him leave of to the authority, if any specified in the order granting him the leave and await
orders

Note – A Government servant who had been suffering from tuberculosis may be allowed to
resume duty on the basis of fitness certificate which recommends light work for him.

25. Absence after expiry of leave.—(1) Unless the authority competent to grant leave
extends the leave, a Government servant who remains absent after the end of leave is
entitled to no leave salary for the period of such absence and that 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.

(2) Wilful absence from duty after the expiry of leave renders a Government servant
liable to disciplinary action.

CHAPTER IV
KINDS OF LEAVE DUE AND ADMISSIBLE

26. Earned leave for Government servants serving in Departments other than
vacation departments.—(1) (a)(i) The leave account of every Government servant (other
than a military Officer) who is serving in a Department other than a vacation Department,
shall be credited with earned leave, in advance, in two installments of 15 days each on the
first day of January and July of every calendar year.

(ii) When a Government servant joins a new post without availing full joining time by
reason that
(a) he is ordered to join the new post, at a new place of posting without availing of full
joining time to which he is entitled,
or
(b) he proceeds alone to the new place of posting and joins the post without availing full
joining time and takes his family later within the permissible period of time for claiming
traveling allowance for the family.

The number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central
Civil Services (Joining Time) Rules, 1979, subject to the maximum of 15 days reduced by
the number of days actually availed of, shall be credited to his leave account as earned
leave:

Provided that the earned leave at this credit together with the unveiled joining time
allowed to be so credited shall not exceed 240 days.

3(b) The leave at the credit of a Government servant at the close of the previous half-year
shall be carried forward to the next half-years, subject to the condition that the leave so
carried forward plus the credit for the half-year do not exceed the maximum limit to 4(240)
days.

Provided that where the earned leave at the credit of Government servant as on the last day of December or June is 240 days or less but more than 225 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (i) of clause (a) of sub-rule (1) shall instead of being credited in leave account be kept separately and first adjusted against the earned leave that the Government servant takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 240 days.)

(c)(i) Where a Government servant not in permanent employ or quasipermanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi-permanent, his leave account shall be credited with the earned leave which would have been admissible if his previous duty had been rendered as a Government in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of leave on half-pay or extraordinary leave since the date of permanent appointment or quasi-permanent appointment, such leave may, subject to the provisions of Rule 10 be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

[Note. The provisions of this clause shall apply to Government servants whose first year of service or any part thereof in temporary capacity was rendered before the 1st November, 1973, when rate of earning such leave used to be 1/22nd of period spent on duty.

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

Exception.- The earned leave admissible to a Government servant of non-Asiatic domicile recruited in India, who is in continuous service from a date prior to the 1st February, 1949, and is entitled to leave passages, is one-seventh of the period spent on duty and he cases to earn such leave when the earned leave due amounts to 240 days.

(2) Subject to the provisions of Rules 7 and 39 and sub-rules (1) and (3) of this rule, the maximum earned leave that may be granted at a time shall be -

(i) 3[180] days is the case of any Government servant mentione din the India, or

(ii) 150 days, in the case of a Government servant mentioned in the Exception to sub-

rule (1).

(3) Earned leave be granted to a Government servant in Class I or Class II service or to a Government servant mentioned in the Exception to sub-rule(1), for a period exceeding
1[180] days but not exceeding 2[240] days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 1[180] days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

327. Calculation of earned leave.- (1) Earned leave shall be credited to the leave account of a Government servant at the rate of 2-1/2 days for each completed calendar month of service which he is likely to tender in a half-year of the calendar year in which he is appointed.

(2)(a) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of 2-1/2 days per completed calendar month up to the date of retirement or resignation.

(b) When a Government servant is removed or dismissed from service or dies while in service, credit of earned leave shall be allowed at the rate of 2-1/2 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(3) If a Government servant has availed of extraordinary leave and/or some period of absence has been treated as dies non in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/or dies non subject to a maximum of 15 days.

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.

528 Earned leave for person serving in Vacation Departments – (1) (a) The leave account of a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school shall be credited in advance with earned leave in two instalments of five days each on the first day of January and July, of every year.

(b) If a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school has availed of extraordinary leave and/or some period of absence has been treated as dies non during a half-year the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/30th of the period of such leave and/or dies non subject to a maximum of 5 days.

