To,

All the Directors of Main Institutes,
Incharges of RO's and other
Independents units of CSB.

Sir,

Sub: Medical Board for examination as per Medical
Examination Rules, for civilian Government employees –
regarding.

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I am to refer to the subject cited above and to inform that the General
Transfers are effected every year in the month of April – May as per the Board's
Transfer Policy 2018 inter alia ensure efficiency in administration of the mandate of
the Central Silk Board in compliance with the guidelines of Department of Personnel &
Training, Govt. of India. The Transfer Policy 2018 was approved by the General Body
of Central Silk Board and is available in the public domain and is applicable to all
employees of Central Silk Board. In the implementation of the Transfers an effort is
made to limit the number of transfer to minimum level and mainly to improve efficiency
of Service. Transfer is an incident of service and it is expected that Officials should be
amenable to compliance of Orders issued transferring service from one station to
another.

It has however come to the notice of the Competent Authority that on
receipt of the transfer order the employees submit their representations for retention
citing various reasons, thereafter, in case their requests are rejected in public interest
they remain away from duty for a indefinite period by submitting Medical Certificates
obtained from the Civil Hospitals and expressing their inability to report for duty at their
place of postings on various grounds. The Competent Authority is often surprised that
employees are falling ill just when Transfer Orders are issued.

The Competent Authority is of the opinion that such Medical Certificates
so submitted by the employees for retention / modifications / cancellation of transfers in
support of their sickness should be sent for 2nd opinion of Medical Board or Appropriate
Medical Authority to examine their requests failing which the period of absence should
be examined as per CCS (Medical Examination) Rules 1957. CSB has already issued a
Circular dated 11th September 2018 (Enclosed).
The DoPT OM dated 28-03-2013. (Copy enclosed) which covers cases of unauthorized absence which should be utilized at the time of processing applications for leave in such circumstances. This may please be brought to the notice of all the employees working under your control for strict compliance.

Yours faithfully,

[Signature]

JULIAN TOBIAS
JOINT DIRECTOR [ADMN.]
CIRCULAR

Sub: Request for transfer – medical grounds – reg.

While scrutinizing the transfer request of the Officers/officials of various units of CSB, it has been observed that many requests are being received on medical grounds of either the employee or their family members. It has therefore become very difficult to identify the genuine cases. To reduce the frivolous requests the following decision has been taken.

(i) Whenever any request for transfer is made on medical grounds of self illness, the concerned employee should be got medically examined on the lines of CCS (Medical Examination) Rule 1957 before forwarding the application of the Officers/officials on medical grounds. (Copy Enclosed). The employees who are going to be medically examined need not be asked to avail leave but in case the employee applies for leave such application may be considered and leave granted for that purpose.

(ii) In case the Report of medical examination by the Medical Board is not submitted along with request on medical grounds, such applications should not be recommended.

(iii) In case of illness of dependent family members, the DOPT instructions regarding cases of illness of family members will be applicable.

The Heads of the Institute/unit incharge are advised to follow the procedure, while forwarding the request transfer applications in future.

These instructions will take effect from 1st October 2018.

(R.R.OKHANDIAR)
MEMBER-SECRETARY

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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)
Copy to:

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/ Depttl. 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