

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(Department Of Personnel And Training)

NOTIFICATION

New Delhi, the 3rd April, 2018

G.S.R. 438(E).—In exercise of the powers conferred by the proviso to article 309 read with clause (5) of article 148 of the Constitution and after consultation with the Comptroller and Auditor- General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Leave) Rules, 1972, namely:-

1. (1) These rules may be called the Central Civil Services (Leave) Second Amendment Rules, 2018.
(2) They shall be deemed to have come into force on the 19th day of April, 2017.
2. In the Central Civil Services (Leave) Rules, 1972 (hereinafter referred to as the said rules), in rule 3, in sub-rule (1),-
 - (i) after clause (f), the following clause shall be inserted, namely:-
(fa) “**disability**” means “specified disability”, “benchmark disability” and “disability having high support needs” as referred to in the Rights of Persons with Disabilities Act, 2016(49 of 2016).
3. In the said rules, in rule 7, after sub-rule (2), the following proviso shall be inserted, namely:-
“Provided that leave applied under rule 20, shall not be refused or revoked without reference to the Medical Authority, whose advice shall be binding.”
4. In the said rules, in rule 12,-

- (a) in sub-rule (1), after the words "No Government", the word "servant" shall be inserted;
 (b) after sub-rule (2), the following proviso shall be inserted namely:-

"Provided that this rule shall not apply to a case where leave is applied on medical certificate, in connection with a disability."

5. In the said rules, in rule 14, the following proviso shall be inserted, namely:-

" Provided that where a Government servant is unable to submit an application or medical certificate on account of a disability, such application or medical certificate may be signed and submitted by -

- (a) the spouse of the Government servant; or
 (b) the parents in case of an unmarried Government servant; or
 (c) the child including adopted child or brother or sister of the Government servant, who has attained the age of majority; or
 (d) any person who has been assigned limited guardianship of the Government servant in terms of section 14 of the Rights of Persons with Disabilities Act, 2016(49 of 2016),

and the same shall be deemed to have been made and submitted by the Government servant himself."

6. In the said rules, in rule 19, for sub-rule 2, the following shall be substituted, namely:-

"(2) In case of a Government servant who has acquired a disability, the Medical Authority shall certify, in Form 3A, -

- (a) the nature and extent of the disability;
 (b) the date from which such disability has occurred or manifested, to the extent it may be medically possible to indicate the same;
 (c) whether there are reasonable prospects for the Government servant to be fit to resume duties, and if not, categorically state that such Government servant is completely and permanently incapacitated for further service.

(2A) For the purposes of these rules, a doctor in Central Government Health Scheme or a Government Hospital, or a specialist in Government Hospital in cases requiring specialised treatment, or a Medical Board in a Government Hospital in the case of multiple disabilities shall, in addition to the authority certifying specified disability under the provisions contained in Chapter X of the Rights of Persons with Disabilities Act, 2016(49 of 2016), be the Medical Authorities competent to issue certificate of disability in Form 3A.

(2B) Notwithstanding anything in these rules, no reference from the Head of Office or any other authority may be required for issue of medical certificate of disability."

7. In the said rules, in rule 20,-

- (a) in sub-rule (1), in clause (b), for sub-clauses (i) and (ii), the following shall be substituted, namely:-

"(i) if the Medical Authority is unable to say with certainty that the Government servant, who has acquired a disability, will never again be fit for service, leave not exceeding twelve months at a time may be granted and such leave shall not be extended without further reference to a Medical Authority;

(ii) if a Government servant is declared by the Medical Authority, as specified in rule 19, as to have acquired such disability which may prevent him from discharging further service, leave or an extension of leave may be granted to him after the certificate of the Medical Authority has been received in Form 3A:

Provided that any leave debited for the period(s) granted under sub-clause (i) of clause (b), after receipt of the certificate of disability of the Medical Authority, shall be remitted back into the leave account of the Government servant:

Provided further that any leave granted to regulate the period of absence under sub-clause (ii) of clause (b), after receipt of the certificate of the Medical Authority, shall not be debited to the leave account of the Government servant."

