

THE UNIVERSITY OF PESHAWAR

LEAVE RULES 1977

Preamble

Whereas it is expedient to revise the existing Leave Rules, the following Rules relating to leave admissible to the employee of the University of Peshawar are framed:-

Title

1. These Rules may be called the University of Peshawar Leave Rules 1977.

Commencement

2. These Rules shall be deemed to have come into force with effect from 18.11.1976.

Application

3. These Rules shall apply to all employees of the University of Peshawar. Persons on deputation shall be governed by the leave rules of their parent organizations, unless otherwise provided in their contract of service.

Definitions

4. (1) In these Rules unless there is anything repugnant in the subject or context the following expressions shall have the meanings hereby respectively assigned to them as under:-
 - (a) "Pay" means the amount drawn monthly by a University employee as:
 - i) the pay other than special pay, or pays" granted in view of his personal qualification, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre; and
 - ii) overseas pay, technical pay, special pay and personal pay; and
 - iii) any other emoluments which may be specially classed as pay by the Syndicate.
 - (b) "Employee" means a person who holds a post in the University service and who is paid from the University funds.

- (c) "Year" means Calendar year.
- (d) "Average Pay" means the pay calculated at a rate equal to the rate of pay drawn by the University employee immediately before the commencement of leave on average pay.
- (e) "Leave on average pay" (or half average pay) means leave on leave salary equal to average (or half average) pay.
- (f) "Leave Salary" means the monthly amount paid by the University to its employees on leave.
- (g) "Duty" means the period during which a University employee performs the duties of a post and it includes:-
 - (i) service as a probationer or an apprentice provided such service is followed by confirmation.
 - (ii) the period spent on an authorized training instructors refresher course, study tour and exchange programme, outside or within Pakistan up to a maximum of 3 months at a time.
- (h) Heads of Departments: the term includes:-
 - (i) Chairman of the University Teaching Departments:
 - (ii) Directors of Institutes/Academies established as constituent institutions by the University.
 - (iii) Principals of the constituent colleges.
 - (iv) Heads of Administrative Division viz Registrar, Treasurer, Controller of Examinations, and other officers designated as such by the Syndicate.
 - (v) Principals of University Schools.
- (i) "Medical Certificate" means the medical certificate issued by any of the University Authorised Medical Attendants as mentioned in the scheme for medical facilities to University employees and approved by the Syndicate in its meeting held on 26th March, 1976.
- (j) "Active Service" means the time spent on duty and on privilege leave.
- (k) "Regular Vacations" means:
 - (i) Summer Vacation of 12 weeks;

- (ii) Winter Vacation of 2 weeks and
 - (iii) Spring vacation of 2 weeks
 - (l) "Regular leave" means any of the leaves mentioned under Section 5.
 - (m) "Existing leave Rules" means the Leave Rules which were in force immediately before the promulgation of these Rules.
- (2) All other terms and expressions shall have the same meaning as assigned to them under Section 2 of the University of Peshawar Act 1974.
5. The following kinds of leave shall be admissible to the employees of the University of Peshawar:-
- (a) Privilege leave
 - (b) Sick leave
 - (c) Maternity leave
 - (d) Study leave
 - (e) Sabbatical leave
 - (f) Special Disability leave
 - (g) Leave preparatory to retirement
 - (h) Leave not due
 - (i) Extra Ordinary leave
 - (j) Special leave

Privilege Leave

6. Privilege leave to which an employee shall be entitled will be of two kinds:
- (a) Privilege leave on half average pay earned by an employee at the rate of 1/12th of the period spent on duty.
 - (b) Privilege leave on average pay earned at the rates as specified below:-
 - (i) When he (a member of vocational staff) avails himself of full vacations in a calendar year, he may earn leave on full pay at the rate of one month of duty rendered.

When during any year he is prevented from availing himself of the full vacation he will earn leave at the rate allowed to non-vacational staff.

For winter and spring vacations, compensatory leave be allowed proportionately.

- (ii) an employee who is entitled to a part of regular vacations shall earn leave on average pay at the rate of 1/24th of the period spent on duty.
 - (iii) A University employee shall earn leave only on full pay. It shall be calculated at the rate of four days for every calendar month of the period of duty rendered 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 being treated as a 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.
 - (iv) It shall not be necessary to specify the reasons for which leave has been applied for so long as that leave is due and admissible to a University employee.
7. Accumulation of privilege leave shall be without limit provided that, subject to title, leave on average pay may be granted up to a maximum of six months at a time.
 8. For the purpose of section-7 and 8 holidays and regular vacations except those falling within a time an employee is absent on regular leave shall count as duty.
 9. The powers to grant privilege leave shall vest in the vice-chancellor provided that he may delegate these powers to the Heads of Departments by a general or special order in writing.

