

CHAPTER II

PERSONNEL POLICIES

(c) Service Matters

4.

DPE/Guidelines/II(c)/4

Treatment of absence of employees on account of Bundh etc.

Queries have been received from certain Public Enterprises in the past as to the manner in which the absence of employees of the concerned enterprises on account of Bundh, etc. should be treated. This question has been considered in all its aspects and the following procedure may be adopted in such cases, if any, in future.

2.1 The absence of the employees on a day or days of the Bundh may fall under one of the following categories:

- i. Where the employee had applied or applies for leave for the day or days of the Bundh for genuine reasons e.g. medical grounds, of which the competent authority is satisfied;
- ii. Where the competent authority is satisfied that the absence of the individual concerned was entirely due to reasons beyond his control e.g. due to failure of transport or disturbances or curfew or picketing or imposition of curfew etc;
- iii. Unauthorized absence i.e. where conditions mentioned in (i) or (ii) above are not satisfied.

2.2 As regards the first category, leave of the kind due and admissible including casual leave, may be granted to the employees concerned. As regards the second category, if the competent authority is satisfied that the absence was due to failure of transport facilities, special casual leave may be granted to the employees, who had to come from a distance of more than three miles of their place of duty. If the absence was due to picketing or disturbances or curfew, then two special casual leave could be granted to regularize the absence without insisting on the condition that the distance between their place of duty and their residence should be more than three miles.

2.3 As regards the third category mentioned above, the Service rules of the enterprise would normally provide that an employee, who is absent from duty without any authority, shall not be entitled to any pay and allowances, during the period of such absence. Unauthorized absence of this kind, apart from resulting in loss of pay and allowances for the period of such absence, would also constitute a break in service, entailing forfeiture of past service for all purposes, unless the break itself is condoned and treated as *dies non*. If the break is condoned and treated as *dies non* by the competent authority the service rendered prior to the break will be counted for all purposes, but the period of the break itself will not count for any purpose.

2.4 The consequences of unauthorized absence from duty of Public Sector employees which is not condoned in any manner would be as follows:

(i) Pay & Allowances

No pay and allowances are admissible during the period of unauthorized absence.

(ii) Lien, Status/Seniority

The lien of a Public Sector employee on his post and his status, for example, permanency and seniority in service would not be affected by such absence. In other words, in the case of those who return to duty after unauthorized absence, no fresh letter of appointment is necessary.

(iii) Increment

The period of such unauthorized absence would not count for increment. In other words, the date of next increment would get postponed by the period of such absence.

(iv) Leave

The leave at the credit of the employees would not lapse as a result of unauthorized absence but such period of absence would not count for earning leave.

(v) C.P.F. and Death-cum-Retirement Gratuity

In the case of employees who are governed by C.P.F. Rules the only effect of the period of unauthorized absence is that such period would be ignored for the purpose of his entitlement to C.P.F. benefits. However, the interruption in service caused by unauthorized absence entails forfeiture of past service for purposes of entitlement to gratuity, subject to the condition that if there is any statutory provision applicable to the employee granting the payment of gratuity even on resignation/dismissal the said provision should be complied with, ensuring also that the case satisfies all the other relevant stipulations in the statutory provisions.

(vi) There are other service benefits like L.T.C. etc., to which employees are entitled only after they have put in a specified length of continuous service or certain amount of minimum continuous service. The unauthorized absence of an employee would result in the lapsing of the previous service and the employee would be required to put in the minimum or specified length of continuous service after the unauthorized absence for entitlement to such concessions.

3. Ministry of Petroleum, etc., may bring the foregoing to the notice of all the Public Enterprises under their control for necessary action. The enterprises may also be advised to review their relevant Service rules regarding pay, leave, etc., and incorporate the necessary amendments therein to secure the objective of these instructions.

(BPE/GL-023/76/MAN/2(111)/75-BPE(GM-I) dated 26th June, 1976.)