-post facto sanction of leave encashment on LTC may be considered by the sanctioning authority as an exception in deserving cases within the time limit prescribed for submission of claims for LTC.
3. Whether encashment of leave with LTC can be availed at the time when the LTC is availed by the Government servant only or can leave be encashed at the time when LTC is availed by family members?	A Govt. servant can be permitted to encash earned leave upto 10 days either at the time of availing LTC himself or when his family avails it provided other conditions are satisfied.
4. Whether leave encashment should be revised on retrospective revision of pay/D.A?	In terms of 38-A of CCS(Leave) Rules, encashment of EL alongwith LTC is to be calculated on pay admissible on the date of availing LTC+DA admissible on that date. If pay or DA admissible has been revised with retrospective effect, going by the rule the Govt. servant would be entitled to encashment of Leave on the revised rates.
<b>Encashment of Earned Leave on joining Central Government from PSUs &amp; vice versa</b>	
5. Whether earned leave encashment allowed by the State Governments, PSUs, Autonomous Bodies to Govt. servant prior to his joining the Central Govt. is to be taken into account while calculating ceiling of leave encashment on his superannuation and retirement from Central Govt.?	Encashment of EL allowed by the State Governments, Public Sector Undertakings/Autonomous Bodies for services rendered in the concerned Govt. etc. need not be taken into account for calculating the ceiling of 300 days of Earned leave to be encashed as per CCS (Leave) Rules.
6. Whether Leave encashment allowed by Govt. under CCS (Leave) Rules, 1972 on absorption in a Central autonomous body/PSU is to be taken into account?	Encashment of EL allowed by the Govt. under the CCS(Leave) Rules, 1972 for service rendered in the Central Govt. prior to absorption in Central autonomous body shall not be taken into account while calculating the number of days E.L. encashable in an autonomous body/PSU for the post absorption period.
<b>Leave Encashment on Suspension/Dismissal/Removal</b>	
7. Whether leave encashment can be sanctioned to a Govt. servant on his superannuation while under suspension?	Leave encashment can be allowed. However, Rule 39(3) of CCS (Leave) Rules, 1972 allows withholding of leave encashment in the case of a Govt. servant who retires from service on attaining the age of superannuation while under suspension or while disciplinary or criminal proceedings are pending against him, if in view of the authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings he/she will become eligible to the amount so withheld after adjustment of Government dues, if any.





Bharat Sanchar Nigam Ltd.  
(A Government of India Enterprise)  
Corporate Office  
201-B, Statesman House, Barakhamba Road  
New Delhi-110 001  
(PAT Section)

No. 1-27/2006-PAT (BSNL)

Dated, the 3<sup>rd</sup> May, 2007

**OFFICE ORDER**

**Subject:-Encashment of earned leave at the credit of respective functional Directors of Board and CMD.**

The approval of the Board of Directors of BSNL is, hereby, conveyed for grant of encashment of maximum 300 days of Earned Leave at the credit of the functional Directors and CMD for the leave accumulated after their appointment in BSNL.

2. However, other regulatory conditions for encashment of Earned Leave after retirement as is applicable in case of Government employee will remain unchanged.

*(Handwritten signature)*  
3/5/07  
(R.R.P. Sinha)  
Assistant Director General (Pers-V)  
Tel.No.23037475

Copy to:-

1. PS to CMD.
2. PS to Directors of BSNL Board.
3. Sr.DDG(Estt)/DDG(CA)/.DDG(EF)/DDG(Pers.), BSNL, C.O.
4. CS&GM(Legal), BSNL C.O.
5. SO(Pen)/(Pay Bill)/(Pers.l), BSNL C.O.