



मूल नियमों तथा अनुपूरक नियमों का संकलन
COMPILATION OF F. R. AND S. R.

भाग 1
PART 1

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

भारत सरकार

Ministry of Personnel, Public Grievances and Pension
(Department of Personnel and Training)
Government of India

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हिन्दी अनुवाद :

केन्द्रीय अनुवाद ब्यूरो तथा राजभाषा विधायी खण्ड, विधि मंत्रालय द्वारा विद्योक्षित

PREFACE

An up-to-date edition of the Fundamental Rules and the Supplementary Rules has been a long felt need. The last official compilation of the Rules had been issued by the Accountant General, Posts & Telegraphs, in 1974. It is in this background that present volume is being brought out. Opportunity has been taken to make it a diglot edition.

In addition to the basic rules, the more important of the decisions of the Government and audit instructions having wide application have been incorporated below the relevant rules.

It is hoped that this compilation will be found useful to persons dealing with establishment matters.

Any errors or omissions which may be found in this compilation may be brought to the notice of the Department of Personnel & Training.

MANISH BAHL

Secretary, Deptt. of Personnel & Training.

NEW DELHI

The.....1989.

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FUNDAMENTAL RULES

PART I

CHAPTER I

EXTENT OF APPLICATION

F.R. 1. These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January, 1922.

F.R.2. The Fundamental Rules apply, subject to the provisions of Rule 3 to all Government servants whose pay is debitable to Civil Estimates and to any other class of Government servants to which the President may, by general or special order, declare them to be applicable.

GOVERNMENT OF INDIA'S ORDERS

1. **Applicability to Civilians temporarily transferred to service paid from Army Estimates.**—A Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Army Estimates, shall remain subject to the Fundamental Rules.

[G.I., F.D., Res. No. 614-C.S.R., dated the 19th June, 1922.]

2. **Applicability to Civilians temporarily transferred to service paid from Defence Estimates.**—A Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Defence Estimates, remains subject to the Fundamental Rules. As no similar general protection has been extended to Government servants subject to the Civil Services Regulations and paid from Defence Services Estimates, who are temporarily transferred to service paid from Civil Estimates, these Government servants *ipso facto* become subject to the Fundamental Rules for all purposes except for leave while so transferred.

[G.I., F.D., endorsement No. F.2(2)-R-I/45, dated the 27th November, 1945.]

1. Substituted by G.I., M.F., Notification No. 18 (13)-E IV (A)/70, dated the 29th January, 1971 and take effect from the 6th February, 1971.

3. **Applicability to Defence Accounts Department Personnel.**—The President is pleased to decide that commencing from the 1st July, 1976, the personnel of the Defence Accounts Department will be governed by Fundamental Rules (i) in all matters in which they are at present governed by the Civil Services Regulations, and (ii) in matters of grant of fees and honoraria now governed under Rule 271 *et seq.* Financial Regulations, Part I.

The employees who are in the service of the department on the 1st July, 1976 (including those on deputation/foreign service, etc.) will be given an option to continue to be governed by the provisions of Civil Services Regulations or to come over to Fundamental Rules from the 1st July, 1976. This option will be exercised on or before the 30th September, 1976. Such of the employees who fail to exercise their option within the stipulated period will automatically be brought over under the Fundamental Rules from the 1st July, 1976. The option once exercised will be final.

[G.I., M.F., Defence Division O.M. No. 17030/Accounts/An (PC), dated the 15th June, 1976.]

CONTROLLER-GENERAL OF DEFENCE ACCOUNTS' ORDERS

Consequent on the Decision No. (3) above the following supplementary instructions are issued for the guidance of all concerned :—

- (i) The option required to be exercised in terms of paragraph (2) of the decision will be submitted to the Controller of Defence Accounts under whom the employee is serving or on whose proforma strength he is borne. In the case of non-gazetted staff the option will be recorded in the service book and in the case of gazetted officers the option will be sent to the Accounts Officer. In the case of Indian Defence Service Accounts Officers who are on deputation, Controller of Defence Accounts (Pensions) will be proforma Controller.

