

Item No. 4 DEFERRED ITEM :

(ii) Grant of Study Leave to Non Teaching Staff.

In its 90th meeting held on 18.7.96, the Executive Council have adopted two Resolutions (i. No. EC:90:96:6:6 (xxii) 2. EC:90:96:6:6: (xviii)) on grant of Study Leave to Non Teaching employees of the University. Annexures at 'A' placed below for ready reference.

In this context, the Office would like to bring to the notice of the Council that in so far as the Non-Teaching employees of the University are concerned, they are governed by CCS (Leave) Rules, 1972 as amended from time to time, in the matter of grant of various kinds of leave including Study Leave. The provisions for grant of Study Leave are provided under Rules 50 to 63 of the aforesaid Rules which govern various aspects of the grant of Study Leave. These provisions are comprehensive and exhaustive in the matter as may be seen from the important features of the said provisions, reproduced hereunder:-

1. Course of Study/Specialised Training:- Granted to a Government servant with due regard to the exigencies of public service to enable him/her to undergo, on or out of India, special course of study consisting of higher studies or specialised training in a professional or a technical subject having a direct and close connection with the sphere of his/her duty.
2. Course of Training/Study Tour:- Granted for a course of training or Study tour if such course/tour is certified to be of definite advantage to him/her from the point of view of public interest and is related to her sphere of duty.
3. Public Administration:- Granted for the purpose of studies connected with the frame work or background of public administration.
4. Granted for studies not closely or directly connected with his/her work but which are capable of widening his/her mind in a manner likely to improve his/her abilities as a government servant and to equip him/her better to collaborate with those employee in other branches of the public service. (Application for study leave in such cases shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance).

5. It is not granted unless:-

i) It is certified that the proposed course of study shall be definite advantage from the point of view of the public interest.

ii) It is for prosecution of studies in subjects other than Academic or literary subjects.

6. It is not ordinarily granted to a government servant:-

i) Who has rendered less than 5 years service under the government.

ii) Who is due to retire, or has the option to retire, from service within 3 years of the date on which he is expected to return to duty after the expiry of the leave.

7. It shall not be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

8. The maximum of Study Leave that may be granted:-

i) At any one time - 12 months.

ii) During entire service - 24 months (inclusive of similar kind of leave for Study or Training granted under any other rules).

9. i) It can be combined with other kinds of leave.

ii) Study Leave plus other kinds of leave (except E.O.L) should not exceed 28 months.

10. A government servant granted Study Leave can draw leave salary equal to the pay without allowance other than Dearness Allowance which he drawn while on duty immediately before proceeding on such leave. Payment of leave salary shall be subject to furnishing a certificate to the effect that he is not in receipt of any Scholarship, stipend or Remuneration.

From the Executive Council Resolutions which are under reference, it is seen that no such detail conditions have been prescribed and it appears that a Non-Teaching employee can be granted Study Leave even without fulfilling the conditions as stipulated under Government of India rules, mention from Sl. 1 to 10 above. The rules framed by a Committee of the EC and duly approved by the EC in its 90th meeting, on 18.7.96 are also enclosed (Annexure A).

Secondly, with the aforesaid EC Resolutions, it appears that the University has taken to operate two sets of Rules on the same subject matter, i.e. grant of Study Leave as the said Resolutions do not say that the provisions of Rules 50 to 63 of the CCS(Leave) Rules are no longer applicable in the matter of grant of Study Leave to the Non-Teaching employees of the University. But here again, it would not be proper to partly adopt Government of India's Rules and to overlook partly to meet any given situation.

Hence the matter is placed before the Council for favour of perusal, consideration and such orders as deemed fit and proper.

EXTRACT FROM THE MINUTES OF THE 90TH EXECUTIVE COUNCIL MEETING
HELD ON JULY 18, 1996

(xxii) Committee to examine and recommend Study Leave for Post-Graduate Study by Non-Teaching Staff.

No. EC:90:96:6:6:(xxii): The Council considered the recommendations of the Committee, appointed to examine the grant of Study Leave for Post-Graduate to Studies by the Non-Teaching Staff and RESOLVED to accept the recommendations of the Committee with the following modifications:

- (iii) This facility should be granted for a period not exceeding two years.
- (iv) In the event of failure to secure the required 55% marks or non completion of the Course, the incumbent will have to refund the salary drawn during the leave period and all other allowances prescribed in the Govt. of India Rules and the Bond executed by the person concerned.
- (vi) Applicants for Study Leave in this respect shall have to serve at least 3 (three) years with the University after completion of the Course of study failing which he has to refund the leave salary to the University.
- (vii) Study Leave shall be granted for prosecution of studies in the relevant stream.
- (xviii) Study Leave to NEHU Employees (Non-Teaching)

No. EC:90:96:6:6:(xviii): This item was deferred and it is to be looked into by a Committee to be appointed by the Chairman.

RESOLVED that Prof. Karna's case may be treated as on deputation to the Government of Bihar for the period he was absent from the University and further RESOLVED that the refund of the leave salary and allowances including interest may be waived as he had returned back to the University and his period of absence has been treated as on deputation. The Council, further RESOLVED that Prof. Karna may pay the leave salary and Pension ^{contribution} due to NEHU contribution. The Council, also RESOLVED that the period of Sabbatical leave of Prof. (Mrs) H. Ila may also be treated as on deputation. The Council further RESOLVED that these two cases may not be quoted as a precedent.

(ii) Grant of Study Leave to Non-Teaching Staff.

No: EC: 91: 96: 4: (ii): This item was taken along with Item No. 4 (iii). The Council considered the grant of Study Leave to the Non-Teaching Staff and while reviewing its earlier decisions RESOLVED that the Study Leave in such cases will be governed by the CCS (Leave) Rules and in special cases the matter may be referred to the University Grants Commission.

(iv) Stepping up of pay of the Senior at par with the Junior-Report of the Committee.

No: EC: 91: 96: 4: (iv): The Council considered the recommendations of the Committee appointed by it with regard to officiating appointment and RESOLVED to accept the recommendations of the Committee. However, in case officiating appointment is made, the appointment should be made on the basis of overall cadre seniority.

Item No. 5 ACADEMIC MATTERS :

5: 1-Statutes, Ordinances, Regulations and Rules-

(i) Regulation for external Research Project.
Report of the Committee.

No: EC: 91: 96: 5: 1: (i): The Council considered the recommendations of the Committee appointed by it to look into the Regulations for external Research Project and RESOLVED to approve the Regulations proposed by the Committee and repealed the earlier recommendations. However, the same may be placed before the Academic Council for its views.