



# **BHARATIYA PRATIRAKSHA MAZDOOR SANGH**

(AN ALL INDIA FEDERATION OF DEFENCE WORKERS)

(AN INDUSTRIAL UNIT OF B.M.S.)

(RECOGNISED BY MINISTRY OF DEFENCE, GOVT. OF INDIA)

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**REF: BPMS / OFB / Leave / 57 (7/3/L)**

**Dated: 10.07.2017**

To,  
The Director IR,  
Ordnance Factory Board,  
10 A, S K Bose Road,  
Kolkata – 700001

**Subject: Extension of Injury Leave beyond 28 months in factory accident case.**

Reference: Minutes of 21<sup>st</sup> SCM of JCM-III Level Council (OFB) held on 30.03.2017

Respected Sir,

Having gone through the minutes circulated vide OFB letter No. 20/14/21(11)/A/IR, Dated 15.05.2017, it is observed that Secretary, Staff Side Shri R Srinivasan has raised the issue that the employee who met with an accident while on duty is being granted hospital leave upto 120 days with full pay and thereafter he may be granted half pay leave upto 28 months. But after 28 months there is no benefit, no pay is allowed because there is no provision of half pay leave. Minutes further states that the matter has been taken up with MoD vide OFB letter No. 1240/Per/Policy/Accident, Dated 24.06.2016.

In this regard, it is submitted that Rule 46 of CCS (Leave) Rules, 1972 & Article 291 of Civil Service Regulations deals with the Hospital Leave.

As per Rule 46 of CCS (Leave Rules) the authority competent to grant leave may grant hospital leave to Class IV & Class III Government servants, while under medical treatment in a hospital or otherwise, for illness or injury not exceeding 28 months. Hospital Leave may be granted for 120 days equal to earned leave and the remaining period will be equal to half pay leave.

Min of Defence ID No. 11(13)(60)1511/D(Civ-II), Dated 10.02.1961 under Article 291 of CSR states that it has been decided in modification of the provisions of Article 291, Civil Service Regulations that hospital leave may be granted upto 03 months on full pay or six months on half pay in any period of three years to all class IV Government servants and also to those class III Government servants whose duties involve handling of dangerous machinery, explosive materials, poisonous drugs, etc. or the performance of hazardous tasks. Further, it states that Industrial staff will also be entitled to hospital leave in the same manner as indicated above. Subsequently, vide MoD ID No. 11(13)60/5678/D (Civ-II), Dated 28.05.1962 it was clarified that all categories of staff other than Gazetted Officers in the Defence Establishments will be entitled to hospital leave.

Further, MoD issued Memo No. 11(6)67/5255/D(Civ-II), Dated 15.05.1967 which reads as under:-

“The Government has had under consideration for some time the question of removing the restrictions on the quantum of hospital leave to Government servants who suffer illness or injury directly due to risks incurred in the course of their official duties.

The President is now pleased to decide that the categories of the Defence civilians eligible for this kind of leave in terms of Defence Ministry's Office Memorandum No. 11(13)/60/1511/D(Civ-II), Dated 10.02.1961 and 11(13)/60/5678/D(Civ-II) , dated 28.05.1962 will be entitled to **hospital leave without any restriction on the quantum of leave**. This kind of leave can be granted for such period as is considered necessary by the authority competent to grant it.

The decision takes effect from 31.03.1967.

Article 291 Civil Services Regulations will be amended in due course.”

From above, it may be deduced that all the employees (upto Non-Gazetted) of Ord Fys are entitled for hospital leave without any restriction on the quantum of leave if he met with accident while on duty.

Therefore, you are requested to issue necessary clarification to resolve the issue without further delay.

Thanking you.

Sincerely yours



**(MUKESH SINGH)**

Secretary/BPMS &

Member, JCM-II Level Council (MOD)

Copy to: The Under Secretary,  
D(Estt./NG), D(Civ-II)  
Govt of India, Min of Defence,  
'B' Wing, Sena Bhawan,  
New Delhi – 110011

- With request to take necessary action to resolve the issue.