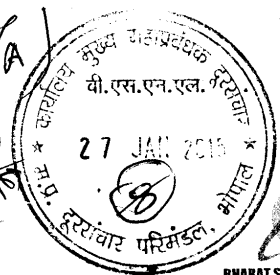


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JL & M/R/A  
AGM (SR-II)  
252



**BHARAT SANCHAR NIGAM LTD.**  
(A GOVERNMENT OF INDIA ENTERPRISE)  
SR CELL, Corporate Office  
8<sup>th</sup> Floor, Bharat Sanchar Bhawan,  
Harish Chander Mathur Lane,  
Janpath, New Delhi-110 001

F. No. BSNL/31-4/SR/2014/Pt.


Dtd. 20.01.2015

To,  
The Chief General Manager,  
Bharat Sanchar Nigam Limited,  
M.P. Telecom. Circle,  
Bhopal.

Sub: - Guidelines on "No Work No pay" principle during agitation/strike period- regarding.

Sir,  
I am directed to refer M.P. Telecom. Circle's letter no. 19/SR/SR/Union/AIGETOA dt. 14.03.2014 on the above subject and to forward herewith a copy of Deptt. Of Pers. & Trg. OM no. 13026/3/2012-Estt (Leave) dt. 28.03.2013 regarding Consolidated instructions on remaining away from duty without authorization/grant of leave- Rule Position and also DPE Guidelines under the head of 'Service matters' for taking appropriate action. The guidelines are self-explanatory in nature.

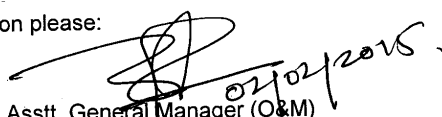
Yours faithfully,

  
(Manohar Lal)  
AGM (SR-II), BSNL C.O.

Endst.No.SR-19-2/Union/AIGETOA/2014-15/12

Dated : 02/02/2015

To,  
All Sr. GMs C.O.Bhopal  
All Zonal GMs in M.P.Circle.  
All SSA Heads/ Units Heads in M.P.Circle.—  
The G.M. (Project.) (WTR), Bhopal / Jabalpur.  
The C.E.(Civil) Bhopal / Jabalpur, C.E. (Electrical), Bhopal.  
The Sr. Architect, Bhopal.  
The D.E. (C.T.S.D.) / (CRC) / (A.T.), Bhopal, D.E. (C.T.T.C.), Indore.  
Copy forwarded for information and necessary action please:

  
Asstt. General Manager (O&M)

C/O. COMT BSNL Circle Office, Bhopal

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

\*\*\*\*\*

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.

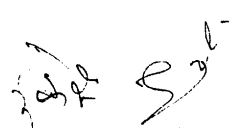
With respect to (iii) above, it may be stated that all Ministries/ Departments are requested to ensure that in all cases of unauthorised absence by a Government servant, he should be informed of the consequences of such absence and be directed to rejoin duty immediately/ within a specified period, say 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

To : All Ministries/ Departments of the Government of India etc. (As per standard mailing list)

## CHAPTER II PERSONNEL POLICIES

### (c) Service Matters

#### 4. DPE/Guidelines/II(c)/4

##### Treatment of absence of employees on account of Bundh etc.

Queries have been received from certain Public Enterprises in the past as to the manner in which the absence of employees of the concerned enterprises on account of Bundh, etc. should be treated. This question has been considered in all its aspects and the following procedure may be adopted in such cases, if any, in future.

2.1 The absence of the employees on a day or days of the Bundh may fall under one of the following categories:

- i. Where the employee had applied or applies for leave for the day or days of the Bundh for genuine reasons e.g. medical grounds, of which the competent authority is satisfied;
- ii. Where the competent authority is satisfied that the absence of the individual concerned was entirely due to reasons beyond his control e.g. due to failure of transport or disturbances or picketing or imposition of curfew etc;
- iii. Unauthorized absence i.e. where conditions mentioned in (i) or (ii) above are not satisfied.

