

WESTERN RAILWAY

P.S.No.54/2011

Headquarter Office,
Churchgate, Mumbai-20

No. EP/637/0 Vol. VI

Date: 18.5.2011

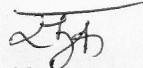
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- GS-All India SC/ST Rly Employees. Assn, 'W' Zone, Mumbai
C/- GS-All India OBC Rly Empl .Assn, Mumbai.

Sub: Amendment to the Indian Railway Establishment Code, Volume
I, 1985 Edition (Reprint Edition 2008) Chapter V – Leave Rules.

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A copy Railway Board's letter No. E(P&A)I-2008/CPC/LE-8 dt. 4.5.2011
(RBE No. 57/2011) is sent herewith for information, guidance and necessary
action.

Encl: As above


(S. Kademani)
Dy.CPO(HRD)
For General Manager(E)

भारत सरकार / GOVERNMENT OF INDIA
रेल मंत्रालय / MINISTRY OF RAILWAYS
(रेलवे बोर्ड / RAILWAY BOARD)

RBE No. 57/2011.

No.E(P&A)I-2008/CPC/LE-8

New Delhi, dated.04.05.2011

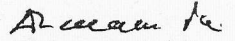
✓ The General Managers/FA&CAOs, W.Rly.
All Indian Railways and Production Units etc.

Sub: Amendment to the Indian Railway Establishment Code, Volume I, 1985
Edition (Reprint Edition 2008) Chapter V - Leave Rules.

In exercise of the powers conferred by the proviso to Article 309 of the Constitution, the President is pleased to direct that Rules 525, 526 & 551 of the Indian Railway Establishment Code, Volume-I, 1985 edition (Reprint Edition-2008) may be amended as in the enclosed Advance Correction Slip No. 116

2. These issues with the concurrence of the Finance Directorate of the Ministry of Railways.
3. Please acknowledge receipt.

DA: Correction Slip.



(Dharam Pal)
Deputy Director Estt.(P&A)II,
Railway Board

No. E(P&A)I-2008/CPC/LE-8

New Delhi dated 04.05.2011

Copy to the Deputy Comptroller and Auditor General of India (Railways), Room No.224, Rail Bhawan, New Delhi (with 40 spares).

DA: Correction slip.


For Financial Commissioner/Railways

No. E(P&A)I-2008/CPC/LE-8

New Delhi dated 04.05.2011

Copy forwarded to:-

1. The General Secretary, AIRF, R.No.253, Rail Bhawan, New Delhi.(with 35 spares).
2. The General Secretary, NFIR, R.No.256-E, Rail Bhawan, New Delhi.(with 35 spares).
3. The Members of the National Council, Departmental Council and Secretary, Staff Side, National Council, 13-C, Ferozeshah Road, New Delhi.(with 60 spares).
4. The Secretary General, FBOA R.No.256-A, Rail Bhawan, New Delhi.(with 5 spares).

...2/-

ADVANCE CORRECTION SLIP TO THE INDIAN RAILWAY ESTABLISHMENT CODE,
VOLUME-I, 1985 Edition- (THIRD REPRINT EDITION - 2008)

Advance Correction Slip No. 116

The following amendments may be made to Rule 525, 526 and 551 of the Indian Railway Establishment Code, Volume-I, 1985 Edition (Reprint Edition - 2008):-

(I) Rule 525 may be substituted as under:-

525- Leave on Average Pay applicable to School Staff

(1)(a) A Railway servant serving in a Railway School such as a teacher, principal, headmaster, librarian, laboratory assistant or a waterman shall not be entitled to any Leave on Average Pay in respect of duty performed in any year in which he avails the full vacation.

(b) In respect of any year in which a Railway servant avails a portion of the vacation, he shall be entitled to Leave on Average Pay in such proportion of 30 days, as the number of days of vacation not taken bears to the full vacation.

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

(c) If, in any year, the Railway servant does not avail any vacation, Leave on Average Pay shall be admissible to him in respect of that year under Rule 523.

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 Railway School.

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

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Note 2 - When a Railway servant serving in a Railway school proceeds on leave before completing a full year of duty, the Leave on Average Pay admissible to him/her 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.

2. 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 Leave on Average Pay taken in conjunction, whether the Leave on Average Pay is taken in combination with or in continuation of other leave or not, shall not exceed the amount of Leave on Average Pay due and admissible to the Railway servant at a time under rule 523.

3. The Leave on Average Pay under this rule at the credit of a Railway 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 shall not exceed the maximum limit of 300 days.

Note: - The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Railway Schools, in accordance with the provisions of Rule 1110.

(Authority Board's letter No E(P&A)I-2008/CPC/LE-10 dated 06.03.2009)

(II) Sub Rule 1(a), 3 and 3(1) of Rule 526 may be substituted as under:-

1(a) A railway servant, permanent or temporary including the one who is serving in a railway school, shall be entitled to Leave on Half Average Pay of 20 days in respect of each completed year of service.