(c) The credit for the half-year in which a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in school is appointed/ceases to be in service shall be allowed at the rate of 5/6th day for each completed month of service which he had
rendered or is likely to render in the half-year in which he is appointed/ceases to be in service

(2) Subject to provisions of sub-rule (1), a Government servant (other than military officer) serving in a Vacation Department shall not be entitled to any earned leave in respect of duty performed, in any year in which he avails himself of the full vacation.

(3)(a) In respect of any year in which a Government servant avails himself of a portion of the vacation he shall be entitled to earned leave in such proportion of 30 days or 45 days when governed by the Exception to sub-rule (1) of Rule 26, as the number of days of vacation not taken bears to the full vacation:

Provided that no such leave shall be admissible to a Government servant not in permanent employ or quasi-permanent employ in respect of the first year of his service.

(b) If, in any year, the Government servant does not avail himself of any vacation, earned leave shall be admissible to him in respect of that year under Rule 26.

Explanation. - For the purpose of this rule, the term 'year' shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.

Note 1.-A Government servant entitled to vacation shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Note 2. - When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

Note 3 – In the case of a teacher, principal, headmaster, librarian, laboratory assistant or a Waterman working in a school the earned leave, if any, admissible under sub-rule (3) will be in addition to the earned leave admissible under sub-rule (1).

(4) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave in taken in combination with or in continuation of other leave or
not exceed the amount of earned leave due and admissible to the Government servant at a time under Rule 26.

(5) The earned leave under this rule at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 1 [240] days.

[Note.-The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments, in accordance with the provisions of sub-clause (ii) of clause (a) of sub-rule (1) of Rule 26.]

329. Half pay leave.-(i) The half pay leave account of every Government servant (other than a military officer and those covered by Rule 28) shall be credited with half pay leave in advance, in two installments of ten days each on the first day of January and July of every calendar year.

(2)(a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service or dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service or dies in service.

(d) Where a period of absence or suspension of a Government servant has been treated as "dies non" in a half-year, the credit to be afforded to his half-pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of "dies non" subject to a maximum of ten days.]

(3) A Government servant who is eligible for Department leave under Rule 49, shall be entitled to half-pay leave to twenty days on completion of twelve months of actual duty.

(4) The leave under this rule may be granted on medical certificate or on private affairs.

[(5) While affording credit of half-pay leave, fraction of a day shall be rounded off to the nearest day]:
Provided that in the case of Government servant not in permanent employ or quasi-permanent employ, no half-pay leave shall be granted unless the authority competent to grant leave has reasons to believe that the Government servant will return to duty on its expiry except in the case of a Government servant who has been declared completely and permanently incapacitated for further service by a medical authority.

30. Commuted leave.-(I) Commuted leave not exceeding half the amount of half-pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions:

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) Deleted.

(c) Deleted.

(d) when commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due;

(e) Deleted.

(1-A) Half-pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half-pay leave and the difference between the leave salary in respect of commuted leave and half-pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

Note — Commuted leave may be truncated at the request of the Government servant even when earned leave is due to him.

31. Leave not duty — 5(1) Save in the case of leave preparatory to retirement, leave not due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry.
(b) leave not due shall be limited to the half-pay leave he is likely to earn thereafter;
(c) leave not due shall be debited against the half-pay leave the Government servant may earn subsequently.

(I-A) Leave not due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions 1 [clause (a) to (c) of sub-rule (1)] and subject to the following conditions, namely:
(i) that the Government servant has put in a minimum of one year’s service;
(ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and
(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in clause (c) and (d) of sub-rule (2) of Rule 32.

(2) (a) Where a Government servant who has been granted leave not due resigns from service or at his request permitted to retire voluntarily without returning to duty, the leave not due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.
(b) Where a Government servant who having availed himself of leave not due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently.

Provided that no leave salary shall be recovered under clause (a) or clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

[Provided further that no leave salary shall be recovered under clause (a) or clause (b), if the Government servant is compulsorily retired prematurely under Rule 48(1)(b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56(j) or Fundamental Rule (56(1)].