- (b) for sub-rule (2), the following sub-rule shall be substituted, namely:-

“(2) In the case of a Government servant who is granted leave in accordance with the provisions of clause (b) of sub-rule (1), the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) shall, suo motu, apply.”.

8. In the said rules, after Form 3, the following Form shall be inserted, namely:-

“FORM 3 A
(See rules 19 and 20)

**MEDICAL CERTIFICATE FOR GOVERNMENT SERVANTS WHO ARE TO BE RECOMMENDED LEAVE
UNDER RULE 20**

Signature/thumb impression of the Government servant _____

It is certified that Shri/Shrimati/Kumari _____ (designation and place of work may also please be indicated) is under my medical supervision since _____ and is suffering from _____*.

2. The aforesaid medical condition can be reasonably estimated to have manifested itself with effect from _____ and that-

(i) it cannot be said with certainty that the Government servant will never again be fit for service; or

(ii) there is no reasonable prospect that the Government servant will ever be fit to return to duty.

3^ In view of the fact that it cannot be said with certainty as to when the Government servant shall be fit for service, I recommend that Shri/Shrimati/Kumari may be granted leave on medical grounds w.e.f..... to (upto a period of one year).

[^Please strike out if a certificate is being issued under 2(ii) above]

Name and designation of the Medical Officer of Central Government Health Scheme/Government Hospital/Medical Board
OR

Name, designation and details of certifying authority so designated under section 57 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016)

***Note:** Nature of disability may be specified. Here “disability” means the disability as defined in clause (fa) of these rules.”.

[F. No.18017/1/2014-Estt. (L)]

GYANENDRA DEV TRIPATHI, Jt. Secy.

EXPLANATORY MEMORANDUM

The Rights of Persons with Disabilities Act, 2016 (49 of 2016) came into force with effect from the 19th day of April, 2017 and the Central Civil Services (Leave) Rules, 1972 are being amended to comply with the section 20 of the said Act.

Keeping in view the spirit and underlying intent of the provisions of the Rights of Persons with Disabilities Act, 2016, the provisions of the Central Civil Service (Leave) Rules, 1972 are being synchronised with the aforesaid statutory provision by incorporating required amendments in the Central Civil Services (Leave) Rules, 1972.

It is certified that by giving retrospective effect to these rules, the interest of no person is likely to be adversely affected.

Note: The principal rules were published in the Gazette of India, Extraordinary, Part-II, Section 3, Sub-section (i), vide number S.O. 940, dated the 8th April, 1972 and have been subsequently amended as follows:-

