

THE NORTH-EASTERN HILL UNIVERSITY ORDINANCES

OE-6

ON GOVERNING LEAVE TO TEACHERS OF THE UNIVERSITY

*Under Section 26 (1) (n) of the NEHU Act, 1973
Read with Statute 25*

A. PERMANENT TEACHERS

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|----------------------|----|-------|---|
| Kind of Leave | 1. | i | The following kinds of leave shall be admissible to permanent teachers: |
| | | a. | Leave treated as duty |
| | | (i) | Casual Leave, and |
| | | (ii) | Special Casual Leave |
| | | (iii) | Duty Leave |
| | | b. | Leave earned by duty |
| | | (i) | Earned Leave |
| | | (ii) | Half-pay Leave, and |
| | | (iii) | Commuted Leave |
| | | c. | Leave not earned by duty |
| | | (i) | Extra-ordinary Leave, and |
| | | (ii) | Leave not due |
| | | d. | Leave not debited to leave account |
| | | (i) | Leave for academic pursuits – |
| | | (a) | Study Leave, and |
| | | (b) | Sabbatical Leave |
| | | (ii) | Leave on grounds of health |
| | | (a) | Maternity leave |
| | | ii. | The Executive Council may, in exceptional cases grant for the reasons to be recorded, any other kind of leave subject to such terms and conditions as it may deem fit to impose. |
| Casual Leave | 2. | i | Total leave granted to a teacher shall not exceed eight days in an academic year. |
| | | ii. | Deleted |
| | | iii. | Casual leave cannot be combined with any other kind of leave, except special casual leave. It may be combined with holidays, including Sundays. Holidays or Sundays falling within the period of casual leave shall not be counted as casual leave. |

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Special Casual
Leave

3. i. Special casual leave, not exceeding ten days in an academic year, may be granted to a teacher:
- a. To conduct examination of a University, Public Service Commission/ Board of Examination or other similar bodies/institutions;
 - b. To inspect academic institutions attached to a statutory board etc.,
- NOTE :**
- (i) In computing the ten days' leave admissible, the days of actual journey, if any, to and from the places where activities specified above, take place, will be excluded.
 - (ii) In addition, special casual leave to the extent mentioned below may also be granted' (a) to undergo sterilization operation (vasectomy or salpingectomy) under family welfare programme. Leave in this case will be restricted to six working days; and
 - (a) to undergo sterilization operation (vasectomy or salpingectomy) under family welfare programme. Leave in this case will be restricted to six working days; and
 - (b) to a female teacher who undergoes non-puerperal sterilization. Leave in this case will be restricted to fourteen days.
 - (iii) Special casual leave cannot be accumulated, nor can it be combined with any other kind of leave except casual leave. It may be granted in combination with holidays or vacation.
- c. to do such other work as may be approved by the Vice-Chancellor as academic work.
- ii. Absence from duty and Headquarters during a semester:
- a. The entitlement to casual and special casual leave in each semester shall be limited to the extent of 50% of annual entitlement;
 - b. The total absence from headquarters intermittently during a semester on casual leave including journey days or other duty (like attending conferences, seminars, symposia on behalf of the University shall not be more than fifteen days in all (exclusive of holidays in between, if any). Provided that the Vice-Chancellor may allow in exceptional cases a teacher to go on duty on specific request being made and supported by the Head of the Department that suitable arrangements have been made for teaching etc., during his absence.

