

राष्ट्रीय आदिवासी छात्र शिक्षा समिति

(जनजातीय कार्य मंत्रालय के अंतर्गत
एक स्वायत्त संस्थान, भारत सरकार)
भू-तल, गेट नंबर-3ए, जीवन तारा बिल्डिंग,
संसद मार्ग, नई दिल्ली-110001
दूर. 011-23340280



National Education Society for Tribal Students

(An Autonomous Organization under
Ministry of Tribal Affairs, Govt. of India)
Ground Floor, Gate No.3 A, Jeevan Tara Building,
Parliament Street, New Delhi-110001
Telephone No. 011-23340280
वेबसाइट/Website: www.tribal.nic.in
Email: nests-tribal@tribal.gov.in

NESTS/H-1/95/HR/Clarification/2025-26

(Comp. No.:29779/Note #46)

Date: 06.08.2025

To

The Nodal Officer,
All State EMRS Societies.

**Subject: Guidelines to deal with Unauthorized / Wilful /prolonged
Absence from duty/ Overstayal of Leave / leaving HQrs
without permission – reg.**

Enclosed please find herewith a detailed guideline containing preventive and punitive aspects on the captioned subject for meticulous implementation by all concerned. These guidelines are illustrative in nature. In case further reference is required, the relevant rules [i.e., FR 17, Leave Rules, Conduct Rules, CCS(CCA) Rules and DoPT guidelines] may be referred to.

This issues with the approval of the competent authority.

-sd-

**(Kumud Kushwaha)
Deputy Commissioner**

Copy to:

The Principal, All Eklavya Model Residential Schools for information & necessary action.

NATIONAL EDUCATION SOCIETY FOR TRIBAL STUDDENTS

Sub: Guidelines to deal with Unauthorized / Wilful /prolonged Absence from duty/ Overstayal of Leave / leaving HQrs without permission – reg.

NESTS HQrs is in receipt of information that employees of EMRS are applying for leave immediately after their joining and leaving the HQrs. It is also reported that they are not reporting for joining after completion of the period of leave applied for and remaining absent for months together. This hampers smooth functioning of day-to-day operational activities in EMRS being residential and co-educational in nature. It is, therefore, necessary to have preventive measures to curb the attitude of the delinquent employees who remain absent unauthorizedly for a long period. Keeping this in view the following guidelines are issued for strict compliance of all concerned: -

A. General Conditions for grant of leave

I. Application for leave: [Rule 14, CCS Leave Rules].

Leave should be applied in the prescribed format (Form No. 1, available in CCS Leave Rules, 1972). No leave should be sanctioned if the application is not in the prescribed format.

II. Leave Account: [Rule 15, CCS Leave Rules].

It should be maintained in the prescribed format [Form No. 2 of Leave Rule] by the Principal in respect of all staff of EMRS. For Principal, it shall be maintained by the State EMRS Society.

III.Verification of the admissibility of leave: [Rule 16, CCS Leave Rules].

No leave shall be granted without verifying the admissibility of the employee to the kind of leave applied for. Leave balance is to be checked before sanctioning of the same.

IV. Leave not to be granted: [Rule 17, CCS Leave Rules].

Leave shall not be granted to (i) an employee who is under suspension, and (ii) an employee whom competent authority has decided to dismiss, remove or compulsorily retire from the services of NESTS.

V. Grant of Leave on medical grounds: [Rule 19 of CCS Leave Rules].

(a) Leave on medical grounds shall be sanctioned on production of the medical certificate in prescribed format (Form No. 4 of CCS Leaves Rules) from a Government Hospital or an Authorized

Medical Attendant (AMA) or a Registered Medical Practitioner (RMP) if no AMA is available.

- (b) In case of hospitalization or indoor specialized treatment in private recognized hospital, the medical certificate / fitness certificate given by the Authorized Doctor of the Hospital shall be produced.
- (c) An employee who is on leave on medical certificate will be permitted to return to duty only on production of medical certificate of fitness from the Government Hospital / AMA / RMP in prescribed format (Form No. 5 of CCS Leave Rules).
- (d) Leave sanctioning authority may secure second medical opinion, if considered necessary.

VI. Right to leave: [Rule 7, CCS Leave Rules].

- (a) Leave cannot be claimed as a matter of right.
- (b) The leave sanctioning authority may refuse or revoke leave of any kind when the exigencies of services so require.
- (c) The leave sanctioning authority cannot suo-moto alter the kind of leave due and applied for. It can be done only at the request of the employee.

VII. Conversion of leave: [Rule 10, CCS Leave Rules]

Leave of one kind taken earlier may be converted into leave of a different kind at a later date at the request of the official and at the discretion of the authority who granted the leave. For example, extra-ordinary leave may be retrospectively converted into leave not due and earned leave into half pay leave or earned leave on MC into commuted leave, as the case may be. The employee should apply for such conversion within 30 days of completion of the relevant spell of leave. This, however, cannot be claimed as a matter of right by the official.