32. Extraordinary leave. (1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances-
(a) when no other leave is admissible;
(b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.
(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any occasion in excess of the following limits:
(a) three months,
(b) six months, where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months extraordinary leave under clause (a) and his request for such leave is supported by a medical certificate as required by these rules;
(c) Deleted
(c) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for—
(i) pulmonary tuberculosis or pleurisy of tubercular origin, in a recognised sanatorium;
Note.-The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from pulmonary tuberculosis or pleurisy of tubercular origin who receives treatment at his residence under a tuberculosis specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.
(ii) tuberculosis of any other part of the body by a qualified tuberculosis specialist or a Civil Surgeon or Staff Surgeon;

or
(iii) leprosy in a recognised leprosy institution or by a Civil Surgeon or Staff Surgeon or a specialist in leprosy hospital recognised as such by the State Administrative Medical Officer concerned;
(iv) Cancer or for mental illness, in an institution recognised for the treatment of such disease or by a Civil Surgeon or Staff Surgeon or a specialist in such disease.
(e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided that Government servant concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under clause (a).

(3)(a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in clause (e) of sub-rule (2), shall be required to execute a bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.
(b) The bond shall be supported by sureties from two permanent Government servants.
having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled Tribes may, for the purpose of attending the Pre-Examination Training Course at the centers notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. Leave to probationer, a person on probation and an apprentice.- (I) (a) A probationer shall be entitled to leave under these rules if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend,

(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to-

(a) leave, on medical certificate, on leave salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under Rule 32.

34. Persons re-employed after retirement.- In the case of a person reemployed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. [** *]'

36. [** *]'

38. Leave preparatory to retirement.—(1) A Government servant may be permitted by the authority competent to grant leave to take, leave reparatory to retirement to the extent of earned leave due, not exceeding 240 days together with half pay leave due, subject to the condition that such leave extends up to and includes the date of retirement.

Note.—The leave granted as leave preparatory to retirement shall not include extraordinary leave.

(2) Where a Government servant who is on foreign service in or under any local authority or a corporation or company wholly or substantially owned or controlled by the Government or a body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under Central Government.

(b) The Government servant on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of Rule 39.

(c) Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service.—(1) No leave shall be granted to a Government servant beyond

(a) the date of his retirement, or

(b) the date of his final cessation of duties, or

(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or

(d) the date of his resignation from service.

(2) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to
grant leave shall *suo motu* issue an order granting **(cash equivalent of leave salary for earned leave)**, if any, at the **credit of the Government servant on the date** of his retirement, subject to a maximum of **3[240] days**.

(b) The **cash equivalent** under clause (a) shall be calculated as follows and shall be payable in one lump sum as a **one-time settlement**.

Cash equivalent \( = x \times \frac{4}{30} \)

*(3)* The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him. On conclusion of the proceedings, he will become eligible to the amount so withhold after adjustment of Government dues, if any.

(4)(a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted —

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 1[180] days/2[240] days, as the case may be, as prescribed in Rule 26.

(ii) after expiry of the period of extension, cash equivalent in the manner provided in sub-rule (2) in respect of earned leave at credit on the date of retirement, plus the earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 2[240] days.

**Note.**—A Government servant who attained the age of retirement before 30.7.1977 and was on extension of service on or beyond this date shall be entitled to cash equivalent under sub-rule (2) in respect of earned leave at credit on the date of expiry or extension which may consist of the earned leave that had been refused to him under Rule 39(2) as it existed before coming into operation of this rule, and was allowed to be carried forward into the period of extension, plus earned leave earned during the period of extension, reduced by the earned leave availed of during such period, subject to a maximum of 2[240] days.
(b) The cash equivalent payable under sub-clause (ii) of clause (a) of this sub-rule shall be calculated in the manner indicated in clause (b) of sub-rule (2) above.

(5) A Government servant who retires or is retired from service in the manner mentioned in clause (c) of sub-rule (1), may be granted, suo motu, by the authority competent to grant leave, cash equivalent of the leave salary in respect of earned leave at his credit subject to a maximum of 2[240] days and also in respect of all the half-pay leave at his credit provided this period does not exceed the period between the date on which he so retires or is retired from service and the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent shall be equal to the leave salary as admissible for earned leave and/or equal to the leave salary as admissible for half-pay leave plus dearness allowance admissible on the leave salary for the first [240] days, at the rates in force on the date the Government servant so retires or is retired from service. The pension and pension equivalent of other retirement benefits and ad hoc relief, graded relief on pension shall be deducted from the leave salary paid for the period of half-pay leave, if any, for which the cash equivalent is payable. The amount so calculated shall be paid in one lump sum as a one-time settlement. No House Rent Allowance or City Compensatory Allowance shall be payable.