(ii) In matters of leave, travelling allowance, pensionary benefits and General Provident Fund, the Defence Accounts Department employees will continue to be governed by the following sets of rules :—

(a) Leave

C.C.S. (Leave) Rules, 1972, as amended from time to time.

(b) Travelling allowance

Supplementary Rules, as amended from time to time.

(c) Pensionary Benefits

C.C.S. (Pension) Rules, 1972, as amended from time to time.

(d) General Provident Fund

General Provident Fund (Defence Services) Rules, 1960, as amended from time to time.

[Controller-General of Defence Accounts No. 17030/Accounts /AN-J, dated the 21st July, 1976.]

F.R.3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

¹F.R.4. Deleted.

¹F.R.5. Deleted.

²F.R.5-A. Where any Ministry or Department of Government is of opinion that the operation of any of these rules may cause undue hardship to any person, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner :

Provided that no such order shall be made except with the concurrence of the Ministry of Finance.

GOVERNMENT OF INDIA'S ORDERS

Guiding Principles.—The power to relax a rule, as and when considered necessary to deal with any particular case in a just and equitable manner is intended, as in the past, to be invoked only

in rare and exceptional cases. Such action should only be taken in accordance with the accepted procedure hitherto followed in dealing with such cases. Before an order of relaxation is passed in any case, the Ministry of Finance should be consulted and any existing rules of business or procedure of the Government of India Secretariat having a bearing on the subject should be complied with.

In any case in which it is agreed by the Ministry of Finance that it is a fit case in which the power to relax any rule should be exercised, the reasons for such relaxation should be placed on record on the appropriate file, but these should not form part of the formal order itself to be issued in this behalf.

[G.I., M.H.A., O.M. No. 108/54-Ests. (A), dated the 25th March, 1955, as amended.]

F.R.6. The Central Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions :—

(a) all powers to make rules;

(b) the other powers conferred by Rules 6, 9(6)(b), 44, 45-A, 45-B, 45-C, 83, 108-A, 119, 121 and 127(c), and by the first proviso to clause (1) of Rule 30.

[Powers delegated by the Government of India under different Fundamental Rules, are contained in an Appendix of this Compilation.]

²F.R. 7. No powers may be exercised or delegated under these rules except after consultation with the Ministry of Finance. It shall be open to that Ministry to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

GOVERNMENT OF INDIA'S ORDERS

Re-delegation of powers by Administrative Ministries.—In paragraph 3 of O.M. No. F. 10(13)-E. (Co-ord)/75, dated the 10th April, 1975, it has

1. Deleted by G.I., M.F., Notification No.18(13)-E IV (A)/70, dated the 29th January, 1971.

2. Substituted by G.I., M.F., Notification No.18(13)-E IV (A)/70, dated the 29th January, 1971 and takes effect from the 6th February, 1971.

been stated that the Administrative Ministries can redelegate powers to the subordinate authorities in respect of all matters except the following, viz.,

- creation of posts.
- write-off of losses, and
- re-appropriation exceeding 10% of the original budget provision.

Certain Ministries/Departments have raised doubts whether this power of re-delegation is

restricted to powers in respect of Delegation of Financial Powers Rules only. It is clarified that this power of re-delegation is in respect of all the sets of Rules, viz., Delegation of Financial Powers Rules, General Financial Rules and Fundamental and Supplementary Rules.

[G.I., M.F., O.M. No. F. 10(13)-E. (Coord)/75, dated the 8th March, 1975.]

F.R. 8. The power of interpreting these rules is reserved to the President.

CHAPTER II DEFINITIONS

F.R. 9. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the rules in the sense here explained—

1. The *Act* means the Government of India Act.

¹(1-A) *Administrator* means an Administrator of a Union Territory appointed by the President under Article 239 of the Constitution and includes the Governor of Assam acting as Agent to the President in respect of the North-East Frontier Agency.

²(1-B) *Allotment* means grant of a licence to a Government servant to occupy a house owned, leased or requisitioned by the Government or a portion thereof, for use by him as residence.

