

TECHNICAL EMPLOYEES LEAVE RULES

,1955

NOTIFICATION

Dated -----Dec.,1955.

No. f. 30(19)PWD/Estt.53

In pursuance of the proviso to article 309 of the Constitution of India. His Highness the Raj Pramukh has been pleased to make the following rules relating to leave for employees of the Electrical & Mechanical, and Water Works Department.

Sd/-

GOVERNMENT

SECRETARY TO THE
PUBLIC WORKS DEPARTMENT

No. F.1C (19) /PED /Estt./53/

Dated, Jaipur ,The 25 Dec,1955.

Copy forwarded to the :-

1. Superintendent ,Govt. Press, Rajasthan ,Jaipur for publication in the next issue of the Rajasthan Raj Patra.
2. Chief Engineer ,Electrical & Mechl. Deptt. Rajasthan ,Jaipur .
3. Chief Engineer ,B&R ,Rajasthan, Jaipur.
4. Commerce & Industries (Labour) Department .
5. Accountant General, Rajasthan ,Jaipur /Jodhpur.
6. General Secretary, Electricity & Water Workers Federation, Rajasthan ,Jaipur.
7. Finance Department,

for information .

Sd/-

Secretary to the Govt.

1. **Short Title** : These rules may be called the Rajasthan Electrical & Mechanical and Water Works Department Technical Employees Leave Rules,1955.
2. **Commencement** : These rules shall come into force on the first day of January,1956.
3. **Application** : These rules apply only to employees of the (Electrical and Mechanical Deptt.) and Water Works deptt, Rajasthan .
4. **Definition** : In these rules unless the context otherwise required.
 - (a) Employee means an employee of any of the category specified in the schedule to these rules.
 - (i) (Temporary : for the purpose of these rules temporary will mean all employees other than permanent for example work charged, daily rated etc. excluding casual lab our)
 - (b) “ Chief Engineer” means the Chief Engineer, Rajasthan State Electricity Board in case Elec. & Mech. Department. Employees on deputation & R.S.E.B. employees.
 - (c) “Calender Year” means a year commencing on the first day of January and reckoned According to the British Calendar.
 - (d) “ Federation means the Prantiya Vidhyut Mandal Federation in case of R.S.E.B.)
 - (e) “ Privilege leave” means leave earned in respect of period spent on duty.

GENERAL RULES OF LEAVE

5. Leave : An employee may be granted leave in accordance with these rules and subject to other provision of these rules .

6. Kinds of leave : Leave under rules shall be of the following kinds :-
 - i) Privilege leave:
 - ii) Casual leave :
 - iii) Special casual leave.

7. Competent authority : The officer –in –charge of the Power House or Water Works as the case may be shall be competent to grant leave of the various kinds motioned above .

8. Leave not to be claimed as a matter of right:-

Leave cannot be claimed as a matter of right under these rules. It shall be in the discretion of the officer empowered to grant leave, to refuse or revoke leave at any time according to the exigencies of work .

9. Combination of leave :-
 - (a) Leave of any kind may be combined with paid holidays
 -(b) Casual leave cannot be combined with privilege leave , but may be combined with special casual leave.
 -(c) Where casual leave combined with paid holidays the total period of absence shall not exceed eight days.
 -(d) Where special casual leave is combined with casual leave or with paid holidays, the total period of absence shall not exceed the maximum special casual leave which the employee concerned could have obtained under these rules at a time or 6days, which is the longer period.

10. Account of privilege leave and casual leave :-

Subject to the provisions of these rules, employee may be granted privilege and casual leave as follows during calendar year

May be granted privilege and casual leave as following calendar year:-

(a)	Permanent Employees	24 days privilege leave and 15 days casual leave.
(b)	Temporary Employees	24 days privilege leave .The admissibility of 15 days casual leave to temporary employees will be as per foot notes of this rule.

.(substituted vide order No. 2/08 dt. 26-11-2005. F&R-301)

- (i) Casual leave as per rules will be admissible to the employees, who have put in two years continuous service instead of three years as hore to force,vide Govt. order No. F.. 17 (139) PW/61 dated 09-12-61.
- (ii) Sec. 79 of the Factories Act. 1948 will apply in the matter of grant of leave to casual labourers. “Vide letter No. RSEB/F.2/ Estt.19(18) 403 dated 19-09-62 from the Asst. Secretary ,RSEB, Jaipur and subsequently ratified vide Board’ order No. RSEB/Sell.3/ Estt/19(18) 403 dated 03-12-62.
- (iii) The Chairman, RSEB vide order No. RSEB/Cell-3 /D.1746 F.2. Estt. 19(s) Pt.III dated 26-05-1965 has extended the following facility to the casual daily rated and work charged employees who have completed one year service, in super cession to the order mentioned therein . “Casual leave subject to the condition that the casual laborers who have not completed one years service will continue to get benefit of leave under Sec.79 (Appendix’ A’) of the Factories Act as per this office order No. RSEB/F. 2 (Estt.19(18) 403 dated 03-12-62 and No. RSEB/F.2 Estt. 19(18) dt. 19-09-62 previously this facility was granted vide order No.RSEB/F.2/Estt..16(5)Cell -4 /d. 9232 dated 23-07-63.