2.2 As regards the first category, leave of the kind due and admissible including casual leave, may be granted to the employees concerned. As regards the second category, if the competent authority is satisfied that the absence was due to failure of transport facilities, special casual leave may be granted to the employees, who had to come from a distance of more than three miles of their place of duty. If the absence was due to picketing or disturbances or curfew, then two special casual leave could be granted to regularize the absence without insisting on the condition that the distance between their place of duty and their residence should be more than three miles.

2.3 As regards the third category mentioned above, the Service rules of the enterprise would normally provide that an employee, who is absent from duty without any authority, shall not be entitled to any pay and allowances, during the period of such absence. Unauthorized absence of this kind, apart from resulting in loss of pay and allowances for the period of such absence, would also constitute a break in service, entailing forfeiture of past service for all purposes, unless the break itself is condoned and treated as *dies non*. If the break is condoned and treated as *dies non* by the competent authority the service rendered prior to the break will be counted for all purposes, but the period of the break itself will not count for any purpose.

2.4 The consequences of unauthorized absence from duty of Public Sector employees which is not condoned in any manner would be as follows:

#### (i) Pay & Allowances

No pay and allowances are admissible during the period of unauthorized absence.

#### (ii) Lien, Status/Seniority

The lien of a Public Sector employee on his post and his status, for example, permanency and seniority in service would not be affected by such absence. In other words, in the case of those who return to duty after unauthorized absence, no fresh letter of appointment is necessary.

**(iii) Increment**

The period of such unauthorized absence would not count for increment. In other words, the date of next increment would get postponed by the period of such absence.

**(iv) Leave**

The leave at the credit of the employees would not lapse as a result of unauthorized absence but such period of absence would not count for earning leave.

**(v) C.P.F. and Death-cum-Retirement Gratuity**

In the case of employees who are governed by C.P.F. Rules the only effect of the period of unauthorized absence is that such period would be ignored for the purpose of his entitlement to C.P.F. benefits. However, the interruption in service caused by unauthorized absence entails forfeiture of past service for purposes of entitlement to gratuity, subject to the condition that if there is any statutory provision applicable to the employee granting the payment of gratuity even on resignation/dismissal the said provision should be complied with, ensuring also that the case satisfies all the other relevant stipulations in the statutory provisions.

**(vi) There are other service benefits like L.T.C. etc.,** to which employees are entitled only after they have put in a specified length of continuous service or certain amount of minimum continuous service. The unauthorized absence of an employee would result in the lapsing of the previous service and the employee would be required to put in the minimum or specified length of continuous service after the unauthorized absence for entitlement to such concessions.

3. Ministry of Petroleum, etc., may bring the foregoing to the notice of all the Public Enterprises under their control for necessary action. The enterprises may also be advised to review their relevant Service rules regarding pay, leave, etc., and incorporate the necessary amendments therein to secure the objective of these instructions:

**(BPE/GL-023/76/MAN/2(111)/75-BPE(GM-I) dated 26th June, 1976.)**

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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.

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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:

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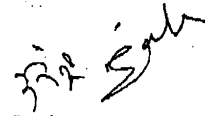
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## Copy to:

1. Office of the Comptroller & Auditor General of India/ Controller General of Accounts, Ministry of Finance.
2. Secretaries to UPSC/ Supreme Court of India/ Lok Sabha Sectt./ Rajya Sabha Sectt./ Cabinet Sectt./ Central Vigilance Commission/ President's Sectt./ Prime Minister's Office/ Planning Commission/ Central Information Commission.
3. All State Governments and UTs.
4. Governor of all States/ Lt. Governors of Union Territories.
5. Secretary, National Council (Staff Side), 13-C Ferozshah Road, New Delhi.
6. All Members of Staff Side of the National Council of JCM/ Deptt. Council
7. All Officers/ Sections of DOPT/ DPARPG/DP&PW.
8. Ministry of Finance, Department of Expenditure, E-II (B) Branch.
9. Official Language Wing (Legislative Deptt.), Bhagwan Das Road, ND
10. Railway Board, New Delhi
11. NIC, DOPT for uploading on the web-site of the Ministry
12. 200 spare copies.



(Mukesh Chaturvedi)  
Deputy Secretary to the Govt. of India