

SINDH MARKET COMMITTEE NON-UNIFIED GRADE LEAVE BYE-LAWS, 1989.

In exercise of the powers conferred by section 28 of the agricultural Produce Market Act, 1939, the Market Committee to Make the following bye-laws namely: -

1. (1) These Bye-laws may be called the Sindh Market Committee Non-unified Grade leave Bye-laws, 1989.

(2) They shall come into force at once.

(3) They shall apply to all employees.

2. Unless there is anything repugnant in the subject or context: -

(a) "Act" means the Agricultural Produce Market Act 1939.

(b) "Competent authority" means the appointing authority of the employee or the authority designated by virtue of delegation or authorization to exercise powers under these Bye-laws.

(c) "Chairman" means the member elected as Chairman under section 12;

(d) "Committee" means the market Committee:

(e) "Duty rendered" means the period of duty rendered by the employee in terms of calendar months:

(f) "Earned leave" means the leave earned by an employee in accordance with these bye-laws together with the balance of such leave accumulated or debited to the employee before the coming into force of these Bye-laws.

(g) "Employee" means a member of the said service;

(h) "Form" means a form appended to these bye-laws.

(i) "Leave" means the earned leave applied for or granted to an employee out of his leave account.

(j) "Leave account" means the account of the earned leave and the leave granted there from maintained in form-II by the Chairman Market Committee.

(k) "Service" means the Sindh Market Committees. Non-Unified Grade Service.

3. No leave can be claimed as a matter of right and the competent authority may, where the exigency of service so requires, refuse or revoke leave of any description.

4. Leave shall be applied for expressed and sanctioned to an employee by the

competent authority in terms of days.

5. The duty rendered by an employee shall qualify him to earn leave in accordance with these bye-laws.

6. (1) The earned leave 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" and duty period of fifteen days or less in a calendar month being ignored and these or more than fifteen days being treated as a full calendar month for the purpose:-

Provided that all leave earned by an employee immediately before the coming into force of these bye-laws on average pay and accumulated plus half of the leave earned on half average pay and accumulated shall be brought forward to the leave account as earned leave.

(2) If an employee proceeds on leave during a calendar month and return from it during another calendar month and the period of duty in either months is more than fifteen days, the leave to be credited for both the incomplete month shall be restricted to that admissible for one full calendar month only.

(3) The earned leave admissible to an employee shall be calculated up to the date of the grant of leave and at the end calculated up to the date of the grant of leave and at the end of every calendar year for that year and after deducting the leave availed of from leave admissible the balance shall be brought forward to the leave account for the calendar year immediately following thereafter.

(4) when an employee returns from leave not due, no leave on full pay shall become due to him until the leave not due and availed of is balanced by the earned leave.

7. The maximum period of leave on full pay that may be granted at one time shall be:

(a) One hundred and twenty days without medical certificate and.

(b) One hundred and eighty days with medical certificate.

8. (1) Except otherwise stated, an application in form-I for leave or for an extension or leave shall made to the Chairman of the Market Committee where the employee is employed.

(2) An employee may apply for the type of leave which is due and admissible to him, and it shall not be refused on the ground that another type of leave should be taken in the particular circumstances.

9. (1) on receipt of an application for grant of leave, the admissibility there of shall, as far as possible, be assessed from the leave account of the employee before the leave is granted.

(2) Leave may be granted by the competent authority.

(3) In case where all the applications for leave cannot, in the interest of public

service, be sanctioned simultaneously, the competent authority may consider as to how many applicants can, for the time being be spared, and shall give priority to: -

(a) The applicants who were last recalled compulsorily from leave and

(b) the applicants who were required to make adjustment in the timing of their leave on the last occasion to instant time.

10. (1) Leave on full pay may be converted into leave on half pay of the request of the employee, but the debit to the leave account shall be at the rate of one day for every two days of such leave, fraction of one-half counting as one full days leave on full pay.

(2) there shall be no limit on the grant of leave on half pay so long as it is available by conversion.

11. Leave may be granted ex-Pakistan on full pay to an employee who applied for such leave or who proceeds abroad during leave and makes a specific request for leave to be enjoyed ex-Pakistan.

12. If at any time there is no Leave at the credit of an employee and the employee is likely to resume duty after availing leave such employee may be granted leave no due 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 such leave, shall not exceed 90 days in all, and the aforesaid limit shall be subject to conversion in accordance with these bye-laws if the whole or nay part of such leave is granted on half pay.

13. (1) Subject to the availability, an employee may be granted leave preparatory to retirement on full pay from the leave account to a maximum of 365 days ending on the date of superannuating or on the date of voluntary retirement or completion of thirty years qualifying service and convertible partly or wholly into leave on half pay, but the duration of the total leave including the actual period of leave on half pay, if any, shall not exceed 365 days.

