

THE HIGH COURT OF KERALA 60140

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Kochi - 682031
Dated 05/07/2018



C1- 29001/2018

OFFICIAL MEMORANDUM

Sub:- Leave Without Allowances under Appendix XII A /XII C, Part I, KSRs- Non-compliance of instructions for processing leave applications-Further directions issued - Regarding.

- Ref:- 1. G.O.(P)No.656/2012/Fin dated 01/12/2012.
2. High Court OM. No.C3-101197/2012 dated 09/01/2013.
3. Government Circular No.29/03/Fin dated 29/03/2003.
4. Government Circular No.22/2018/Fin dated 28/03/2018.
5. High Court O.M. No.C4-37096/2018 dated 08/05/2018.

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Attention of the undermentioned officers is invited to the references cited.

In view of the delegation of power to sanction Leave Without Allowances to take up private employment/to join spouse under Appendix XII A/XII C, Part I, KSRs to the Head of Departments as per the G.O referred 1st instructions had been issued to the District Judges/Chief Judicial Magistrates as per the O.M cited 2nd on the procedure to be followed in processing the leave applications. However it is noticed that the said instructions are not properly followed and some of the appointing authorities/Controlling Officers/applicants are dealing with the same in a casual manner without taking into consideration the consequences of the same.

The glaring omissions/lapses noticed on the part of applicants of Leave Without Allowances/Controlling Officers/Appointing Authorities are the following:

1. Leave applications are not submitted by the employees well in advance;
2. Applications for extension of leave are received in the High Court after the date of expiry of leave;
3. Leave applications are not recommended by the Controlling Officer without specifying the reasons for the same;

06/02/2018 Leave applications submitted on time are returned by the District Judges/Chief Judicial Magistrates to the applicants instead of forwarding the same to the High Court with the reasons for not recommending the leave;

5. Genuineness of the leave applications are not examined with reference to the details of employment to be taken up.

Instances of the delayed submission of leave application lead to action under Rule 9 of Appendix XII A/rule 10 of Appendix XII C, as Leave Without Allowance under Appendix XIIA/XII C, Part I, KSRs cannot be granted with retrospective effect and in such cases, the employees will be on unauthorised absence which results in initiation of disciplinary action and termination of service in view of the above provisions.

The Government Circular referred 4th contains specific instructions taking note of the instances of the employees entering on Leave Without Allowance before getting the leave sanctioned.

Under the circumstances, the following directions are issued to the District Judges/Chief Judicial Magistrates:

- a) The instructions issued in O.M.No.C3-101197/2012 dated 09/01/2013 and the Government circular No.22/2018/Fin dated 28/03/2018 shall be followed scrupulously;
- b) An incumbent register shall be maintained by the Head of Office to record the leave details of staff members in view of the Government Circular No.29/03/Fin dated 29/03/2002;
- c) It shall be ensured that the incumbents submit the applications for leave atleast three months before the commencement or expiry of the leave sanctioned. as the case may be in accordance with instruction No.1 of the Government Circular No.22/2018/Fin dated 28/03/2018. They may also be informed that leave under Appendix XII A/XII C cannot be granted with retrospective effect and a decision to reject the application for extension of leave is not appealable and the only option left to the employee is to rejoin duty on the expiry of leave;

- d) Instruction No.2 of the Government Circular referred 4th regarding forwarding/submitting the leave to the higher authorities shall be adhered to;
- e) Genuineness of each leave application shall be ascertained before forwarding the same to the High Court with reference to details of employment to be taken up explicitly in the case of leave under Appendix XII A. A declaration from the employee in the format enclosed shall be obtained to the effect that whenever there is a change in the job profile/change of address during the employment with India or abroad as the case may be, that fact will be intimated to the office and the High Court;
- f) The leave application shall be forwarded with specific recommendations and no-objection. If the leave is not recommended or if there is any objection, the leave application shall be forwarded to the High Court specifying the reason for the same;
- g) The above directions shall be followed scrupulously and all concerned be informed that lapses in complying with the above instructions will be viewed seriously.

Encl: As above.