Sick Leave

10. Sick leave means leave granted to an employee in case of illness on production of a medical certificate.
11. Sick leave shall be debited against the credit of privilege leave.

Provided that it shall be permissible to convert leave on half average pay into leave on average pay on production of medical certificate upto a maximum of twelve months at a time at the rate of two days of leave on half average pay for one day of leave on average pay and that such conversion shall be permissible even when an employee who has leave on average pay at his credit, instead of availing himself of this leave in case of illness would like to preserve it for some other occasion and convert leave on half average pay at his credit into leave on average pay.

- (i) Sick leave shall be granted on full pay on production of medical certificate up to 180 days at a time.
- (ii) With medical certificate from leave account during entire service 365 days.

(Sick leave can be granted up to the permissible extent in continuation of leave without medical (certificate).

12. Sick leave may be granted by the Vice-chancellor, who may delegate his powers to other officers in this respect.

Maternity Leave

13. Maternity leave not exceeding three months at a time may be granted on full pay to a female University employee on medical certificate in such a manner that the date of confinement falls within the leave period and the leave does not go on for more than six weeks beyond the date of confinement.
14. For the purposes of this Section, the term "Pay" includes officiating pay provided the authority sanctioning the leave under these Rules certifies that the member of the service would have continued to officiate had she not proceeded on maternity leave.
15. Maternity leave may be granted in combination with leave of any other kind.
16. Maternity leave shall not be debited to leave account.
17. Maternity leave may be granted by the Vice-chancellor. He may also delegate this power to other officer in this respect.

Study Leave

18. Study leave means leave granted to a permanent University employee for obtaining a higher degree within / outside Pakistan and it may be granted by the Syndicate to such a permanent employee as has put at least three years service at the University.
19. Application for study leave must clearly specify the course or courses of study contemplated and any examination which the applicant proposes to take. No course of study will qualify the applicant for study leave or leave salary unless it has been approved by the Syndicate.
20. Such study leave shall not be granted to a University employee who is due to retire from service within five years of the date on which such leave and the leave, if any, with which it is combined would expire.
21. A period of three years at one time is a suitable maximum for the grant of study leave but in no case the period of study leave shall exceed four years during the whole period of service of University employee;

Provided that in case of an employee who for obtaining a degree other than Ph.D had availed himself of study leave prior to the promulgation of these Rules, he may be again granted study leave only for obtaining Ph.D degree for a period not exceeding three years subject to the condition, that such employee shall not be allowed the concession under Section 25 below.

22. Study leave may be granted on average pay for a period not exceeding three years during the whole period of the employee's service in the University;

Provided that in case of the extension of study leave upto four years, it shall be permissible to convert such a portion of study leave with average pay into leave on half average pay as would be required for making the leave so extended leave on half average pay at the rate of two days of leave on half average pay for one day of leave on average pay.

23. Study leave will count as service for increment, promotion gratuity and bonus but not for leave. It will count as extra leave and except as provided in Section 24 below, study leave will not affect any leave which a University employee may already have taken, and shall not be debited against his leave account.

24. The grant of study leave under these Rules is further subject to the following conditions:-

(a) If an employee who is granted study leave does not show satisfactory progress in his studies or fails to obtain the relevant degree within required period, the Syndicate may direct that

(i) his study leave shall be cancelled and study leave availed by him shall be converted into other leave standing at his credit for into extra ordinary leave if no other leave stands to his credit and he shall refund to the University either the whole or part of the difference between the leave salary paid to him for the period of the study leave and the leave salary admissible to him on account of the leave to which the study leave has been converted, or the whole or part of the leave salary paid to him for the period of the study leave, if such leave has been converted into extra-ordinary leave; and that

(ii) all the privileges allowed to him under Section 23 above shall be withdrawn.

Provided that the clauses 9i) and (ii) above shall not apply in case the University employee fails to show satisfactory progress in his studies or to obtain the relevant degree due to illness or other circumstances beyond his control.