(2) Application for leave preparatory to retirement shall be submitted at least 120 days before the date of the proposed commencement of the leave

CHAPTER-III OTHER TYPES OF LEAVE

14. A female employee shall be granted maternity leave on full pay for a maximum period of ninety days ending on the fortieth days of confinement, and leave after that days or the period exceeding ninety days up to that day shall be treated as leave admissible to and desired by the employee.

Provided that earned leave may be granted in lieu of the maternity leave after the third maternity.

15. (1) A female employee shall on the death of her husband, be granted special leave

when applied for on full pay, for period not exceeding 180 days, which shall not be debited to her leave account.

(2) The special leave shall commence from the date of the death of the husband of the employee and the employee shall furnish the death certificate to the competent authority either along with the application for special leave or, if that is not possible, at any time thereafter.

16. Disability leave may be granted to an employee disabled by injury, ailment or disease contacted in the course or in consequence of duty outside the leave account on such occasion, up to a maximum of seven hundred and twenty days of which 180 days shall be on full pay and the remaining on half pay on such medical advice as the competent authority may consider necessary.

17. (1) Extra-ordinary leave may be granted on any ground upto a maximum of five years at a time: provided the employee to whom such leave is granted has been in continuous service for a period of not completed ten years of continuous service extraordinary leave for a maximum period of two years may be granted at the discretion of the competent authority;

Provided that the maximum period of five years shall be reduced by the period of leave on full pay or half pay, if granted in combination with the extra-ordinary leave.

(2) Extra-ordinary leave may be granted retrospectively in lieu of absence without leave.

18. (1) If leave preparatory to retirement cannot for reasons of public service be granted to an employee or the employee opts at least ninety days before the commencement of such leave not to avail of the same, the employee shall be allowed encashment of half the leave preparatory to retirement, provided that such encashment shall not exceed one hundred and eighty days.

(2) For the leave so encashed the employee shall in addition to his salary be paid leave pay in lump sum at the time of retirement or for thirty days after month by presenting arrears bills, a month counted a consisting of thirty days.

19. In case an employee on being leave preparatory to retirement dies before completing 180 days of such leave, his family shall be entitled to lump sum payment equal to the period falling short of one hundred and eighty days.

20. In Case an employee dies while in service. lump-sums payment of full pay up to 130 days out of the leave at his credit shall be made to his "Family" as defined for the purpose of family pension.

21. If an employee is recalled to duty compulsorily, with the personal period of leave draw the pay or half-pay, as the case may be, and all allowances admissible to such employee immediately before proceeding on such leave.

22. If an employee is recalled to duty compulsorily, with the personal approval of competent authority from leave of any kind that he is spending away from his head-

quarters, he may be granted a single return fare plus daily allowance as admissible on tour from the station where he is spending his leave to the place where he is required to report, for duty.

Provided that if the employee is recalled to duty at the headquarters and his remaining leave is canceled, the fare then admissible shall be for one way journey only.

23. An employee who remains absent after the expiry of his leave shall not, unless the leave is extended by the competent authority, be entitled to any remuneration for the period of such absence, and besides any disciplinary action that may be taken against such employee, during the period of such absence shall be debited against the leave account of such employee and such debit shall, if there is insufficient credit in the leave, be adjusted as leave not due.

24. Any type of leave may be combined with joining time or with any other type of leave otherwise admissible to the employee.

Provided that leave preparatory to retirement shall not be combined with any other kind of leave.

25. Notwithstanding any date or dates mentioned in the orders granting any type of leave, the leave shall commence from the day following the day on which the employee hands over charge of the post held by such employee and on the day preceding the day on which employee resumes duty.

26. Unless the employee is permitted to do so by the authority which sanctioned the leave such employee may not return on duty before the expiry of the period of leave granted to such employee.

27. (1) An employee proceeding on leave shall hand over the charge of his post, and if he is in Basic Scale 16 and below, he shall, while handing over charge of the post sign the charge relinquishing report.

(2) If leave ex-Pakistan has been sanctioned on medical grounds, the employee shall take abroad with him a copy of the medical statement of his case.

28. (1) An employee, on return from leave, shall report for duty to the authority that sanctioned his leave and assume charge of the post to which he is directed by that authority unless such direction has been given to him in advance.

(2) In case an employee is directed to take charge of a post at a station other than that from where he proceeded on leave, admissible to such employee travel expenses as on transfer shall be payable to him.

29. Leave account in respect of an employee shall be maintained in Form-II as part of his service book.

30. All leave at the credit of an employee shall be lapse when he quits service.

31. (1) An employee employed in a non-continuous establishment may be granted only earned leave and disability leave as admissible to him, and subject to the conditions laid down for an employee employed in a continuous establishment, and no other kind of leave shall be admissible to such employee.

(2) An employee who is transferred from a non-continuous establishment to continuous establishment and vis-a-versa shall carry forward the balance of earned leave at credit on the date of his transfer.

Explanation: - in this rule “Non-continuous establishment” means an establishment which does not function throughout the year and “Continuous establishment means an establishment which functions throughout the years