(3) The Leave on Half Average Pay will be credited to the leave account of a Railway servant on 1st January and 1st July each as indicated below:-

(1) The account of Leave on Half Average Pay of every railway servant shall be credited with Leave on Half Average Pay in advance, in two instalments of ten days each on the first day of January and July of every calendar year.

(Authority Board's letter No E(P&A)I-2008/CPC/LE-10 dated 06.03.2009)

(III) Rule 551- may be substituted as under:-

551- Maternity leave.

(1) A female railway servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of 180 days from the date of its commencement.

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(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) Maternity Leave not exceeding 45 days may also be granted to a female Railway servant (irrespective of the number of surviving children) during the entire service of that female Railway servant in case of miscarriage including abortion on production of medical certificate as laid down in Rule 519.

(4) (a) Maternity Leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in Rule 527 or sub-rule (1) of Rule 528, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of two years may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.

(IV) Clause (A) of Rule 551 may be substituted with the following:-

551(A)- Paternity leave

(1) A male Railway servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) Paternity Leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

(6) The Paternity Leave can be granted only in a single spell.

Note:- The Paternity Leave shall not normally be refused under any circumstances.

(V) Clause (D) of Rule 551 may be substituted with the following:-

551 (D)- Paternity Leave for child adoption-

(1) A male Railway servant (including an apprentice) with less than two surviving children, on valid adoption of a child below the age of one year, may be granted

Paternity Leave by an authority competent to grant leave for a period of 15 days within a period of six months from the date of valid adoption.

- (2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (3) The Paternity Leave may be combined with leave of any other kind.
- (4) The Paternity Leave shall not be debited against the leave account.
- (5) If Paternity leave is not availed of within the period specified in sub-rule(1), such leave shall be treated as lapsed.

Note: - The Paternity Leave shall not normally be refused under any circumstances.

(VI) A new para as 551(E) - Child Care Leave may be inserted below Rule 551 (D) as follows:-

551(E) - Child Care Leave.

- (1) A woman railway servant having minor children below the age of eighteen years (upto the age of 22 years in case of disabled children) may be granted Child Care Leave by an authority competent to grant leave, for a maximum period of two years (i.e. 730 days) during the entire service for taking care of upto two children, whether for rearing or to look after any of their needs like examination, sickness etc.
- (2) During the period of Child Care Leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.
- (3) Child Care Leave may be combined with leave of any other kind.
- (4) Notwithstanding the requirement of production of medical certificate contained in Rule 527 or sub-rule (1) (ii) of Rule 528, leave of the kind due and admissible (including commuted leave not exceeding 60 days and leave not due) upto a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).
- (5) Child Care Leave shall not be granted in more than 3 spells in a calendar year with each spell of Child Care Leave being not less than 15 days.
- (6) Child Care Leave shall be admissible for the two eldest surviving children only.

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- (7) Child Care Leave cannot be demanded as a matter of right. Under no circumstances can any employee proceed on Child Care Leave without prior proper approval of the leave by the leave sanctioning authority.
- (8) The Child Care Leave is to be treated like Leave on Average Pay and sanctioned as such.
- (9) Child Care Leave should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied about the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal.
- (10) Child Care Leave shall not be debited against the leave account.

Note 1: The leave account for Child Care Leave shall be maintained in the following format and shall be kept along with the Service Book of the female Railway servant concerned:-

Format for maintaining the Child Care Leave Account

Period of Child Care Leave taken		Balance of Child Care Leave		Signature & Designation of the certifying officer
From	To	Balance	Date	
(1)	(2)	(3)	(4)	(5)

Note 2: Disabled Child having a minimum disability of 40% is elaborated in the Ministry of Social Justice and Empowerment's Notification No. 16-18/97-N.I.I dated 01.06.2001. Documents relating to the handicap as specified in the above said Notification dated 01.06.2001, as well as a certificate from the Railway servant regarding dependency of the child on the Railway servant would have to be submitted by the female Railway employee. The Child Care Leave would be permitted to female Railway employees only if the child is dependent on her.

Note 3: The benefit of encashment of Leave on Average Pay, admissible in terms of Rule 540-A, cannot be availed during Child Care Leave as Child Care Leave is granted for the specific purpose of taking care of a minor child for rearing or for looking after any other needs of the child during examination, sickness etc.

(Authority Board's letters No. E(P&A)I-2008/CPC/LE-8 dated 23.10.2008, 12.12.2008, 23.04.2010, 04.10.2010 and 08.02.2011. Board's letters are based on corresponding instructions of DOP&T viz. OM Nos. 13018/2/2008-Estt.(L) dated 11.09.2008; 18.11.2008 & 02.12.2008; 13018/6/2009-Estt.(L) dated 03.03.2010; 13018/1/2010-Estt. dated 07.09.2010 & 30.12.2010 and DOP&T's Notification No. 11012/1/2001 Estt.(L) dated 01.12.2009.)