- (b) Before proceeding on study leave the University employee shall execute a bond on a stamped paper to the effect that on his return from study leave, he shall serve the University for such period as specified in clause (i) below and that in case of his failure to serve the University for this period he shall pay to the University as liquidated damages and not penalty the amount as specified in clause (ii) below:
- (i) if the period of study leave is from six months to one year he shall serve the University for two years; if it is from one to two years, he shall serve the University for three years and it is from two to three years or more, he shall serve the University for five years. No bond will be required in case of training or study programme for less than six months.
- (ii) If he does not resume duty on the expiry of the study leave granted to him or after resuming duty, leaves the University service before the expiry of the relevant period as specified in clause (i) above, he shall be liable to pay to the University, as liquidated damages, the amount calculated at the rate of Rs.10,000.00 per year for such period as is short of the period for which he is required to serve the University under clause (i) above.
25. The period of study leave without pay granted to a University employee prior to 18-11-1976 shall be counted as the period of qualifying service for pension subject to the conditions that:-
- (a) he successfully completes his course of study by obtaining degree / diploma/certificate and that;
- (b) the period of such qualifying service shall not exceed _____ years in the case of the employee who availed himself of study leave with pay and 4 years in the case of employee who was not granted study leave with pay at all.

Sabbatical Leave

26. (a) A University teacher may be granted one year's sabbatical leave on average pay on the completion of every six years of active service in the University subject to a maximum of 2 years during the whole period of his service at the University.
- (b) Sabbatical leave will be granted to a permanent University teacher only for undertaking such research assignment within or outside Pakistan as are related to his subject in respect of which he will be required to give definite proof.
- (c) Subject to the exigencies of service sabbatical leave may be granted upto a maximum of one year at a time with average pay.

- (d) A University teacher shall not be allowed to proceed of sabbatical leave during a semester.
- (e) A University teacher proceedings on sabbatical leave shall be entitled to retain the residential accommodation allotted to him by the University, provided his family resides the house.
- (f) It will not be permissible to combine sabbatical leave with any other leave.

Extra-ordinary Leave

27. (1) Extra-ordinary leave may be granted to a University employee in special circumstances:-
- (a) When no other leave is admissible under these University Rules.
 - (b) When other leave is admissible, but the University employee concerned applies in writing for the grant of extra-ordinary leave.
- (2) No leave salary is admissible in the case of extra-ordinary leave.
- (3) The authority empowered to grant leave may commute retrospectively the period of absence without leave into extra-ordinary leave.
- (4) In the case of a permanent University employee, the period of absence from duty at one time on account of extra-ordinary leave of such leave in conjunction with any other kind or kinds of leave shall not exceed five years.

In pursuance of the Government of NWFP Notification No.FD/SO (SR-IV)5-54/80/V-III dated 31.7.1991, the Syndicate in its meeting held on 22.10.1992 clarified the implication of Rule-27(4) of the University of Peshawar Leave Rules-1997 that:-

- i) Extra Ordinary Leave (leave without pay) of 5 years is admissible to a University employee for each spell of 10 years of continuous service, if however a University employee has not completed 10 years of continuous service on each occasion/time, extra-ordinary leave (leave without pay) for maximum period of 2 years may be granted at the discretion of competent authority.
- ii) Maximum leave availed during one continuous period of 10 years should also not exceed beyond 5 years.
- iii) The cases already decided need not be reopened.

- (5) Extra-ordinary leave may be granted by the Vice-Chancellor, who may delegate his powers to other officers in this respect.

Special Disability Leave for Injury Intentionally Inflicted

28. (1) Subject to the conditions herein after specified a competent authority may grant special disability leave to a University employee who is disabled by injury intentionally inflicted or caused in, or in consequence of the due performance of his official duties or in consequence of his official position.
- (2) Special disability leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to the notice of the competent authority. But the competent authority, if it is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.
- (3) The period of leave granted under these University Rules shall be such as to be supported by a Medical Certificate. It shall in no case exceed twenty-four months.
- (4) Such leave may be combined with leave of any other kind.
- (5) Such leave may be granted more than once, if the disability is aggravated or recurs in similar circumstances at later date, but not more than twenty-four months of such leave shall be granted in consequence of any one disability.
- (6) Such leave shall be counted as duty in calculating service for pension and gratuity and only half of such leave on average pay shall be debited against the leave account.
- (7) Leave Salary during such leave shall be equal:
 - (a) to average pay for the first four months of any period of such leave, including a period of such leave granted under para (5) of these University Rules, and
 - (b) to half average pay for the remaining period of any such leave or at the University employee's option to average pay for a period not exceeding the period of leave on average pay which would otherwise be admissible to him.

Special Leave

29. (i) The Syndicate may, in extra-ordinary cases, grant special leave to a permanent employee on such terms and conditions as they deem proper.

Provided such employee has not at his credit less than three years of service at this university.