³(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that—

(a) In respect of any period spent on foreign service out of India, the pay which the Government servant would have drawn if on duty in India, but for foreign service out of India, shall be substituted for the pay actually drawn.

³(b) Deleted.

(c) The average pay of a military officer who is granted licence fee-free quarters and thereby forgoes lodging allowance in lieu thereof, shall, if he gives up

such quarters before going on leave be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

³NOTE.—Deleted.

³(3) Deleted.

(4) *Cadre* means the strength of a service or a part of a service sanctioned as a separate unit.

(5) *Compensatory allowance* means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance, but does not include a sumptuary allowance nor the grant of free passage by sea to or from any place outside India.

GOVERNMENT OF INDIA'S ORDERS

Reasons for grant of additions to pay to be recorded and communicated.—In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it has been accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum conveying the sanction. In cases, however, in which an official record in an open letter may be undesirable, it should be possible to communicate the reasons confidentially to the audit authority.

[G.L. F.D., No. F. 9-V-C-S.R./27, dated the 15th February, 1927.]

⁴(6) *Duty*—(a) *Duty* includes—

(i) service as a probationer or apprentice provided that such service is followed by confirmation; and

(ii) joining time.

¹ Inserted by G.I., M.F., Notification No. 18(13)-E. IV (A)/70, dated the 29th January, 1971 and takes effect from the 6th February, 1971.

² Inserted by G.I., M.F. 11(5)/68-W & E, dated the 4th October, 1969.

³ Deleted by G.I., M.F., Notification No. 18(13)-E. IV (A)/70, dated the 29th January, 1971.

⁴ Substituted by G.I., M.F., Notification No. 18(13)-E. IV (A)/70, dated the 29th January, 1971 and takes effect from the 6th February, 1971.

(b) A Government servant may be treated as on duty—

- (i) during a course of instruction or training in India, or
- (ii) in the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government of passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the course and his assumption of duties.

GOVERNMENT OF INDIA'S ORDERS

1. Period of waiting on joining from leave for posting orders.—Mr. N., an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on the 25th August. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August, and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September. Mr. N. joined duty on the forenoon of the 4th October. The question arose how the period 26th August to 3rd October should be treated.

The circumstances of the case are similar to those referred to in F.R. 9 (6) (b) (iv), inasmuch as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor-General, ordered that the period of waiting in the case of Mr. N. and in other similar cases should be treated as duty as in the case mentioned in F.R. 9 (6) (b) (iv).

[G.I., F.D., No. F. 192-C.S.R.-25, dated the 20th June, 1925 to Accountant-General, Madras.]

2. India Reserve of Officers.—It has been decided that the time spent on training by civilian Government servants, who join the Army in India Reserve of Officers, will count as duty under F.R. 9 (6) (b).

[G.I., F.D., No. F. 81-E, dated the 27th September, 1926.]

In the case of Civil Officers, granted commissions in the Army in India Reserve of Officers, the period of training will not include the time spent in journey to and from the station at which

the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

[G.I., F.D., No. 15 (29)-R.I./31, dated the 21st September, 1931 and No. F. 34. R.I./32, dated the 19th August, 1932.]

3. Substantive Government servant and student, stipendiary or otherwise.—A Government servant, who has been substantively appointed to a post or cadre in Government service, shall be treated as on duty during any course of instruction or training, which he may be required or permitted to undergo in accordance with the terms of any general or special orders.

A student, stipendiary or otherwise, who is entitled to be appointed to Government service on passing through a course of training at a University, College or School, shall, unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties.

[G.I., F.D., Res. No. 724-C.S.R., dated the 16th May, 1923 and No. F/130-R. 1/28 dated the 2nd October, 1928.]

4. Attending departmental examinations.—
(a) *Obligatory examinations.*—A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government service, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any to and from the place of examination.

[G.I., F.D. Memo. No. F. 17-R.I/29, dated the 23rd January, 1929.]

NOTE.—It was decided in consultation with the Auditor-General that the phrase 'condition of preferment in Government service', covers only compulsory, or optional examinations for promotion within the normal scope of the Government servant's department of office.

