

## 4. <sup>1</sup>THE ALL INDIA SERVICE (SPECIAL DISABILITY LEAVE) REGULATIONS, 1957.

In pursuance of sub-rule (1) of rule 16 of the All India Services (Leave) Rules, 1955 the Central Government, after consultation with the State Governments concerned hereby makes the following regulations namely:—

1. **Short title.**—These regulations may be called the All India Services (Special Disability Leave) Regulations, 1957.

2. **Definitions.**—In these regulations, unless the context otherwise requires-

2 (1) (a) “disability” means any injury, illness, infirmity or disease, and

2 (1) (b) “Medical Board” means a medical board set up by the Government

2 (2) All other words and expressions used in these regulations but not defined shall have the meanings respectively assigned to them in the All India Services (Leave) Rules, 1955.

3. **Conditions for the grant of special Disability Leave and the amount of such leave—**

3 (1) (i) Special disability leave may be granted to a member of the Service who suffers <sup>2</sup>[a disability] as a result of risk of office or special risk of office.

3(1) (ii) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the member of the Service <sup>2</sup>[who suffers the disability] acted with due promptitude in bringing it to notice of the Government. The Government may, however, if satisfied as to the cause of disability, permit such leave being granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

*Explanation*—(i) ‘Risk of office’ means any risk not being special risk, of accident or disease to which a member of the Service is exposed in the course of and as a consequence of his duties, but nothing shall be deemed to be risk of office which is a risk common to human existence in modern conditions in India, unless such risk is definitely enhanced in kind or degree by the nature, conditions, obligations or incidents of Government service and includes any risk of injury, illness, disease or accident (whether caused or occasioned by riots, civil disorders or commotions and other extraordinary circumstances) arising out of and in the course of discharge of his duties by a member of the Service on a working day or a holiday. A member of the Service who is proceeding to or returning from any place to which he has to go in the course of his duties or in order to discharge his duties shall be deemed to be acting in the discharge of his duties.

(ii) ‘Special risk of Office’ means—

(a) risk of suffering injury by the act of a person who inflicts an injury on member of the Service-

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<sup>1</sup> Published vide Notification No. 6/1/55-III dated 15.07.1957.

<sup>2</sup> Substituted vide MHA Notification No.13/54/57-AIS(III) dated 13.05.1958

- (i) by assaulting or resisting him in the discharge of his duties, or in order to deter or prevent him from performing his duties or
  - (ii) because of anything done or attempted to be done by such member of the Service in the lawful discharge of his duty as such, or
  - (iii) because of his official position;
- (b) a risk of injury by accident to which a member of the Service is exposed in the course of or as a consequence of, the performance of any particular duty which has the effect of materially increasing his liability to such injury beyond the normal risk of his office: and
- (c) a risk of contracting disease in the performance of any particular duty which has the effect of increasing his liability to illness beyond the ordinary risk attaching to the civil post which he holds.
- 3 (2) The period of leave granted shall be such as may be certified by a medical board to be necessary and shall not be extended except on a certificate from a medical board.
- 3 (3) Where a member of the Service suffers a disability by an injury accidentally incurred in or in consequence of his official position or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the post which he holds, the grant of special disability leave is subject to the further conditions that :—
- (i) the disability if due to a disease must be certified by a medical board to be directly due to the performance of the particular duty; and
  - (ii) the disability contracted during service otherwise than with the Armed Forces must, in the opinion of Government, be so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave;
  - (iii) a period of absence recommended by a medical board may be covered in part by special disability leave and in part by other leave and that a period of special disability leave granted on full pay may be less than 120 days.

[No.6/1/55-AIS(III) dated 15.7.1957]