

**GOVERNMENT ASSM
FINANCE (ESTABLISHMENT-A) DEPARTMENT
DISPUR, GUWAHATI-781006**

No.FEG.249480/17

Dated Dispur, the 13th January, 2023

OFFICE MEMORANDUM

Subject: - Consolidated instructions relating to action warranted against Government servants staying away from duty without authorisation/grant of leave- Rule position.

Various references are being received from Departments seeking advice/post facto regularization of unauthorized absence of the employees under their administrative control. It has been observed that the seriousness is not being accorded by the administrative authorities to the various rule provisions, inter-alia under the Leave Rules, 1934, for taking immediate and appropriate action against Government servants staying away from duty without prior sanction of leave or overstaying the periods of sanctioned leave. It is reiterated that such absence is unauthorized and warrants prompt and stringent action as per rules. It has been observed that concerned administrative authorities do not follow the prescribed procedure for dealing such unauthorized absence.

2. In view of this, attention of all Departments is invited to the various provisions of relevant rules as indicated in the following paragraphs for strict adherence in situations of unauthorized absence of Government servants. It is also suggested that these provisions may be brought to the notice of all the employees so as to highlight the consequences to be faced by a Government servant on unauthorized absence. The following are the relevant provisions of FR & SR regarding action to be taken on unauthorized absence, to be followed by the competent authorities :-

(a) Proviso to FR 17(1)

The said provision stipulates that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

(b) FR 73

The said provision addresses the situation where an employee overstays beyond the sanctioned leave of the kind due and admissible, and the competent authority has not approved such extension. The following are the consequences of such refusal of extension of leave:

- (i) The Government servant shall not be entitled to any leave salary for such absence,
- (ii) The period shall be debited against his leave account as though it were half pay leave,
- (iii) Willful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of FR 15.

(c) Rule 14(5) of Leave Rules, 1934.

This provision allows the authority competent to grant leave into extraordinary leave, to commute retrospectively periods of absence without leave into extraordinary leave. A similar provision also exists under FR 85(c) of Leave Rules, 1934.

It may be ensured that discretion allowed under these provisions is exercised judiciously, keeping in view the circumstances and merit of each individual case.

No period of unauthorized absence shall be regularized by granting paid leave such as Earned Leave, Half Pay Leave and Commuted Leave.

These guidelines may be followed scrupulously failing which action will be taken against the concerned authority.

All cases including pending cases till date shall be regulated as per the instant O.M.

Sd/-

(SHRI SAMIR KR. SINHA, IAS)

Principal Secretary to the Government of Assam,
Finance Department

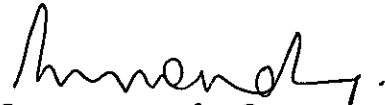
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Copy forwarded for information /necessary action to:-

1. The Accountant General, Assam, Maidamgaon, Beltola, Guwahati-29.
2. The Staff Officer to the Chief Secretary to the Government of Assam, Dispur.
3. The Additional Chief Secretary/ Principal Secretary/Commissioner & Secretary/ Secretary, All Departments.....
4. All Administrative Deptt.s.....
5. P.P.S. to Hon'ble Chief Minister, Assam.
6. P.S. to Hon'ble Minister, Finance.
7. All Principal Secretaries of Autonomous Councils, Assam.
8. All Heads of Departments. They are requested to circulate the O.M. among the subordinate offices under their administrative control.
9. Under Secretary to the Government of Assam, Finance (Estt-B) Department. He is requested to circulate the O.M. among the Sr.F.A.'s/ F.A.'s/F&AO's/other officers under their administrative control.
10. Finance (e-Governance Cell) Department with a request to upload the O.M. in the official website immediately.

By order etc.,



**Additional Secretary to the Government of Assam,
Finance (Estt.-A) Department**