VIII. Prior sanction of leave is mandatory.

The employee cannot proceed on leave without prior sanction of the leave sanctioning authority to the leave applied for. If he leaves the EMRS merely by submitting a leave application or sending an email, it should be treated as unauthorized absence.

B. Unauthorized Absence:

An employee is said to be on unauthorized absence when –

- He/she remains absent from duty without prior sanction of leave, **Or** overstays the sanctioned leave without proper extension / approval, **Or**
- Leaves the headquarters without permission of the Competent Authority, **Or**
- Deserts the post unauthorizedly, **Or**
- Participate in a strike in a concerted manner in combination with others without any authorization from/satisfaction of the Competent Authority.

C. Consequence of the Unauthorized Absence:

- I. **No work, No Pay – [FR 17 (1)]**: Employee shall not be entitled to Pay & Allowances during the period of unauthorized absence.
- II. **Break in Service – [FR 17-A]**: An unauthorized absence shall be deemed to cause “an interruption” or “break in service” unless otherwise decided by the competent authority for the purpose of Leave Travel Concession, Quasi-Permanency and Eligibility for appearing in Departmental Examination for which a minimum period of continuous service is required. Past service prior to the unauthorized absence gets forfeited.
- III. **It is a good and sufficient cause for imposition of any of the penalties under Rule 11 of CCS (CCA) Rules 1965.** Normally, the penalty of Removal or Dismissal is imposed after conducting an inquiry as per the procedures prescribed in Rule 14 of CCS (CCA) Rules 1965.
- IV. **May be treated as “Dies-Non”**: Only individual cases of unauthorized absence from duty which is not in pursuance of concerted action by a group of employees acting in combination, is to be treated as “dies-non”. Dies-Non does not constitute break in service, but only the days treated as “dies-non” are not counted as duty for any purpose (Increment, Leave and Pension). No pay and allowances are payable for the period of dies non.
- V. **No leave Salary for the period after expiry of Leave - [Rule 25(1) of CCS (Leave) Rules 1972]**: Employee will not be paid any leave salary for the period after expiry of the leave and such absence shall be debited to his/her Half Pay Leave Account to the extent due,

and the period in excess of such leave to be treated as Extra Ordinary Leave (EOL).

- VI. ***Wilful absence after expiry of Leave* - [Rule 25(2) of CCS (Leave) Rules 1972]**: It renders an employee liable for disciplinary action being treated as misconduct.
- VII. **Habitual absence without permission** and **over-staying leave** amounts to misconduct under the conduct rules.

D. Responsibility of the Employee:

He / She should-

- Always apply for leave in advance.
- Leave the campus only after sanction of leave by the Competent Authority.
- Seek extension if not in a position to join back on due date.
- Respond promptly to any official communication.
- Avoid long absence without communication as it may be treated as abandonment of service being absconded.

E. Standard Operating Procedures to deal with Unauthorized/Wilful /prolonged Absence from duty/ Overstayal of Leave:

The action to be taken by the Leave Sanctioning Authority (LSA) / Disciplinary Authority (DA) in case of unauthorized / wilful absence is listed below: -

S. No.	Reason for initiating action against wilful and unauthorized absence	Action to be taken	Timeline
1.	1) If an employee who has taken leave and after expiry of the leave has not joined his duties; OR 2) If an employee does not join duty at his new place of posting after being transferred and relieved from old station and after expiry of joining time; OR 3) If an employee suddenly disappears from his posting place without any intimation or information	OM to be issued by the Leave Sanctioning Authority (LSA) at his local residential address / permanent address and registered email ID for joining duty immediately. (Annexure-I: Sample)	10 days

2.	If he / she does not respond to the OM issued by LSA.	<p>Second OM to be issued by LSA at his / her local and permanent residential address and in registered email ID, wherein he / she should be informed that his / her absence period will be treated as willful and unauthorized, and he / she would be liable for disciplinary action under CCS (CCA) Rules 1965. It should be incorporated in the OM that his willful and unauthorized period of absence will be treated under FR 17 (1) and 17-A. The consequence of rule position regarding FR 17 (1) and 17-A to be explained in the OM.</p> <p>(Annexure-II: Sample)</p>	05 days
3.	If employee does not join duty after serving two Memorandums and his / her whereabouts are not traceable.	<p>A letter may be sent to the Commissioner of Police / Sr. Superintendent of Police (SSP) by LSA stating that the employee is absent from duty willfully and unauthorizedly and with the request to inform the whereabouts of the employee and ensure his / her joining at workplace immediately.</p> <p>(Annexure-III: Sample)</p>	10 days
4.	If police are unable to trace the whereabouts of the employee.	EMRS should insist that the family of employee to file the missing person complaint in the police station.	Immediately
5.	If the employee's whereabouts reported through sources or by police but he does not turn up for joining even after two memorandums / Police action / information.	<p>A Show Cause Notice to be served to the concerned employee asking him / her to join duty within a stipulated period failing which disciplinary action as deem fit would be initiated as per CCS (CCA) Rules, 1965, after serving a Charge Sheet by Disciplinary Authority (DA). If the employee does not respond to the Charge Sheet within the given time, then the disciplinary action would be conducted in absentia.</p> <p>(Annexure-IV: Sample)</p>	05 days