11. Account of (Special Casual)leave :-Employees, whether PERMANENT OR Temporary and whatever the duration of their service , May be granted special casual leave for attending important function of interest to labour as follows :-

- (a) Members of the Executive of the Federation 12 days in a Calendar year.
- (b) Members of the general body of the Federation 4 days in a Calendar year.
- (c) Other employees –Nil

SPECIAL PROVISIONS APPLICABLE TO PRIVILEGE LEAVE

12. Calculation of privilege leave :-

- (a) An employee shall be entitled to privilege leave only if he has worked for at least two third of the total working days in the calendar year proceeding the calendar year during which the leave is to be enjoyed. Where he has worked for a shorter period the maximum amount of leave available to him under rule 10 above shall be reduced proportionately .

* See foot note below

* The Board in its 65th meeting held on 6th November,1964 approved adoption of the procedure laid down in the Govt. of Rajasthan 's decision NO.182 below Rule NO.93 of R.S.R. in working out the leave title upto 1st April ,1955 in respect of persons governed by the labour laws whose leave accounts are either not available or have not been maintain properly vide order No. RSEB/Cell-3/F.2/Estt..440/ /D.436./dated 28-11-1964.

Note - 1 : Order No. RSEB/DDP /226 dated 02-02-71.
Extra ordinary leave (Leave without pay) can
be sanctioned to Technical Subordinate staff
upto 2 months by the Asst. Engineer and for longer period by
the Superintending Engineer.

Note - 2 : By memorandum of Agreement of 19-06-1973

RSEB/DDP/1306 dated 20-06-73, Sick leave can be sanctioned to the Technical subordinate staff -20 days on colanders year on completion of 2 years of on half pay or 10 days with full pa y in a calander year on completion of 2 years of service.

(sick leave not admissible to the workers covered under E.S.I. Act.)

Note - 3 : Vide Agreement dt. 15-12-71 special Casual leave will be granted as follows :-

Member working committee of PVMMF - upto 12 days

Member General Council of PVMMF - upto 04 days

Member General body of PVMMF - upto 04 days

(b) An employee who is discharged from service or dismissed shall be entitled to wages for leave for the number of days of privilege leave standing to his credit.

(c) Privilege leave not availed of in a calendar year shall be carried forward to the next calendar year subject to the condition that the total number of days of privilege leave that may be carried forward from any calendar year to a succeeding calendar year shall not exceed **180 (P.L. balance increased from 60 days to 180 days vide order No.2086 dt.19-11-05 F&R-297.)**

*("Earned leave would be accumulated upto sixty days instead of 30 days as at present subject to the condition that not more than 45 days leave shall be allowed at one time provided that in case of sickness if there is a medical certificate from the Principal Medical Officer or the senior most Medical Officer at the station the leave may be granted at a time upto sixty days subject to its admissibility")

2(a) (Accumulated leave under Rajasthan Service Rules before application of the Factories Act, shall be brought forward separately and may be enjoyed upto maximum of 120 days at a time).

13. Frequency of privilege leave :- Privilege leave shall not ordinarily be granted more than thrice during a calendar year.

14. Application for privilege leave

- (a) An application for privilege leave shall be made in the form ,if any prescribed by the Chief Engineer .
- (b) The application should ordinarily be made not less than (15 days) before the availed of but this does not bar the discretion of the authority empowered to grant .

SPECEL PROVISIONS APPLCABLE TO CASUAL LEAVE

15. Maximum 8 days at a time :- Casual leave shall not be granted for more than (8 days) at a time .
16. Accumulation :-Casual leave not availed of during a calendar year shall not be carried forward to the next calendar year.
17. Application :- Application for casual leave should be made in writing not less than 3 days before the day from which the leave is desired to be availed of but does not bar the discretion of the sanctioning authority to relax this condition in a appropriate cases.

SPECEL CASUAL LEAVE

18. Accumulation and application .

Rules 16 & 17 apply as for as may be to the special casual leave also.

LEAVE TO BE WITH WAGES

19. No. deduction for leave :- No deduction of any kind shall be made on account of leave validly grated in accordance with those rules.

BAR AGAINST LEAVE UNDER RAJASTHAN SERVICE RULES.

20. Bared against leave under R.S.R. :- An employee entitled to leave under these rule shall not be entitled any leave under the R.S.R.

ANNUAL LEAVE WITH WAGES

1) Every worker who has worked for a period of 240 days or more in a Factory during a Calendar year shall be allowed during the subsequent calendar year ,leave with wage for a number of days calculated at the rate of :-

- i) If an adult one day for every twenty days of work performed by him during the previous calendar year .
- ii) If a child , one day for every fifteen days of work performed by him during the previous calendar year .

Explanation 1. –For the purpose of this sub-section –

- a) Any days of lay –off, by agreement or contract or as permissible under the standing orders;
- b) In the case of a female worker maternity leave for any number of days not exceeding twelve weeks ; and
- c) The leave earned in the year prior to that in which the leave is enjoyed;

shall be deemed to be days on which the worker has worked in a factory for the purpose of computation of the period of 240 days or more, but he shall not earn leave for these days.