(ii) Special leave to female employees effective from 27.10.83

The University female employees may on the death of her husband be granted special leave on full pay not exceeding 130 days. This leave shall not be debited to her leave account and will commence from the date of death of her husband. For this purpose she will have to produce death certificate issued by the competent authority either alongwith here application for special leave or if that is not possible, the said certificate may be furnished to the leave sanctioning authority separately.

(iii) 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 or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect.

(b) the leave pay to be drawn abroad shall be restricted to a maximum of 3000 rupees per month.

(c) the leave pay shall be payable in sterling, if such leave is spend in Asia other than Pakistan and India,

(d) such leave pay shall be payable for the actual period of leave spent abroad subject to maximum of 120 days at a time.

(e) the employees appointed after 19th May 1958 shall draw their leave salary in rupees in Pakistan irrespective of the country where they spent their leave.

(f) leave Ex-Pakistan will be regulated and be subject to the same limits and conditions as prescribed in rule 7.11 and 27.

(iv) Death While in Service

In case an employee dies while in service, lumpsum payment equal to full pay upto 180 days out of the leave at his credit shall be made to his family as defined for purpose of family pension (Members of family as defined in rules 4.10 read with rule 4.7 of the civil servants pension statutes and NOT OTHER LEGAL HEIRS OF THE DECEASED).

The syndicate in its meeting held on 27/8/1988 allowed concession to the employees who are declared permanently incapacitated for further service by Medical Board while in service as below:

- (a) 180 days out of leave in his credit shall be made to him;
- (b) senior post allowance shall be permissible with leave pay.

Leave preparatory to retirement / encashment of LPR

- 30. An employee may be granted leave preparatory to retirement for a period not exceeding twelve months, attains the age of sixty, where a University servant opts not to avail the leave preparatory to retirement, he shall be allowed leave salary for the period for which leave preparatory to retirement is admissible, subject to a maximum of 180 days. For the purpose of leave preparatory to retirement only the senior post allowance will be included in the leave pay so admissible. The payment of leave pay in lieu of leave preparatory to retirement may be made to the University servant either in lumpsum at the time of retirement or may at his option, be drawn by him month-wise in arrears, for and during the period of leave preparatory to retirement.
- 31. The Vice-Chancellor shall grant leave preparatory to retirement.

Leave not due

- 32. Except in case of leave preparatory to retirement, leave not due may be granted on full pay, to be offset against leave to be earned in future for a maximum period of 365 days in the entire period of service, subject to the condition that during the first five years of service it shall not exceed 90 days in all.

When an employee of the service returns from leave which was not due and was debited against his leave account, no leave on half average pay shall become due to him until the expiry of a fresh period spent on duty sufficient to earn credit of leave equal to the period of leave which he took before it was due. The accumulation of leave on average pay that may be earned subsequent to return from leave not due shall remain unaffected but cannot be utilized except to the extent that it exceeds half of the period of unadjusted leave not due.

- 33. In addition to the categories of leave already treated, an employee may be granted casual leave upto 25 days in a year if he is not entitled to regular vacation and ten days in a year if he is entitled to regular vacation and 13 days in a year if he is entitled to a part of regular vacation. An employee who is entitled to 25 days casual leave shall not be granted more than ten days casual leave a time.
- 34. Casual leave to the Heads of Departments shall be granted by the Vice-Chancellor. Heads of Departments may granted casual leave to the personnel working under them.
- 35. Casual leave combined with any other kind of leave will be regarded as one spell of regular leave.

General Provisions

36. The maximum period of leave on half average pay or such leave combined with leave on average pay that may be taken at one time shall be one year. But if supported by a medical certificate, it may be extended to two years.
37. An employee deputed by the University for attending conferences, seminar and meetings shall be considered on duty for the period of their duration as well as for the period specific on journey to and from the venue.
38. An employee who is required to undertake examination duties within or outside the University shall be treated on duty upto a maximum of twenty five days or one examination;

Provided that no person shall be appointed to supervise more than one examination in a year and in no case the period of such appointment during a year shall exceed 25 days of absence from duty.

