

# GOVERNMENT OF TAMIL NADU

## Abstract

Leave - Un-earned leave on Medical Certificate - Availing of Un-earned leave on Medical certificate by Government Servants on transfer - Procedures to be followed - Orders - Issued.

---

### Personnel and Administrative Reforms (FR. III) Department

G.O. Ms. No. 267

Dated : 3-11-1998

Read :

1. G.O. Ms. No. 41, Personnel and Administrative Reforms (FR. II) Department, dt. 5-4-80.
2. Orders of Tamil Nadu Administrative Tribunal in O.A. No. 489/92, dt. 26-11-1992.
3. From the Director of Medical Education, Chennai-5, Letter No. 12399/H & D.I/94, dt. 10-4-95.
4. From the Principal Commissioner and Commissioner for Land Administration, Chennai-5, Letter No. A2/42643/94, dt. 18-5-95.
5. From the Director of Medical and Rural Health Services, Chennai-6, D.O. Letter No. 74560/IC.1/3/97, dt. 4-12-97.

\* \* \*

## **ORDER :**

According to rule 9A(i) (c) in Annexure II, Part I in section III under Fundamental Rule 74, when a Government servant applies for un-earned leave on Medical certificate after orders transferring him to another post, place etc. are issued to him, the recommendation of Medical Committee should be compulsorily obtained before sanction of leave irrespective of the period of leave applied for. In sub-rule (v) under the above said rule it is laid down that in the case of inpatients in Government Hospitals admitted for treatment, the reference to medical committee is not necessary. However the superintendent of the hospital concerned should issue required certificate to that effect.

2. While passing orders in the O.A. No. 489/92, dt. 26-11-92, the Tamil Nadu Administrative Tribunal, has made the following observations.

"This case highlights the need for examination of the entire procedure for grant of leave on Medical Grounds. The certification by a Medical Attendant does not appear to really serve the purpose of exercising a check on the genuineness or otherwise of the illness and whether the illness is such that the person cannot attend to duty. Prima facie when such illness arises immediately following the transfer and the individual has been attending to his duties till then, there is considerable room for doubting the bonafides of the illness and its certification considering the facility with which medical certification is obtained, the distinction between the earned leave and medical leave may as well be dispensed with and the period of Medical Leave permitted under the rules may be managed with Earned Leave, as that would avoid what in effect is the formality of Medical Certificate. An alternative is to prescribe that leave on Medical grounds would be available only for hospitalisation, beyond the composite leave entitlement merging to an extent the present eligibility for Medical Leave with Earned Leave. It is for the Government to consider suitable safeguards to avoid misuse of provisions relating to sanction of leave on Medical grounds and also issue suitable instructions regarding the procedure and action to be taken in such cases where leave sought for is prima facie not proper."

3. The observations in para 2 above, have been examined in detail in consultation with the Director of Medical Education, Director of Medical and Rural Health Services and the Principal Commissioner and Commissioner of Land Administration. After careful consideration, the Government direct that the following procedure be followed when a Government servant apply for un-earned leave on Medical certificate after issue of orders of transfer.

- (i) The Government servants applying for un-earned Leave on Medical Certificate after issue of transfer order should be referred to Medical Committee immediately irrespective of the period of leave applied for.
- (ii) The Medical Committee should fix up the earliest possible date to have the Government servant medically examined based on the Medical Certificate furnished by him.
- (iii) The Medical Committee should recommend whether the Un-earned Leave on Medical Certificate applied for by the Government servant may be sanctioned to him or not. It should also specify the date on which he should rejoin duty if it recommends for the grant of leave on Medical Certificate.
- (iv) The Un-earned Leave on Medical Certificate should be granted immediately to the Government servant for the period recommended by the Medical Committee and the former should be directed to rejoin duty as per the fitness certificate given by the Medical Committee at the place of transfer if it is still vacant or at the place posted subsequently.
- (v) If the Medical Committee has not recommended for the grant of Un-earned leave on Medical Certificate, then the Government servant should be directed to report for duty at the place of his transfer and after joining in the new post, period of absence should be regulated as leave to which he is eligible other than un-earned leave on Medical Certificate.
- (vi) If the Government servant does not resume for duty even after specific direction to rejoin duty based on the recommendation of the Medical Committee then necessary disciplinary action should be initiated against him without any loss of time by following the procedure laid down under Tamil Nadu Civil Services (Disciplinary and Appeal) Rules.
- (vii) If the Government servant is admitted in the Government Hospital as inpatient for taking treatment, then the matter has to be informed to the authority concerned and he should furnish the particulars regarding date of admission and date of discharge from the Superintendent of the Hospital concerned when he rejoins duty. In that case the period from the date of admission to the date of discharge should be regulated as Un-earned Leave on Medical Certificate after he had rejoined duty in the new place as per the orders issued by the competent authority.

- (viii) If the Government servant is admitted in a private hospital, then he has to be referred to the Medical Committee and the leave has to be sanctioned based on the recommendation of Committee only.

4. All Heads of Departments are requested to bring the above orders to the notice of the subordinates under their administrative control for future compliance. The Heads of the Medical departments are requested to communicate a copy of this order to all Medical Officers under their administrative control for following the orders scrupulously in future.

(By Order of the Governor)

**D. PRAKSH**  
Secretary to Government