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- Duty Leave**
4. i. The duration of leave should be such as may be considered necessary by the sanctioning authority on each occasion.
- ii. Duty leave may be granted for
- Attending Conferences, congresses, symposia and seminars on behalf of the University or with the permission of the University.
 - Delivering lectures in institutions and University at the invitation of such institutions or Universities received by the University, and accepted by the Vice-Chancellor.
 - Working in another Indian or foreign University, any other agency, institution or organization, when so deputed by the University.
 - Participating in a delegation or working on a committee appointed by the Government of India, State Government, the University Grants Commission, a sister University or any other academic body, and also for attending meetings in the UGC, DST etc. where a teacher is invited to share expertise with academic bodies, government or NGO.
 - For performing any other duty for the University.
- iii. Duty Leave shall be sanctioned by the Vice-Chancellor.
- iv. The application for duty leave shall be recommended by the Head of the Department and forwarded by the Dean of the School to the Vice-Chancellor after taking into account, the academic needs of the Department/Centre. While recommending the application, the Head of the Department shall specify that alternative arrangements for the academic duties of the faculty member concerned shall be made, without asking for a substitute/extra academic position.
- v. Duty leave may be combined with earned leave, half pay leave or extraordinary leave.
- Earned Leave**
5. i. Earned leave admissible to a teacher shall be –
- $1/30^{\text{th}}$ of actual service including vacation plus $1/3^{\text{rd}}$ of the period, if any, during which he is required to perform duty during vacation.
 - Plus $1/3^{\text{rd}}$ of the actual teaching days in excess of minimum stipulation of 180 days may be credited to the Earned Leave account of the teachers.
- Note:** For purposes of computation of period of actual services, all periods of leave except casual and special casual leave shall be excluded.
- ii. Earned leave at the credit of a teacher shall not accumulate beyond 300 days with effect from 01.07.1997. The maximum earned leave that may be sanctioned at a time shall not exceed 120 days. Earned leave exceeding 120 days may, however, be sanctioned in the case of higher study or training or leave on medical certificate or when the entire leave or a portion thereof is spent outside India.

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- Note:** a. When a teacher combines vacation with earned leave the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave
- b. In case where only a portion of the leave is spent outside India, the grant of leave in excess of 120 days shall be subject to the condition that the portion of leave spent in India shall not, in the aggregate exceed 120 days.

- Half-Pay Leave 6.** Half-pay leave admissible to a permanent teacher shall be 20 days for each completed year of service. Such leave may be granted on medical certificate, private affairs or for academic purposes.

Note: A "completed year of service" means continuous service of specified duration under the University and includes periods spent on duty as well as leave including extra-ordinary leave.

- Commutated Leave 7.** Commuted leave not exceeding half the amount of half-pay leave due shall be granted on medical certificate to a permanent teacher subject to the following conditions:

- i. Commuted leave during the entire service shall be limited to a maximum of 240 days.
- ii. When commuted leave is granted, twice the amount of such leave shall be debited against the half-pay leave due; and
- iii. The total duration of earned leave and commuted leave taken in conjunction shall not exceed 240 days at a time.

Provided that no commuted leave shall be granted under this Ordinance unless the authority competent to sanction leave has reason to believe that the teacher will return to duty on its expiry.

Extra-Ordinary Leave

- 8.** i. A permanent teacher may be granted extra ordinary leave :-
- a. when no other leave is admissible; or
 - b. when other leave is admissible, the teacher applies in writing for the grant of extra-ordinary leave.

Provided, however, that save under the provision of sub-clauses (ii) to (iv) below, no extra-ordinary leave shall be granted to a teacher for holding an appointment or a fellowship outside the University.

- ii. The Executive Council may grant, on the request from the institution concerned and on application of the teacher, extra-ordinary leave to hold an appointment of a fellowship under a Government, a University, Research Institute or other similar important institutions, if in the opinion of the Executive Council such leave does not prejudice the interest of the University. This leave can be allowed only to a teacher who has been confirmed in the post held by him and has served the University for a period of at least three years.

Provided further that such leave shall not be granted until after the expiry of five years after return from a previous spell of extra-ordinary leave or three years after study or sabbatical leave.

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The application for such leave shall be sent through the Dean of the School concerned and the latter shall give his recommendations taking into account the strength of the teaching staff for the particular subject. Except in very special cases, at no time more than 20% of the strength of the teachers on rolls of a centre shall be allowed to be absent from the centre on extra-ordinary leave, study leave and/or sabbatical leave. For this purpose, the teachers shall be classified separately in two groups for consideration as follows :

- a. Professors and Associate Professors
- b. Assistant Professors.

In case of his failure to return to duty at the end of the period of leave sanctioned to him, the services of a teacher shall be liable to be terminated from the date of commencement of the period of leave granted to him. He shall also refund to the University, pay and allowances, if any, received by him during the leave (including other kinds of leave taken in continuation) sanctioned to him for the purpose.