(By Order)


K. Haripal

Registrar (Subordinate Judiciary)

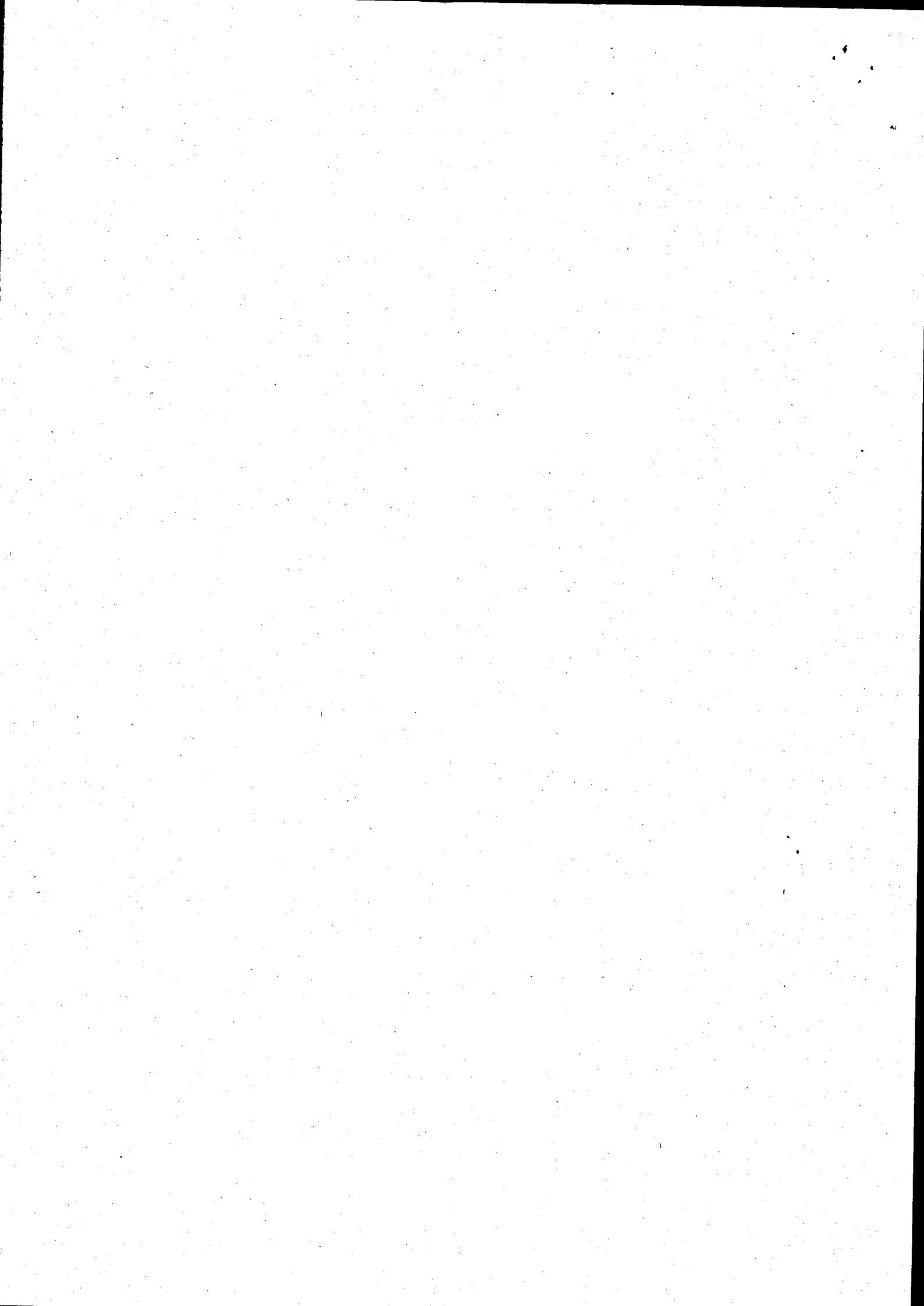
To

All District Judges
All Chief Judicial Magistrates
The B Section, High Court (for information).
The IT Section, High Court (for publishing in the website).

Copy to:

C2, C3 and C6 Seats, High Court.

Note: Reply if any, shall be addressed to the Registrar (Subordinate Judiciary) or can also be sent to the fax number shown above.



Declararation

1. I shall abide by the conditions laid down in Appendix XII A/XII C, Part I, KSRs and the conditions in Government Circulars and the High Court O.M issued in this regard.
2. I shall inform the appointing authority/High Court whenever there is a change in my job profile/Change of address during my employment with in India or abroad as the case may be in the case of Appendix XII A.

Place

Date

Signature

Name and designation

Countersignature by Head of office