6.	If the employee does not join duty after all the above efforts.	Disciplinary Authority may issue Charge Sheet under Rule 14 of CCS (CCA) Rules 1965, conduct the inquiry as per prescribed procedures and impose major penalty. [N.B: Format No. 6 given in Swamy's Compilation of CCS (CCA) Rules, 1965 to be used for framing & issuing Charge Sheet.]	Disciplinary proceeding to be completed as per rules.
7.	If the employee does not join after closure of Disciplinary Proceeding and remains absconding / absent.	Advertisement to be made through leading newspapers about the absconding employee with the details of all earlier opportunities provided to him / her. Annexure-V & VI – Sample	30 days
8.	In case the employee concerned appears before the disciplinary authority and submits a case of his / her defence.	He / she should be allowed to join. The disciplinary proceedings will continue. The leave sanctioning authority shall not regularize the leave. His / her absence will be considered as willful. The employee shall not be entitled for any leave salary for such absence, as per Rule 25 of CCS Leave Rules, 1972 and the entire willful and unauthorized period of absence may be treated as dies-non.	As per Rule 25 of CCS Leave Rules, 1972
9.	On conclusion of the disciplinary proceedings.	Appropriate penalty shall be imposed by the Disciplinary Authority apart from the action under Rule 25 of CCS (CCA) Leave Rules. 1972.	

Encl.:

1. Annexure-I to VI

Eklavya Model Residential School

_____ District _____ State _____

File No. _____

Date: _____

MEMORANDUM

Shri / Smt. / Ms. _____, post held _____ proceeded on _____ days Casual Leave / Earned Leave / Half-pay Leave / Extra Ordinary Leave / Commuted Leave with effect from _____ to _____. Thereafter he/she sent an application dated _____ seeking extension of leave initially up to ____ and subsequently up to ____ on _____ grounds. But on the expiry of above leave, neither he / she has reported for duty nor sent any intimation or application in this regard, thus remaining absent wilfully and unauthorizedly from duty continuously for a long period, due to which government work is suffering badly.

He / she is, therefore, directed to report for duty immediately, failing which action as deem fit shall be initiated against him / her under CCS (Conduct) Rules, 1964.

(_____)
Principal

To
Shri _____

Copy to: -

- 1) The Nodal Officer, State EMRS Society, _____
- 2) Accountant, EMRS _____ for information and with the direction to immediately stop the salary of Shri / Smt. / Ms. _____ till further order.

(_____)
Principal

Annexure-II

By Registered Post/Email

Eklavya Model Residential School

_____ District _____ State _____

File No. _____

Date: _____

MEMORANDUM

Attention of Shri / Smt. / Ms. _____ post held _____ is invited towards this office memorandum issued under even number dated _____, vide which he / she was directed to report for duty immediately, but no response is received from his / her end till date. Shri / Smt. / Ms. _____ is found to be absent from duty with effect from _____ till date without any intimation, which tantamount to gross misconduct on his / her part as per CCS (Conduct) Rules, 1964. It is, further, informed that remaining absent from duty wilfully and unauthorizedly and without any information, attracts the provisions of FR 17(1) and 17-A.

2. The provisions of FR 17(1) stipulate 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".

3. Further, the provisions of FR 17-A inter alia provide that where an individual employee remains absent unauthorizedly or deserts the post, the period of such absence shall be deemed to cause an interruption or break in service of the employee, unless otherwise decided by the competent authority and such break-in service shall cause forfeiture of past service.

4. He / she is, therefore, once again, directed to report for duty immediately with an explanation as to why disciplinary action should not be taken against him / her for his / her wilful and unauthorized absence from duty under CCS (CCA) Rules 1965. He / she is, further, informed that No leave will be considered for sanction and the entire wilful / unauthorized absence period will be treated as Dies-non.

(_____)
Principal

To

Shri / Smt. / Ms.

By registered email ID

Copy to: -

- 1) The Nodal Officer, State EMRS Society _____
- 2) Accountant, EMRS _____ for information and with the direction to immediately stop the salary of Shri / Smt. / Ms. _____ till further order.