39. For reasons to be recorded in writing the Vice-chancellor may suspend the operation of the preceding Section 33 generally or in specified case.
40. A leave account shall be maintained for each employee subject to these Rules in such form as prescribed.
41. In case of an employee who opts for these Rules the leave on average pay or half average pay that shall be carried forward as the balance at his credit on 18.11.1976 shall be calculated at the rates prescribed in these Rules as if the rates had been applicable to the employee concerned from the beginning of his service under the University less the period of leave on average pay or half average pay already taken by him.
42. In the case of a University employee who on the transfer of former Government Islamia College, Peshawar to the University on 1st April, 1954, opted for University service and whose services were consequently transferred to the University and who opted for these Rules the leave on average pay and half average pay that shall be carried forward as the balance at his credit on the date of the promulgation of these Rules, shall be calculated at the rates prescribed in these rules as if the rates had been applicable to the University employee concerned from the beginning of his service under Government less the period of leave on average pay or half average pay already taken by him.
43. The Syndicate may; (a) grant to an employee any kind of leave admissible under these Rules in combination with any other kind of leave so admissible; (b) grant to an employee an kind of leave admissible under these Rules in continuation of any other kind already

taken; (c) Commute the whole or any portion of any leave granted under these Rules or under the existing leave rules retrospectively into any other kind of leave which was admissible when the original leave was granted.

Provided that the whole period of leave granted either under (a) or (b) above shall not exceed 5 years in each case.

44. The temporary or officiating service under the University if it counts for pension shall also count for leave.
45. A University employee who is not borne on permanent establishment shall earn leave on average pay at the rate of 1/22 of the period spent on duty;

Provided that no such leave shall be admissible to the employee who avails himself of regular vacation provided also that leave at the credit of the employee in his leave account shall lapse on the date of termination of his service.

46. Leave on half average pay on medical certificate may be granted to a temporary University employee who has completed one year's continuous service at the rate of 15 days for an completed year of service.
47. In the case of an employee who is re-employed after retirement at the age of 60 years, leave may be granted to him as provided under Section 45 and 46 above.
48. If a member wishes to resume his duties before the expiry of his leave he may do so with the previous approval of the Vice-Chancellor.

Provided that if the competent authority has made other arrangements for the period of his leave which would involve it in a pecuniary loss on his return, such loss shall be made good by the employee.

49. An employee of the University accepting employment elsewhere during leave, including leave preparatory to retirement from the University without the previous sanction of the appointing authority, shall be liable to forfeit his leave salary from the date of his accepting such appointment.
50. Leave cannot be claimed as a matter of right, when the exigencies of service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.
51. A university employee who absents himself without leave or remains absent without leave, shall not be entitled to any pay for the period of his absence without leave.

52. In matters not provided for by these Rules, the Syndicate may adopt the rules of instructions issued by the N.W.F.P Government from time to time in respect of Government servants.
53. In case where the operation of these rules causes under hardship to a University employee, the Syndicate may for reasons to be recorded in writing, relax any of these rules.
54. The existing Leave rules are hereby repeated.

**THE UNIVERSITY OF PESHAWAR AMENDMENT IN STUDY LEAVE
RULES
(Approved by the Syndicate on 6.4.89)**

- i) Every confirmed teacher of the University, who avails the opportunity to improve his qualification in or outside the country; may be allowed to avail Study Leave with full pay.
- ii) Any employee of the University who proceeds on Study Leave should be paid due salary under the rules and this should not be affected by the provision of a substitute in the department.
- iii) The progress of the scholar on study leave should be monitored by the University on regular basis. To ensure this the Committee recommended that in future, study leave should be granted for one year at a time, and extension should take place only on receipt of progress report of the Scholars from the Supervisor concerned.
- iv) Maximum period for study leave for Ph.D should be 5 years of which three years should be with pay and the remaining two years without pay.
- v) That study leave should be granted for studies in a University within or outside the country, other than the University of Peshawar.
- vi) Study Leave should be granted as a matter of course, keeping in view separability of the teacher as ascertained from the Chairman/Principal of the Department/College, and the Dean of the Faculty concerned.

It was clarified that separability in this contest, shall mean that the period can be spared without seriously disrupting the working of the Department / College. It is presumed that whenever study leave is granted, a substitute would be provided, unless the Department / College can manage the same by internal adjustment.

- vii) Keeping in view the limited facilities of C.O.T scholarships and also due to the reasons that foreign education has become very much expensive the Committee decided to recommend, that in future, University may allow all those teachers, who on their own, can manage to acquire foreign scholarship/assistantship etc. It was reiterated that the University may encourage such teachers by adopted liberal attitude in granting them study leave.
- viii) Improvement in qualification / acquiring higher education by the University teachers should be in their relevant fields.
- ix) That these rules shall apply for higher studies leading to M.Phil/LLM and Ph.D within the country or higher studies abroad. It excludes cases pertaining to Post Doctoral Fellowships.

x) The date of effect of the study leave rules shall be 27.7.1989. the Rules for grant for study levels with pay for the different levels of education abroad shall be as follow:-

1. Ph.D : 3-years
2. M.Phil : 2-years
3. L.M/M.Sc/M.A/M.S : 1-year