

Leave Rules, 2006.

In exercise of the powers conferred by Section-26 of the ¹[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance, 2001 (²[Khyber Pakhtunkhwa] Ordinance No. XXVII of 2001) Government of the ³[Khyber Pakhtunkhwa] is please to make the following rules, namely;

“⁴[Khyber Pakhtunkhwa] HIGHER EDUCATION REGULATORY AUTHORITY LEAVE RULES, 2006”

1. Short title, Commencement and Application

- i. These rules may be called the ⁵[Khyber Pakhtunkhwa] Higher Education Regulatory Authority Leave Rules, 2006.
- ii. They shall come in force at once.
- iii. They shall be applicable to all employees of the Authority except those on deputation.

2. Definition

- i. In these rules unless anything repugnant in the subject or context the following expressions shall have the meaning hereby respectively assigned to them as under: -
 - a. “Chief Minister” means the Chief Minister of ⁶[Khyber Pakhtunkhwa].
 - b. “Chairman” means the Chairman of the Authority appointed in pursuance of the Section-15 of the ⁷[Khyber Pakhtunkhwa] Registration and Functioning of the Private Educational Institutions Ordinance 2001.
 - c. “Regulatory Authority” means the Regulatory Authority of the Higher Education Regulatory Authority constituted under section-13 of ⁸[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance No. XXVII of 2001.

¹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

² Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

³ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁴ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁵ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁶ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁷ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

⁸ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- d. "Authority" means Higher Education Regulatory Authority constituted under section-13 of ⁹[Khyber Pakhtunkhwa] Registration and Functioning of Private Educational Institutions Ordinance No. XXVII of 2001.
 - e. "Active Services" means the time spent on duty.
 - f. "Salary" means the amount of pay drawn by an employee.
 - g. "Casual Leave" means the leave asked for/granted on account of the accident met by an employee or his/her parents/brother/sister/wife/children, or his/her serious/ sudden illness or of his/her close relative or sudden death of his close relatives.
 - h. "Employee" means the person appointed by the Authority on contract basis on such terms and conditions as may be approved by the Authority from time to time.
 - i. "Leave Salary" means the monthly amount paid by the Authority to its employees during the leave.
 - j. "Medical Certificate" means the medical certificate issued by an authorized Medical Officer of a Govt. Hospital.
 - k. "Year" means a calendar year beginning on 1st January and ending on 31st December.
- ii. All other expression herein used but not defined shall have the same meaning as assigned to them under the Ordinance.

3. The Kinds of Leave Admissible

- a. Earned Leave
- b. Medical Leave
- c. Maternity Leave
- d. Other kinds of Leave

4. Admissibility of Leave to Employees of the Authority

Leave shall be applied for, expressed and sanctioned in term of days and shall be admissible to the employees (not deputationists or others) of the Authority on the prescribed format appended to these rules at the following rate and scale: -

i. Earned Leave

⁹ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

- a. An employee shall earn the earned leave on full pay. It shall be calculated at the rate of 3 days for every calendar month of the period of duty performed and credited to the leave account as “leave on full pay”, duty period of 15 days or less in a calendar month being ignored and those of more than 15 days treated as full calendar month for the purpose. If an employee proceeds on leave during a calendar month and returns from it during another calendar month and the period of duty in either month is more than 15 days, the leave to be credited for both the incomplete months will be restricted to that admissible for one full calendar month only.
- b. An employee shall be entitled to earned leave of 36 days per year. After availing the earned leave for 36 days within the year by an employee, his/her salary be deducted proportionately for the extra days.
- c. Earned leave shall be allowed only after successful completion of at least six month of service.
- d. Earned leave shall not be combined with the medical leave, weekly holidays or public holidays.

If prior approval is not obtained to combine casual leave with holiday(s) as above, or if earned leave is requested to both before and after holidays, or availed between holidays, all the days of such absence including holidays will be charged to earned leave account of the employee in question. If there is no balance in the earned leave account of the employee, the absence will be charged against Medical Leave Account. If there is no balance in the Medical Leave Account, then the period of leave will be treated as leave without pay.

- e. Prior permission of earned leave shall be sought in writing.
- f. Ordinarily, an employee will not take earned leave of more than seven days at a time. However, if the employee seeks the prior approval in writing then the Chairman may agree to a leave for more than seven days at a time if he/she is satisfied that the circumstances may involve any of the following.
 - i. Serious illness or death in the immediate family
 - ii. Marriage of self.
 - iii. Examination.

- iv. Any other emergency to the satisfaction of the Chairman.
- g. For the unspent earned leaves, leave encashment will be allowed at the end of the year at 50% of the unspent period, calculated according to the salary per day.

ii. Medical Leave

- a. Medical Leave means leave granted to an employee in case of illness on the production of medical certificate from authorized medical officer.
- b. An employee will be entitled to 30 days medical leave per year.
- c. The maximum period of medical leave that may be granted one time by the Chairman during the contract period shall be as follows:
 - i. Without Medical Certificate seven days.
 - ii. With Medical Certificate thirty days

The maximum period prescribed at (i) and (ii) above are independent of each other. In other words employees of the Authority may be granted at a time, medical leave on the production of medical certificate up to the permissible extent in continuation of leave up to 5 weeks in a year without medical certificate.