S. No.	Number of notification	Date	GSR. No.	GSR date
1	16(3)-E.IV(A)/71	11.1.1972	2724	4.11.1972
2	4(7)-E.IV(A)/72	30.4.1973	1399	19.5.1973
3	5(15)-E.IV(A)/73	13.7.1973	821	14.8.1973
4	14(10)-E.IV(A)/73	11.6.1974	Not readily available	
5	5(8)-E.IV(A)/73	19.7.1974	818	3.8.1974
6	14(8)-E.IV(A)/74	2.11.1974	1242	23.11.1974
7	16(3)-E.IV(A)/74	20.12.1974	1374	28.12.1974
8	16(5)-E.IV(A)/74	11.4.1975	526	26.4.1975
9	16(8)-E.IV(A)/74	26.5.1975	686	7.6.1975
10	4(1)-E.IV(A)/74	24.6.1975	834	12.7.1975
11	16(8)-E.IV(A)/74	20.9.1975	2876	27.12.1975
12	5(7)-E.IV(A)/75	2.12.1975	2877	27.12.1975
13	5(16)-E.IV(A)/73	15.1.1976	Not readily available	
14	16(6)-E.IV(A)/74	31.7.1976	1184	14.8.1978
15	16(3)-E.IV(A)/76	7.10.1976	1587	13.11.1976
16	4(9)-E.IV(A)/76	14.3.1977	611	14.5.1977
17	14(11)-E.IV(A)/76	12.9.1978	1159	23.9.1978
18	14025/1/78-E.IV(A)	4.10.1978	1255	21.10.1978
19	13024/1/76-E.IV(A)	29.8.1979	1150	15.9.1979
20	11022/1/77-E.IV(A)	21.11.1979	1422	1.12.1979
21	14018/1/80-LU	21.11.1980	1260	13.12.1980
22	16(19)-E.IV(A)/76	31.12.1980	263	24.11.1981
23	11012/2/80-Est.(L)	24.8.1981	811	5.9.1981
24	14028/9/80-Est.(L)	1.10.1981	927	17.10.1981
25	14025/9/80-Est.(L)	16.4.1982	423	8.5.1982
26	13023/2/81-Est.(L)	16.4.1983	430	4.6.1983
27	14028/8/82-Est.(L)	27.7.1983	489	13.8.1983
28	131023/2/81-Est.(L)	12.10.1983	804	5.11.1983
29	14028/6/81-Est.(L)	17.10.1973	350	24.3.1983
30	13015/11/82-Est.(L)	25.5.1984	566	9.6.1984
31	18011/3/80-Est.(L)	12.7.1984	788	28.7.1984
32	14028/1/81-Est.(L)	19.7.1984	817	4.8.1984
33	14028/16/82-Est.(L)	31.5.1985	558	15.6.1985
34	13014/1/85-Est.(L)	3.12.1985	1139	14.12.1985
35	14028/19/86-Est.(L)	9.12.1986	1072	14.12.1985
36	13023/20/84-Est.(L)	11.12.1986	1102	27.12.1986
37	13014/1/87-Est.(L)	17.6.1987	515	4.7.1987
38	11012/1/85-Est.(L)	23.6.1987	516	4.7.1988
39	14028/18/86-Est.(L)	23.3.1988	260	9.4.1988
40	11012/1/85-Est.(L)	6.6.1988	476	18.6.1988
41	13012/12/86-Est.(L)	10.3.1989	198	25.3.1989
42	13026/2/90-Est.(L)	22.10.1990	55	26.1.1991
43	11014/3/89-Est.(L)	2.5.1991	303	18.5.1991
44	11014/3/89-Est.(L)	21.1.1992	49	8.2.1992
45	13026/2/90-Est.(L)	4.3.1992	119	14.3.1992
46	13026/2/90-Est.(Leave)	20.4.1993	225	8.5.1993

47	13018/7/94-Estt.(L)	31.3.1995	317(E)	31.3.1995
48	14028/10/91-Estt.(L)	8.8.1995	385	19.8.1995
49	14028/4/91-Estt.(L)	18.9.1995	442	7.10.1995
50	14015/2/97-Estt.(L)	31.12.1997	727(E)	31.12.1997
51	13026/1/99-Estt.(L)	18.4.2002	149	27.4.2002
52	13026/1/2002-Estt.(L)	15/16.1.2004	186	5.6.2004
53	14028/1/2004-Estt.(L)	13.2.2006	47	4.3.2006
54	13018/4/2004-Estt.(L)	31.3.2006	91	27.4.2006
55	13023/3/98-Estt.(L), Vol.II	26.10.2007	229	3.11.2007
56	11012/1/2009-Estt.(L)	1.12.2009	170	5.12.2009
57	13026/1/2010-Estt.(L)	12.5.2011	160	12.5.2011
58	13026/5/2010-Estt.(L)	5.8.2011	601(E)	5.8.2011
59	14028/1/2010-Estt.(L)	26.8.2011	646(E)	26.8.2011
60	13018/4/2011-Estt.(L)	27.8.2011	648(E)	27.8.2011
61	13026/4/2011-Estt.(L)	26.12.2011	898(E)	26.12.2011
62	13026/3/2011-Estt.(L)	28.3.2012	255(E)	28.3.2012
63	13026/2/2010-Estt.(L)	29.3.2012	261(E)	29.3.2012
64	13026/5/2011-Estt.(L)	4.4.2012	283(E)	4.4.2012
65	13026/4/2012-Estt.(L)	18.2.2014	96(E)	18.02.2014
66	13026/4/2012-Estt.(L)	17.4.2014	286(E)	21.04.2014
67	13018/6/2013-Estt. (L)	9.10.2014	711(E)	09.10.2014
68	13026/2/2016-Estt.(L)	15.3.2017	251(E)	15.3.2017
69	13023/1/2017-Estt(L)	1.1.2018	08(E)	1.1.2018

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