



OFFICE ORDER
(No.02 of 2010)

No.1-33/2008-PAT (BSNL)/Maternity Leave

Dated, the 05-01-2010

Sub: Revision of allowance/benefits for Executive Employees (absorbed/directly recruited /unabsorbed deputationists/deemed deputationists in BSNL).

Consequent on revision of pay of the Executive employees in CDA scales w.e.f. 1.1.2006 and in IDA scales w.e.f. 1.1.2007, the issue of enhancement of maternity leave and special allowance for child care for women employees with disabilities have been under consideration in this office. The approval of the Management Committee of the Board is, hereby, conveyed for following allowances/benefits:

- (a) Enhancement of maternity leave from 135 days to 180 days.
- (b) Special allowance for child care for women employees with disabilities shall be paid @ Rs.1000 per month per child maximum for two children. This allowance shall be payable from the time of child birth till the child attains the age of 2 years.

2. For the purpose of 1(a) above the female executive employee in whose case the period of 135 days of maternity leave has not expired on this date shall also be entitled to the maternity leave of 180 days. However, the terms and conditions will continue to be applicable as per Department of Personnel and Training OM NO 13018/2/98 Esstt(L) dated 16-7-1999(Annexure-I)

3. For the purpose of drawal of special allowance for child care at Para 1(b) above, disability means a person having a minimum Disability of 40% as elaborated in Ministry of Welfare's Notification No.16-18/97-NI.I dated 1.6.2001(Annexure- II).

4. While making payment of the Allowance to the women employees (Executives), the concerned DDO/paying authority will ensure that payment of all allowances and perks, which are within the limit of 50% of the basic pay, should not exceed the maximum ceiling of 50% of the basic pay of the concerned executive in terms of DPE OM dated 26.11.2008. The list of allowances which are outside the purview of 50% of the basic pay is given in Para 10(i) of DPE OM dated 26.11.2008.

5. **These orders shall take effect from the date of issue.**

6. Error and Omissions occurred while calculating the arrears therein are subject to rectification and correction. Over payments made, if any, shall be recovered as per rules.

7. Hindi version will follow.

(Sheo Shankar Prasad)
Assistant General Manager(Pers.V)
Tel. 23037475

Encl: Annexure-I&II

To
All Heads of Telecom. Circles
All Heads of other Administrative Units.

Copy for information to:-

1. PPS to CMD, BSNL, New Delhi.
2. PS to DIR(HR)/Dir(Enterprise)/DIR(CFA)/DIR(Consumer Mobility)/DIR(Fin), BSNL Board.
3. All PGMs/GMs in BSNL C.O.
4. DGM(A)/(CA)/(EF)/(Pers.)/(SEA)/(Civil)/(Arch)/(Elect)/(TF), BSNL C.O.
5. AGM(R&P)/(EF)/(SEA)/(Pers.I)/(Pers.II)/(Pers.III)/(Pers.IV)/(Civil)/(A&E)/(TF), BSNL C.O.
6. DM(Pay Bill)/ (Cash)/ (L&A)/(Pension), BSNL C.O.
7. AD(OL), BSNL CO with the request to provide Hindi version within 15 days for issue.
8. Guard File.

ANNEXURE-I

No.13018/2/98-Estt.(L)
 Government of India
 Ministry of Personnel, P.G. & Pension
 (Department of Personnel & Training)

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New Delhi, the dt. 16th July, 1999.**OFFICE MEMORANDUM**

Subject :- Grant of Paternity Leave & enhancement of the period of Maternity Leave - Clarification regarding

The undersigned is directed to refer to this Department's O.M.No.13018/1/97-Estt.(L) dated 7.10.97 regarding the enhancement of the period of Maternity Leave to 135 days and grant of Paternity Leave of 15 days and to say that the President is pleased to decide that in partial modification of the said OM, Paternity Leave may henceforth be allowed to a male Govt. servant (including an Apprentice) with less than two surviving children during the period of confinement of his wife, i.e. upto 15 days before or upto six months from the date of delivery of the child and if such leave is not availed of within this period, it shall be treated as lapsed.

2. These Orders shall take effect from the date of issue.

3. It has also been decided that Paternity Leave may also be allowed to a male Govt. servant covered under the CCS (Leave) Rules if he had already applied for such leave within a period of 135 days of child birth under the provisions of this Department's Orders dated the 7th October, 1997 but was not allowed the same on account of lack of receipt of said Orders in time. Paternity leave of 15 days (in one spell) may now be allowed as a one time measure in such cases within a period of 45 days of the date of issue of this order.

4. As per Orders dated the 7th October, 1997, the enhanced period of Maternity Leave of 135 days was also to be allowed to a female govt. servant in case her Maternity Leave of 90 days had not expired as on that date. The balance of the unavailed period of Maternity Leave of 135 days in such cases may also be allowed in case a female govt. servant had applied for such leave but was not allowed the same on account of the non-receipt of the said orders in time. Maternity Leave in this type of cases may be allowed, as a one-time measure either by conversion of leave of the kind due and admissible already availed of by the female govt. servant into Maternity Leave or by grant of another spell of maternity leave of 45 days if applied for within a period of 45 days of issue of these Orders.

5. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these Orders issue in consultation with the Comptroller and Auditor General of India.

(J. WILSON)
 Deputy Secretary to the Govt. of India

To

All Ministries \ Departments of Govt. of India.

MOST IMMEDIATE

No. 13018/1/97-Estt.(L)
 Government of India
 Ministry of Personnel, P.G. & Pensions
 (Department of Personnel & Training)

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NEW DELHI, Dated 7th October, 1997.

OFFICE MEMORANDUM

Subject :- Recommendations of the Fifth Central Pay Commission relating to enhancement of quantum of MATERNITY LEAVE and to allow PATERNITY LEAVE in respect of Central Govt. Employees.

The undersigned is directed to say that consequent upon the decisions taken by the Govt. on the recommendations of the Fifth Central Pay Commission relating to Maternity Leave and Paternity Leave, the President is pleased to decide that the existing provisions of the Central Civil Services (Leave) Rules, 1972, may be treated as modified as follows in respect of civilian employees of the Central Govt. :-

The existing ceiling of 90 days maternity leave provided in Rule 43(1) ibid shall be enhanced to 135 days.

A male Govt. servant (including an apprentice) with less than two surviving children may be granted Paternity Leave for a period of 15 days during the confinement of his wife. During the period of such leave, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave. Paternity Leave shall not be debited against the leave account and may be combined with any other kind of leave (as in the case of Maternity Leave). It may not normally be refused under any circumstances.

2. These orders take effect from the date of issue.
3. In the light of paragraph 2 above, a female Govt. servant in whose case the period of 90 days of Maternity Leave has not expired on the said date shall also be entitled to the Maternity Leave of 135 days. Similarly, Paternity Leave to a male Govt. employee may also be allowed in case his wife had given birth to the child on a date not prior to 135 days from the date of issue of this order.
4. Formal amendments to the Central Civil Services (Leave) Rules, 1972, are being issued separately.
5. In so far as persons serving in the Indian Audit & Accounts Department are concerned, these orders issue in consultation with the Comptroller & Auditor General of India.

Hindi version is enclosed.

(B. GANGAR)
 UNDER SECRETARY TO THE GOVT. OF INDIA

To

All Ministries/Departments of the Govt. of India.
 Endorsements as per standard list.

EXTRACTS OF THE NOTIFICATION

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

NOTIFICATION

New Delhi, the 1st June 2001

Subject:- Guidelines for evaluation of various disabilities and procedure for certification.

No. 16-18/97-NI.I In order to review the guidelines for evaluation of various disabilities and procedure for certification as given in the Ministry of Welfare's O.M.No.4-2/83-HW.III, dated the 6th August, 1986 and to recommend appropriate modifications/alterations keeping in view the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, Government of India in Ministry of Social Justice and Empowerment, vide Order No. 16-18/97-NI.I, dated 28.8.98, set up four committees under the Chairmanship of Director General of Health Services-one each in the area of mental retardation, Locomotor/Orthopaedic disability, Visual disability and Speech & Hearing disability. Subsequently, another Committee was also constituted on 21.7.1999 for evaluation, assessment of multiple disabilities and categorization and extent of disability and procedure for certification.

2. After having considered the reports of these committees the undersigned is directed to convey the approval of the President to notify the guidelines for evaluation of following disabilities and procedure for certification:-

Visual impairment
Locomotor / Orthopaedic disability
Speech & hearing disability
Mental retardation

Copy of the Report is enclosed herewith as Annexure *.

3. The minimum degree of disability should be 40% in order to be eligible for any concessions/benefits.

4. According to the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996 notified by the Central Government in exercise of the powers conferred by sub-section (1) and (2) of section 73 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 (1 of 1996), authorities to give disability Certificate will be a Medical Board duly constituted by the Central and the State Government. The State government may constitute a Medical Board consisting of at least three members out of which at least one shall be a specialist in the particular field for assessing locomotor/Visual including low vision/hearing and speech disability, mental retardation and leprosy cured, as the case may be.

5. Specified test as indicated in **Annexure *** should be conducted by the medical board and recorded before a certificate is given.

6. The certificate would be valid for a period of five years for those whose disability is temporary and are below the age 18 years. For those who acquire permanent disability, the validity can be shown as 'Permanent'.

7. The State Govts./UT Admn. may constitute the medical boards indicated in para 4 above immediately, if not done so far.

8. The Director General of Health Services, Ministry of Health and Family Welfare will be the final authority, should there arise any controversy/doubt regarding the interpretation of the definitions/classifications/evaluations tests etc.

(GAURI CHATTERJI)
Joint Secretary to the Government of India

NOTE

*The Annexure mentioned above may please be seen from the Ministry of Social Justice and Empowerment notification.