- d. Application for medical leave exceeding seven days must be supported by a medical certificate issued by the Authority's approved authorized medical officer to the satisfaction of the Chairman.

iii. Maternity Leave

- a. Maternity leave may be granted on full pay, outside the leave account, to a female employee of the Authority to the extent of 90 days in all from the date of commencement or forty five days from the date of her confinement which ever be earlier.
- b. Such leave may be granted not more than three times during the entire service to a female employee of the Authority otherwise the female employee will have to take leave from her leave account.

- c. Maternity leave may be granted in continuation of, or in combination with, any other kind of leave including as may be due and admissible to a female employee of the Authority.
- d. Leave salary to be paid during the Maternity leave shall be regulated as for other leave in accordance with the formula provided in section 4, sub-section 1 (a).

iv. Condition for grant of Earned and Medical Leave

- a. All employees cannot claim leave as a matter of right even when due. Leave can be refused if the exigencies of services so warrant. Leave already granted or being availed may also be curtailed and the employee asked to resume duty except in case of medical leave.
- b. Leave applied for shall be expressed, and sanctioned in terms of days.
- c. Leave applied for on medical certification shall not normally be refused. Provided that the authority competent to sanction leave may at its discretion shall ask for a second medical opinion to have the applicant medically examined.
- d. Holidays falling within the period of any kind of leave shall be counted as leave. They may be suffixed or prefixed to the leave with the permission of the sanctioning authority.
- e. An employee may apply for the type of leave that is due and admissible to him/her and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances.
- f. No leave shall be availed unless it is actually granted, except leave applied for under emergent circumstances if proved to the satisfaction of the sanctioning authority.
- g. It shall be the duty of the applicant to make sure that the leave applied for has actually been sanctioned. While proceeding on leave, he/she shall handover the charge of his/her post. It shall be his/her duty to leave behind all papers, cash and keys in his/her custody in the manner determined by his/her immediate officer. An employee shall on return, shall report for duty to the authority that sanctioned his/her leave.

- h. Application for leave shall be submitted to the Officer Incharge, who shall forward it to the office where a record of leave is maintained along with his/her remarks and the arrangements proposed during the absence of the applicant, if the period of leave applied for is a week or more.
- i. An employee who remains absent on the conclusion of his/her leave shall not be entitled to any remuneration for the period of such absence unless the leave has been extended and without prejudice to any disciplinary action that may be taken against him/her. Double the period of such absence shall be debited against his/her leave account. If sufficient credit in leave account is not available, it will be adjusted against future earnings.

All leave at the credit of an employee shall lapse at the expiry of the contract period.

v. Other Kind of Leave

1. Leave Ex-Pakistan

- a. Leave Ex-Pakistan may be granted on full pay to an employee who applied for such leave or who proceeds abroad during leave, and makes a specific request to that effect.
- b. Such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of sixty days at a time.
- c. Leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as provided in these rules.

2. Leave Salary

Leave pay admissible during leave shall be on full pay:

3. Manner of Handing Over Charge When Proceeding on Leave etc.

- a. An employee proceeding on leave shall hand over the charge of his/her post by signing the charge relinquishment report.
- b. If leave ex-Pakistan has been sanctioned on medical grounds, the employee shall take abroad with him copy of the medical statement of his case.

4. Assumption of charge on return from Leave etc.

An employee, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post of which he/she is directed by that authority unless such direction has been given to him/her in advance.

5. Account Office to Maintain Leave Account

- a. Leave account in respect of an employee shall be maintained as part of his/her Service Record.
- b. The Authority shall maintain the leave accounts of the employees of whom they were maintaining the accounts immediately before the coming into force of these rules.

6. Leave application, its sanction, etc.

- i. Except where otherwise stated, an application for leave or for an extension of leave must be made to the Chairman and, in the case of the Chairman to the Chief Minister¹⁰[Khyber Pakhtunkhwa], through Secretary Higher Education Department and the extent of leave due and admissible shall be stated in the application.
- ii. In cases where all the applications for leave cannot, in the interest of public service, be sanctioned to run simultaneously, the authority competent to sanction leave shall, in deciding the priority of the applications consider.
 - a. whether, and how many applicants can, for the time being, best be spared.
 - b. whether any applicants were last recalled compulsorily from leave; and
 - c. whether any applicants were required to make adjustment in the timing of their leave on the last occasion.

¹⁰ Sub.by the Khyber Pakhtunkhwa Act No. IV of 2011.

APPLICATION FORMAT FOR LEAVE

Note: Item 1 to 7 must be filled in by all applicants.

1. Name of Applicant: _____
2. ID Card No.: _____
3. Leave Rules Applicable: _____
4. Post held: _____
5. Pay: _____
6.
 - a. Nature of leave applied for: _____
 - b. Period of leave in days: _____
 - c. Date of commencement: _____
7.
 - a. Date of return from last leave: _____
 - b. Nature of leave: _____
 - c. Period of leave in days: _____

Signature of Applicant

8. Certified that leave applied for is admissible under Rule and necessary conditions are fulfilled:

Signature of Incharge Officer

9. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is likely to return to the same post.

Signature

Date: _____