[G.I., F.D. No. F/15 (5)/R.I./31 dated the 25th March, 1931.]

(b) *Open competitive examinations.*—It has been decided that special casual leave be granted to Central Government servants, who are eligible to appear at Departmental Promotion Examinations which are neither obligatory nor entail a condition of preferment in Government service, e.g., limited competitive examination for Section

22. Charge report necessary when deputed for training in India.—It has been decided that a Gazetted Government servant nominated for training in India should be required to relinquish his post and prepare a charge report even if no officiating arrangement is made in his place. It also has been decided that a Government servant should intimate to the Accounts Officer concerned, through the Training Institute/Officer etc., the date and hour of reporting for training and, on relief, of the completion of training.

The sanction issued by the Administrative Ministries in individual cases should indicate the actual period of training.

[G.I., M.F., O. M. No. F. 13 (9)-E. IV (B)/65, dated the 27th February, 1965.]

23. Treatment of training period as duty and filling up of vacancies caused by deputation of officers to training programmes.—(1) In supersession of O.M. No. 12011/8/76-Trg. I, dated the 15th February, 1977 (not printed) on the subject the periods of training of Central Government personnel in the training programmes mentioned below will be treated as 'duty' under F.R. 9(6)(b)(i) if the personnel are sponsored for the training by the departments in which they are working :—

- (i) All training programmes organised by Central and State Government training institutions;
- (ii) All training programmes organised/sponsored by the Training Division, Department of Personnel and Administrative Reforms; and
- (iii) The training programmes approved by the Training Division, Department of Personnel and Administrative Reforms, from time to time.

NOTE.—The list of approved programmes will be compiled and circulated separately. It is proposed to include in the list only those programmes in the fields of public administration and general management of common interest to all Ministries, etc. Other cases, e.g., specialised/technical courses of interest to a particular Ministry, etc., courses leading to the award of certificates having a market value, will be dealt with on the merits of each case, by the Ministries, etc., concerned under the normal rules. In such cases, a reference to the Training Division, Department of Personnel and Administrative Reforms may not be necessary.

(2) Vacancies exceeding forty-five days caused by the deputation of officers to the training programmes referred to in the preceding paragraph may be filled in by the Ministries, etc., in the normal manner. Vacancies of shorter duration of forty-five days or less should not be filled.

(3) The expenditure on account of pay and allowances of the officers deputed for the approved training programmes referred to in paragraph 1 above will be met from the budget grant of the Ministry, etc., from which they are deputed for training.

[G.I., Deptt. of Personnel & A.R., letter No. 12011/1/79-Trg.I, dated the 31st May, 1979 addressed to the Director of Audit, Commerce, Works & Miscellaneous, New [Delhi].

24. Period of training before appointment to be treated as 'duty' for eligibility to sit for departmental examinations.—(1) The Staff Side of the National Council (J.C.M.) had suggested *inter alia* that the service rendered by an employee during the training period before his regular appointment to the grade be treated as duty for eligibility to sit for the departmental examination.

(2) The request made by the Staff Side of the National Council (J.C.M.) has been examined and it has been decided that in all cases where pre-service training is considered necessary before actual appointment to the post, the period spent by an officer on training immediately before such appointment would count as qualifying service for the purpose of eligibility for appearing in Departmental Examinations, even if the officer is not given the scale of pay of the post but only a nominal allowance.

(3) The Ministry of Finance, etc., are requested to bring the above decision to the notice of all officers working under them including those in the attached and subordinate offices for their guidance.

[G.L., M.H.A. (D.O.P. & A.R.) O.M. No. 1434/5/81-Estt. (D), dated the 8th March, 1983.]

25. Participation in National/International Sports events and preparticipation coaching camps.— The Government of India have had under consideration for some time past the question of granting some further incentives/facilities to sportsmen and sportswomen and it has been decided as follows :

In the case of Central Government servants who are selected for participating in sporting events of national/international importance, the period of the actual days on which they participate in the events as also the time spent in travelling to and from such tournaments/meets may be treated as duty. Further, if any pre-participation Coaching Camp is held in connection with the abovementioned events and the Government servant is required to attend the same, this period may also be treated as on duty. Consequently, the existing provisions regarding grant of Special Casual leave for the purposes mentioned in this item may be treated as cancelled.