Provided that if leave salary for the half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave component falls short of pension and other pensionary benefits, cash equivalent of half-pay leave shall not be granted.

[* * *]

[(5-A) Where a Government servant is compulsorily retired as a measure of penalty under the provisions of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. and the disciplinary authority has not imposed any reduction in the amount of his pension (including gratuity) under Rule 40 of the Central Civil Services (Pension) Rules, 1972, the authority competent to grant leave shall suo motu issue an order granting cash equivalent of leave salary for earned leave, if any, at credit of the Government servant on the date of such retirement, subject to a maximum of two hundred and forty days in the manner indicated in clause (b) of sub-rule (2).]

(6)(a)(i) Where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with the terms and conditions of his appointment, he may be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date on which he
ceases to be in service subject to a maximum of 3(240) days:

(ii) If a Government servant resigns or quits service, he may be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cession of service, to the extent of half of such leave at his credit, subject to a maximum of 240 days.

(iii) A Government servant, who is re-employed after retirement may, on termination of his re-employment, be granted, suo motu, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of termination of re-employment subject to a maximum of 3(240) days, 4[including the period for which encashment was allowed at the time of retirement].

5[(b) The cash equivalent payable under clause (a) shall be calculated in the manner indicated in clause (b) of sub-rule (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the dearness allowance appropriate to that pay.]

39-A. Cash equivalent of leave salary in case of death in service.—In case a Government servant dies while in service, the cash equivalent of the leave salary that the deceased employee would have got had he gone on earned leave that would have been due and admissible to him but for the death on the date immediately following the death and in any case, not exceeding leave salary for 2(240) days, shall be paid to his family 3[in the manner specified in Rule 39-C] without any reduction on account of pension equivalent of deathcum-retirement gratuity.

Note.—In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of dearness allowance only as per order issued in this behalf separately.

39-B. Cash equivalent of leave salary in case of invalidation from service.—A Government servant who is declared by a medical authority to be completely and permanently incapacitated for further service may be granted, suo motu, by the authority competent to grant leave, cash equivalent of leave salary in respect of leave due and admissible, on the date of his invalidation from service, provided that the period of leave for which he is granted cash equivalent does not extend beyond the date on which he would have retired in the normal course after attaining the age prescribed for retirement under the terms and conditions governing his service. The cash equivalent thus payable shall be
equal to the leave salary as calculated under sub-rule (5) of Rule 39. A Government servant not in permanent employ or quasi-permanent employ shall not however be granted cash equivalent of leave salary in respect of half-pay leave standing at his credit on the date of his invalidation from service.

§39-c. Payment of cash equivalent of leave salary in case of death, etc. of Government servant. - In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 39, 39-A and 39-B, such amount shall be payable

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

Explanation. - The expression “eldest surviving widow” shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

(iii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;

(iv) failing (i) and (ii) above, to the eldest surviving unmarried daughter;

(v) failing (i) to (iii) to the eldest surviving widowed daughter; (vi) failing (i) to (iv) above, to the father;

(vi) failing (i) to (v) above, to the mother;

(vii) failing (i) to (vi) above, to the eldest surviving brother below the age of eighteen years;

(viii) failing (i) to (vii) above, to the eldest surviving unmarried sister;

(ix) failing (i) to (ix) above, to the eldest surviving widowed sister;

(x) failing (i) to (ix) above, to the eldest surviving married daughter; and

(xi) failing (i) to (x) above, to the eldest child of the eldest pre-deceased son.

§39-D. Cash equivalent of leave salary in case of permanent absorption in public sector undertaking/autonomous body wholly or substantially owned or controlled by the Central/State Government. - A Government servant who has been permitted to be absorbed in a service or post in or under a corporation or company wholly or substantially owned or controlled by the Central Government or in or under a body controlled or financed by one or more than one such Government shall be granted suo motu by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 240 days. This will be