

**GOVERNMENT OF KERALA**  
**Planning & Eco. Affairs (BPE) Dept.**

No.13818/BPE2/02/Plg.

Dated. Thiruvananthapuram, 4/12/2003.

CIRCULAR

Sub: Public Sector Undertakings – Grant of Leave Without Allowances for taking up employment abroad or elsewhere in India & Leave Without Allowances for joining Husband/Wife abroad or elsewhere in India to the Employees of Public Sector Undertakings – Guidelines issued.

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Government as per Circular No.10432/BPE1/95/Plg.dated 20-1-1996 have issued guidelines for granting leave without allowances for taking up employment abroad or elsewhere in India to the employees of the State Public Sector Undertakings. But there is no provision in the said Circular for granting leave without allowances to a husband or wife employed in a Public Sector Undertaking to join his wife or her husband as the case may be working abroad or elsewhere in India. It is not desirable to adopt as such and enforce the provisions in this regard prevailing in Government Service for extending leave up to 20 years in the State Public Sector Undertakings where the service conditions, job-contents, etc., vary from Public Sector Undertaking to Public Sector Undertaking in contra-distinction with Government service where the service rules are uniform. Further, in Public Sector Undertakings most of the employees will be either professional or technical hands, like Engineers, M.B.A.'s Chartered Accounts, etc., whose absence for longer periods is very likely to affect the smooth functioning of the concerned Organisation.

2. Therefore Government are pleased to issue the following guidelines for granting leave without allowances for taking up employment abroad or elsewhere in India and also leave without allowances for joining husband or wife, as the case may be, employed abroad or elsewhere in India.

3. Leave without allowances for taking up employment abroad or elsewhere in India may be granted to the employees of the Public Sector Undertakings upto a maximum period of 20 years subject to the following conditions:-

- (a) A Public Sector Undertaking can grant such leave for the above purpose upto three years only if it can manage its affairs without the appointment of a substitute from outside in the resultant vacancy.
- (b) Extension of the leave can be granted beyond three years and upto 20 years with the prior approval of government only if the Management of the Public Sector Undertaking certify that the person applying for leave can be allowed to continue on leave without having a substitute appointed in his place and that such an extension of the leave will not in any way affect the operations of the undertaking.
- (c) The Management of the Public Sector Undertaking will have the discretion not to sanction the leave or to sanction the leave only for a shorter period and also to recall the employees on leave before the completion of the period of the sanctioned leave.
- (d) The Management of the Public Sector Undertaking will ensure that the employees proceed on leave only after the leave is duly sanctioned by the Board of Directors or other competent authority of the Public Sector Undertaking.
- (e) Employees who absent themselves without getting the leave duly sanctioned should be treated as on unauthorised absence and action should be taken to terminate their service.
- (f) For and during the currency of the period of leave, the employees will lose all service benefits, such as the earning of leave including half pay leave, gratuity, increment, etc., and also promotion chances which may arise with reference to their seniority in the posts from which they proceeded on leave. They will also lose seniority in the higher grade/grades as against their juniors who may get promoted to such higher grade/grades before they rejoin duty.
- (g) Probationers, trainees, temporary employees, etc. will not be entitled to apply for this leave.
- (h) Those who are under contractual/bonded obligation to serve the Public Sector Undertaking for a prescribed period will not be granted this leave till the period covered by the contract/bond is over, unless they settle the contractual/bonded obligations before the grant of leave. The amount remitted on that account will not be refunded under any circumstances. Similarly, employees against whom disciplinary action or vigilance enquiry is pending will not be eligible for this leave.
- (i) Those who had availed themselves of any loan such as house building advance, conveyance advance, etc., will clear the dues before the grant of leave.
- (j) If an employee, availing himself of the leave without allowances, does not return to duty immediately on the expiry of the leave he should be treated as on unauthorised absence and action should be taken to terminate his service.

4. Leave without allowances may be granted to the employees of Public Sector Undertakings for the purpose of joining husband or wife, as the case may be, employed abroad or elsewhere in India subject to the following conditions:-

- (i) The Public Sector Undertaking can grant such leave for the above purpose up to 2 years at a stretch, in the first instance, and subsequently, for another 2 years by ensuring that there is an interval of one year between the expiry date of the first leave and the commencing date of the second leave, and again for another 2 years with such an interval as the one mentioned above, after obtaining a written undertaking from the employee concerned that he/she will not take up any employment at the place where he/she joins his/her wife/husband without prior permission of the Public Sector Undertaking concerned. Provided that the Public Sector Undertaking can manage its affairs without the appointment of a substitute from outside in the resultant vacancy.
- (ii) Any leave subsequent to and beyond the 3 spells mentioned above, but upto a maximum of 20 years, could be granted only with the prior permission of the Government, provided the Management of the Public Sector Undertaking certify that the person applying for leave can be allowed to continue on leave without having a substitute appointed in his place and that such granting of leave will not in any way affect the operations of the undertaking.
- (iii) The other conditions will be the same as those contained in clauses (c) to (j) of Paragraph (3) above.

5. The Managing Directors/Chief Executives of the Public Sector Undertakings will be responsible for the observance of the above instructions. No relaxation in the above conditions will be allowed.

6. Circular No.10432/BPE1/95/Plg.dated 20-1-1996 is hereby cancelled.

N.CHANDRASEKHARAN NAIR  
Chief Secretary.

To

The Accountant General (A&E)/(Audit), Kerala, Typm.  
All Public Sector Undertakings.  
All Departments in the Secretariat including Law & Finance.  
All Principal Secretaries/Secretaries.  
The Private Secretary to the Chief Minister.  
The Additional Secretary to the Chief Secretary.  
The Director of Public Relations.  
The General Administration (S.C) Department.