(_____)
Principal

Annexure-III

By Registered Post/Email ID

Eklavya Model Residential School

File No. _____ District _____ State _____ Date: _____

To
The Commissioner of Police /
Senior Superintendent of Police,

Subject: Absconding from duty by Shri / Smt. / Ms. _____ for more than _____
- Request for locating his / her whereabouts – reg.

Sir / Madam,

It is informed that one of our employee Shri / Smt. / Ms. _____ presently posted at _____ on the post of _____ proceeded on ____ days of Casual Leave / Earned Leave / Extra Ordinary Leave / Half-pay leave / Commuted Leave with effect from _____ to _____. Thereafter, he / she had sent an application dated _____ seeking extension of leave initially up to _____ and subsequently up to _____ on domestic grounds, but did not join duty after expiry of above leave. It is informed that two office memorandums have been issued to the employee concerned on date _____ and date _____ through registered email ID (whose contact details given below) to report for duty immediately, but no response is received from him / her till date.

The office is unable to locate the whereabouts of Shri / Smt. / Ms. _____, in spite of all possible efforts. It is, therefore, requested to kindly find out and inform the whereabouts of Shri / Smt. / Ms. _____ at the earliest, as the official work is suffering badly. The local and permanent address of the concerned employee is mentioned below for your kind perusal and necessary action please.

Name: Registered email ID: Mobile Number: Present & Permanent address:

Yours faithfully,

(Principal)

Copy to: -

- 1) The Nodal Officer, State EMRS Society _____
- 2) Accountant, EMRS _____ for information and with the direction to immediately stop the salary of Shri / Smt. / Ms. _____ till further order.

(Principal)

Eklavya Model Residential School

File No. _____ District _____ State _____

Date: _____

MEMORANDUM

WHEREAS, Shri / Smt. / Ms. ____ working as ____ in Eklavya Model Residential Schools _____ had proceeded on leave (kind of leave) from ____ to ____ vide his application dated _____. Further, he / she extended his / her leave period from ____ to _____.

WHEREAS, two office memorandums were issued to him / her on date ____ and dated ____ vide which he / she was informed that he / she was found to be absent from duty from ____ wilfully / unauthorizedly and without any information or application to the office, for which his / her absent period could be treated as Dies-Non and disciplinary action could be initiated against him / her for the misconduct. He / she was directed to join duty immediately with an explanation as to why disciplinary action should not be initiated against him / her for his / her misconduct under CCS (CCA) Rules, 1965.

WHEREAS, this office requested the concerned police authorities to locate the whereabouts of Shri / Smt. / Ms. ____ and advise him / her to join duty immediately. The report of police authorities vide letter dated ____ indicates that Shri / Smt. / Ms. _____ was available at his / her local residential address and deliberately avoiding the official directions for joining duty, for the reasons best known to him / her. The police report also reveals that the advice of police to Shri / Smt. / Ms. ____ to report immediately at his / her posting location, went in vain.

WHEREAS, it is observed that Shri / Smt. / Ms. ____ did not comply with official orders and remained absent from duty without any intimation and without replying to communication issued from Eklavya Model Residential School (EMRS).

NOW THEREFORE, Shri / Smt. / Ms. _____ is hereby directed to report for duty and **show cause** as to why disciplinary action should not be initiated against him / her under CCS (CCA) Rules, 1965 for remaining wilfully / unauthorizedly absent without information.

(.....)
Disciplinary Authority

To

Shri / Smt. / Ms. _____,
Local / Permanent Address

Copy to: -

- 1) The Principal, EMRS _____

Eklavya Model Residential School

_____ District _____ State _____

File No. _____

Date: _____

To
The Editor,
(National / Local Newspaper)

Subject: Publication of advertisement for absconding employee – reg.

Sir / Madam,

Please find enclosed herewith “matter for publication” in respect of an employee of this Office who is absconding from duty with effect from _____ till date. It is requested to kindly publish the enclosed matter in _____ edition at the earliest under intimation to this office please.

It is, further, informed that EMRS comes under NESTS, which is an autonomous organization of Ministry of Tribal Affairs, Government of India.

Yours faithfully,

(_____)
Disciplinary Authority

Copy to: -

- 1) The Commissioner, NESTS / The Nodal Officer, State EMRS Society / Principal, EMRS

NB:

1. Newspaper of the area as per the present / permanent address of the employee to be preferred.
2. Newspaper widely circulated in the area concerned to be chosen.
3. Payment to be made as per DAVP rates.

"MATTER FOR PUBLICATION"

Annexure-VI

Eklavya Model Residential School

_____ District _____ State _____

NOTICE

Mr./Ms. _____ S/D of Mr. _____ working as _____ in EMRS _____ remaining unauthorizedly absent since _____ may take cognizance of this notice as a final chance and report for duty & participate in the inquiry proceedings within 30 days of publication of this Notice, failing which ex-parte decision will be taken for imposition of major penalty of removal/dismissal.

Disciplinary Authority