The above provisions cannot be applied to in the cases of Managers, Coaches, Leaders, Referees, etc., and they would continue to be governed, by the existing orders.

[G.L., Dept. of Per. & Trg., O.M. No. 6/1/85-Estt. (Pay-I), dated the 16th July, 1985—Para. 3(i) and O.M. No. 6/2/85-Estt. (Pay-I) dated the 29th November, 1985].

25A. Participation by Central Government servants in sporting events and tournaments of national or international importance,

In accordance with the provision contained in this Department's Office Memorandum No. 6/1/85-Estt. (Pay-I) dated the 16th July, 1985, Central Government employees who participate in sporting events and tournaments of national or international importance are granted special increment(s) in the form of personal pay not to be absorbed in future increments in pay. The rate of personal pay is equal to the amount of the next increment due at the time of grant of the concession and remains fixed during the entire service.

2. Consequent on the revision of pay scales from 1-1-86 on the recommendations of the Fourth Pay Commission, the matter relating to the revision of rate of personal pay in respect of those Central Government employees who had already participated in sporting events and tournaments of national or international importance and were in receipt of personal pay prior to 1-1-86 has been under consideration of the Government. The President is now pleased to decide that the rate of personal pay in respect of those Central Government employees who were already in receipt of personal pay prior to 1-1-86 in terms of the provisions contained in the aforesaid O.M. will be an amount equivalent to the lowest rate of increment in the revised scale corresponding to the pay scale of the post against which the individual had earned the personal pay in the pre-revised scales of pay and they will be allowed the same number of increments in the revised scale as had been allowed in the pre-revised scale.

3. The question of clarifying certain provisions contained in this Department's O.M. dated 16-7-85 and also providing for certain further incentives/facilities has been examined by the Government and in this connection the following decisions have been taken :—

(i) Para 1 (vi) of this Department's O.M. of even number dated 16-7-85 may be read as follows :—

“(vi) Attending coaching camps in sports organised by National Sports Federations/Sports Boards recognised by Government (Department of Youth Affairs & Sports)”.

(ii) For the purpose of availing the facilities mentioned in the O.M. referred to above, National Championships being conducted by the recognised National Sports Federations in individual disciplines and National Games conducted by Indian Olympic Association should be recognised as events of national importance.

(iii) For the purpose of availing the facilities mentioned in the O.M. quoted above, the events recognised by the International Sports Bodies in the concerned disciplines and in which participation has been with the prior approval of the Government (Department of Youth Affairs & Sports) may be treated as sporting events of international importance.

(iv) Managers/Coaches/Masseurs/Doctors as may be approved or required by the Federations under rules to administer, Coach/manage the teams' participation in sports events of National/International importance may be treated as an integral part of the teams and these officials may also be allowed the same facilities as are available to sports persons for such participation except that the question of grant of rewards in the form of advance increments could be considered on merits, if and when sponsored by the Departments concerned. However, the technical officials concerned with the administration of the tournaments will not be treated as part of the teams but will be given the facilities of availing of special casual leave as is admissible in the case of persons covered in para 1 (iii) to (vii) of this Department's O.M. of even number dated 16-7-85.

(v) The sports-persons from the All India Civil Services Sports Control Board attending coaching camps and participating in various All India Civil Services sporting events are also covered under the O.M. with a view to giving them the facilities of special casual leave.

(vi) Para 3 (iv) (c) of this Department's O.M. of even number dated 16-7-85 may be read as follows:—

“(iv) (c) The increments so granted would continue to be drawn at the same rate till retirement but this will not count for any service matter like pay fixation on promotion, retirement benefits or DA/CCA etc.”

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

[Deptt. of Pers. & Trg. O.M. No. 6-1-85-Estt. (Pay II) dated 7-11-88.]