- iii. a. The Executive Council may also grant, at its discretion, extra-ordinary leave to a permanent teacher who has been selected for a teaching or research assignment in a University, a Research Institute or other similar important Institution provide he has served the University for a period of at least three years and the application had been sent through and forwarded by the University;
- b. The leave in such cases shall not exceed a maximum period of two years;
- c. Notwithstanding any other leave which may be due to a teacher of the entire period for which the teacher holds the appointment outside the University shall be without pay; and
- d. The period so spent shall not be counted for increment but shall count for seniority. The period shall not also count for pensionary/contributory provident fund benefits unless the pension / contributory provident fund contributions are paid by the teacher or the foreign employer.

Provided that no such leave shall be granted until after the expiry of five years after return from a previous spell of extra-ordinary leave or three years after study or sabbatical leave. If the teacher does not resume his duties in the University at the end of the period of extra-ordinary leave granted to him, he shall be treated as having resigned the post held by him in the University.

- iv. Subject to the provisions of sub-clause (vii) below, the total amount of extra-ordinary leave granted to a teacher under sub-clause (ii) and (iii) above shall not exceed five years during his entire service.
- v. Extra-ordinary leave shall always be without pay. Payment of allowances during the period of extra-ordinary leave shall be governed by the relevant rules.
- vi. Extra-ordinary leave shall not count for increment except in the following cases;

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- a. Leave taken on medical certificate.
 - b. Cases where the Vice-Chancellor is satisfied that the leave was taken due to causes beyond the control of the teacher, such as inability to join or rejoin duty due to civil commotion or a natural calamity, provided the teacher has no other kind of leave to his credit.
 - c. Leave taken for prosecution of studies
 - d. Leave granted to accept an invitation to a teaching post or fellowship or research-cum-teaching post or an assignment for technical or academic work of importance.
- vii. Extra-ordinary leave may be combined with any other leave except casual leave and special casual leave provided that the total period of continuous absence from duty or leave (including periods of vacation) shall not exceed three years except in cases where leave is taken on medical certificate. The total period of continuous absence from duty shall in no case exceed five years in all.
- viii The authority empowered to grant leave may commute retrospectively period of absence without leave into extra-ordinary leave.
- Leave-not-due** 9. i. Leave not due may, at the discretion of the Vice-Chancellor, be granted to a permanent teacher for a period not exceeding 360 days during the entire service out of which not more than 90 days at a time and 180 days in all may be otherwise on medical certificate. Such leave may be debited against the half-pay leave earned by him subsequently.
- Provided that the teachers who are appointed on probation against substantively permanent posts be treated as 'Probationers' for the purpose of granting leave not due.
- ii. Leave not due shall not be granted unless the Vice-Chancellor is satisfied that as far as it can reasonable be foreseen, the teacher will return to duty on the expiry of the leave and earn the leave granted.
- iii. A teacher to whom leave-not-due is granted shall not be permitted to tender resignation from service so long as the debit balance in his leave account is not wiped off by active service, or he refunds the amount paid to him as pay or allowances for the period not so earned. In a case where retirement is unavoidable on account of reason of ill-health incapacitating the teacher for further service, refund of leave salary for the period of leave to be earned may be waived by the Executive Council.
- Provided that the Executive Council may, in any other exceptional case, waive, for reasons to be recorded, the refund of leave salary for the period of leave still to be earned.
- Study Leave** 10. i. Study leave may be granted after a minimum of 3 years of continuous service to pursue a special line of study or research directly related to her/his work in the University or research in interdisciplinary areas of study or to make a special study of the various aspects of University organization and methods of education.
- The paid period of study leave shall be for 3 years, but 2 years may be given in the first instance, extendable by one more year, if there is adequate progress as reported by the research Guide. The number of teachers given study leave shall not exceed

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20% of the total strength of the Department/Centres. For the purpose of calculation of the above percentage, teachers, both on study leave and sabbatical leave, shall be taken into account.

Provided that the Executive Council may, in the special circumstances of a case, waive the condition of three years service being continuous.

Explanation: In computing the length of service, the time during which a person was on probation may be reckoned provided there is no break in her/his service in the University.