Explanation 2. – The leave admissible under this sub-section shall be exclusive of all holidays whether occurring during or at either end of the period of leave .

- 2). A worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (i) or, as the case may be, clause (ii) of sub-section (1) if he has worked for two third .of the total number of days in the remainder of the calendar year.
- 3). If a worker is discharge or dismissed from service during the course of the year he shall be entitled to leave with wages at the rates laid down in sub-

section (1) even if he has not worked for the entire period specified in sub-section (1) or sub section (2) entitling him to earn leave .

- 4) In calculating leave under this section fraction of leave of half a day or more shall be treated as one full days leave and fraction of less than half a day shall be omitted .
- 5). If a worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or by him shall be added to the leave to be allowed to him in the succeeding calendar year .

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of child.

Provided further that a worker, who has applied for leave with wages but has not been given such leave in accordance with any scheme laid down in sub-section (8) & (9) shall be entitled to carry forward the unavailed leave without any limit.

SCHEDULE (SEE RULE 4 (A))

1. Supervisory Staff :

1. Foreman .
2. Head Smith men.
3. Head Linemen and Electrician.
4. In charge Armature Winding Shop.
5. Chemists.
6. Charge men .
7. Chief Wireless Operator.
8. Permanent Way Inspector

9. Overseer.
10. Head Draftsman.
11. Meter Inspector.
12. Mistries.
13. Pump Inspector.
14. Gate Sargent .

2. **Skilled workmen 'A'**

1. Motor Tester and Repairers.
2. Wireless Assistant.
3. Radio Mechanic .
4. Sub Overseer.
5. Draftsman.
6. Meter Checker and Meter Reader –I.
7. Turbine Attendent.
8. Surveyor and Estimator –I
9. Fitter –I
10. Mechanic –I .
11. Lineman –I
12. Driver –I.
13. Welder .
14. Electrician and Wireman .
15. Assistant Turbine Attendant .
16. Artisan –I .
17. Boilor Attendants .
18. Cable Jointer –I.

3. **Skilled workmen 'B'**

1. Wireless Signalers``
2. Assistant Draftsman .
3. Fitter –II.
4. Tracer
5. Mechanic –II.
6. Lineman.
7. Driver –II.
8. Electrician and Wireman –II.
9. Artisan –II
10. Fireman .
11. Sub Station & Switch Board Attendant
12. Pump Driver.
13. Cable Jointer –II.
14. Tools Keeper .
15. Meter Checker & Meter Reader –II.
16. Surveyors and Estimators –II.

SEMI SKLLED

1. Helper –I.

UN-SKILD

1. Helpers –II. .

- 6) A Worker may at any time apply in writing to the Manager of a factory not less than fifteen days before the date on which he wishes his leave to begin to take all the leave or any portion there of allowable to him during the calendar year .

Provided that the application shall be made not less than thirty days before the date on which the workers have to begin , if he is employed in a public utility service in clause (ii) of section 2 of the Industrial Disputes Act ,1947 (XIV of 1947).

Provided further that the number of times in which leave be taken during any year shall not exceed there.

- 7). If a worker wants to avail himself of the leave with wages due to him to cover a period of period of illness ,he shall be granted such leave even if the application for leave is not made with the time specified in sub – section (six) and in such a cause as admissible under sec-81 shall be paid not later than 15 days or in the case of a public utility service not later than thirteen days from the date of the applicable for leave.
- 8) For to the purpose of ensuring the continuity of work , the occupier or Manager of the Factory , in agreement with the works Committee of the Factory constituted under Section 3 of the Industrial Disputes Act, 1947 (XIV of 1947) or a similar Committee constituted under any other Act or if there is no such Works Committee or a similar Committee in the Factory, in agreement with the representative of the workers therein chosen in the prescribed whereby the grant of the leave allowable under this section may be regulated.
- 9) A scheme lodged under sub-section (8) shall be displayed at same conspicuous and convenient places in the Factory and shall be in force for a period of twelve months from the date on which it comes in to force and may thereafter be renewed with or without modification for a further period of twelve months at a time by the Manager in agreement with the Works Committee or a similar Committee or as the case may be in agreement with the representatives of the workers as specified in subsection (8) and a notice of renewal shall be sent to the Chief Inspector before it is a renewed.
- 10) An application for leave which does not contravene the provisions of sub section (6) shall not be refused ,unless refusal is in accordance with the scheme for the time being in operation under sub-sections (8) & (9).
11. If the employment of a worker who is entitled to leave under sub section (1) or sub section (2) as the case may be is terminated by the occupier before he has taken the entire leave to which he is entailed, or if having applied for and having not been granted such leave the worker quits his employment before he has taken the leave the copier of factory shall pay him the amount payable under Section 80 in respect of the lave not take and such payment shall be made where the employment of the worker is terminated by the occupier before the expiry of the second working day after such termination and where as worker who quits his employment on or before the next pay day.
12. The un-availed leave of a worker shall not be taken into consideration in computing the period of any notice required to be given before discharge or dismissal .