- ii. Study leave shall be granted by the Executive Council on the recommendation of the concerned Head of the Department/Centres and the School Board. The leave shall not be granted for more than three years in one spell, save in very exceptional cases in which the Executive Council is satisfied that such extension is unavoidable on academic grounds and necessary in the interest of the University.
- iii. Study leave shall not be granted to a teacher who is due to retire within five years of the date on which she/he is expected to return to duty after the expiry of study leave.
- iv. Study leave may be granted not more than twice during one's career. However, the maximum of study leave admissible during the entire service shall not exceed five years.
- v. No teacher who has been granted study leave shall be permitted to alter substantially the course of study or the programme of research without the permission of the Executive Council. When the course of study falls short of study leave sanctioned, the teacher shall resume duty on the conclusion of the course of study unless prior approval of the Executive Council to treat the period of shortfall as ordinary leave has been obtained.
- vi. Subject to the provisions of sub Clauses (vii) &(viii) below, study leave may be granted on full pay up to two years, extendable by the one year, if there is adequate progress as reported by research guide.
- vii. The amount of scholarship, fellowship or other financial assistance that a teacher, granted study leave, has been awarded will not preclude her/his being granted study leave with pay and allowances but the scholarship, etc. so received shall be taken into account in determining the pay and allowance on which the study leave may be granted. The foreign scholarship/ fellowship will be offset against pay only if the fellowship is above a specified amount, which is to be determined on case to case basis from time to time a committee consisting to the Head of the concerned Department and the Finance Officer based on the cost of living for a family in the country in which the study is to be undertaken. In the case of an Indian fellowship, which exceeds the salary of the teacher, the salary would be forfeited.
- viii. Subject to the maximum period of absence from duty on leave not exceeding three years, study leave may be combined with earned leave, half-pay leave, extraordinary leave or vacation, provided that the earned leave at the credit of the teacher shall be availed of at the discretion of the teacher. A teacher, who is selected to a higher post during study leave, will be placed in that position and get the higher scale only after rejoining the post.

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- ix. A teacher granted study leave shall, on her/his return and rejoining the service of the University, be eligible to the benefit of the annual increment(s) which she/he would have earned in the course of time if she/he had not proceeded on study leave. No teacher shall, however, be eligible to receive arrears of increments.
- x. Study leave shall count as service for pension/ contributory provident fund, provided the teacher joins the University on the expiry of her/his study leave.
- xi. Study leave granted to a teacher shall deem to be cancelled in case it is not availed of within 12 months of its sanction.
Provided that where study leave granted has been so cancelled, the teacher may apply again for such leave.
- xii. A teacher availing herself/himself of study leave shall undertake that she/he shall serve the University for a continuous period equal to the period of study leave actually availed, from the date of her/his resuming duty after expiry of the study leave.
- xiii. After the leave has been sanctioned, the teacher shall, before availing herself / himself of the leave, execute a bond in favour of the University, binding herself/ himself for the due fulfillment of the conditions laid down in this ordinance and give security of immovable property to the satisfaction of the Finance Officer or a fidelity bond of an insurance company or a guarantee by a scheduled bank or furnish security of two permanent teachers for the amount which might become refundable to the University.
- xiv. The teacher shall submit to the concerned Dean of the School six monthly reports of progress in her /his studies through her/his Supervisor or the Head of the Institution. This report shall reach the Dean within one month of the expiry of every six months of the study leave. If the report does not reach the Dean within the specified time, the payment of leave salary may be deferred till the receipt of such report.
- xv. A teacher: (a) who is unable to complete her/his studies within the period of study leave granted to her/him or (b) who fails to rejoin the service of the University on the expiry of her /his study leave and leave for journey period, or (c) who rejoins the University but leaves the service without fulfilling the conditions laid down in this ordinance after the date of rejoining the service, or (d) who within the said period is dismissed or removed from the service by the University shall be liable to refund to the University the amount of leave salary, allowance and other expenses incurred on the teacher or paid to her /his behalf in connection with the course of study, or such amount as may be decided by the Executive Council from time to time.

Explanation: If a teacher asks for extension of study leave and if on such extension not being granted, she/he does not rejoin the University on the expiry of the leave originally sanctioned, she/he will be deemed to have failed to rejoin the service on the expiry of her/his the leave for the purpose of recovery of the dues under this Ordinance.