25B. Participation by Central Government employees in sporting events and tournaments of national/international importance—applicability of provisions of this Department's O.M. No. 6/1/85-Estt. (Pay.I) dated 16-7-85.

Attention is invited to the references received from various Ministries/Departments regarding certain points of doubt of similar nature on the above subject and to clarify the position as follows:—

Points of doubt

Clarification

- | | |
|---|---|
| a. Whether the benefits of O.M. dated 16-7-85 are restricted only to those who are deputed by the Government of India. | Provisions of O.M. dt. 16-7-86 are applicable only to Central Govt. sportsmen/sports-women participating in sporting events of national/international importance. It is not necessary that they should be deputed only by the Govt. of India. |
| b. Whether any list of national sports organisations is prepared. | A list of recognised national sports Federations is attached. |
| c. Whether the Central Govt. employees deputed by the Govt. of India/selected by the sports organisations are allowed TA as on tour i.e. daily allowance etc. or only Railway Fare/Air fare is allowed. | The employees who are selected for participating in sporting events of national/international importance within India, may be allowed to travel by First Class by train. In the case of events of international importance held outside India, they may be entitled to travel by economy class by air.

The employees participating in sporting events are treated as on duty and as such they are entitled to DA under the rules as on tour. |
| d. Whether the increment is to be considered for all events of sports (both Indoor and Outdoor) at National/International events. | Yes. |

- c. Whether the competent authority as defined under FR 27 is to decide the number of increments to be granted on the basis of performance shown by the employees. Yes. has been with prior approval of Govt. (D/Youth Affairs & Sports) may be treated as sporting events of international importance.
- f. Whether the date of effect to grant increment is from the first of the month following the date of achieving excellence. Increment is to be granted from the first of the month following the month in which the sporting events are completed.
- g. Whether the time limit for the official to claim the increment is laid down. No specific period has been laid down. However, the participants who achieve excellence should claim as early as possible.
- h. Whether the provisions of OM dt. 16-7-85 are applicable to past cases also? Provisions of OM dt. 16-7-85 are effective only from the date of its issue and are not applicable to past cases.
- i. Whether there are any guidelines for treating sporting events as of national/international importance. No specific guidelines are laid down. However, National Champion-ships being conducted by the recognised National Sports Federations in individual disciplines and National Games conducted by Indian Olympic Assn. should be recognised as events of National importance. The events recognised by the International Sports Bodies in the discipline and in which participation
- j. Whether the rate of increment should be decided w.r.t. the scale prevailing on the date of particular event in which the employees had participated or w.r.t. to the date of completion of overall competition. The increment should be w.r.t. the date of completion of overall competition.
- k. Rate of increment—whether it is in the pre-revised scale or revised scale. Orders already issued vide this Department's O.M. No. 6/1/85-Estt. (Pay.D) dated 7-11-88.
1. Whether the provisions of O.M. dt. 16-7-1985 are not applicable to Veteran meets. No. The provisions are not applicable to Veteran meets.
2. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue after consultation with the Comptroller and Auditor General of India.
- [Deptt. of Pers. & Trg. O.M. No. 62-85-Estt. (Pay-I) dated 30-1-89].
- Addresses of recognised National Sports Federations**
1. Aero Club of India, Aurobindo Marg, Safdarjang Air Port, New Delhi.
 2. Archery Association of India, C-1/5, Pandara Park, New Delhi.
 3. Basketball Federation of India, No. 14/A Road, Jamshedpur.
 4. Bridge Federation of India, 3-6/190, Himayat Nagar, Hyderabad.
 5. Badminton Association of India, Jackson's Road, Jabalpur.

6. Indian Amateur Boxing Fed., 25 Raja Ram Mohan Roy Road, Bombay.
7. Billiards and Snooker Fed. of India, C/o The Bengal Bonded Ware House Association, 25-Netaji Subhas Road, Calcutta.
8. Ball Badminton Federation of India, Valsa Nagar, Trivandrum-695014.
9. Board of Control for Cricket in India, Vijay Nagar Colony, Birwani-125 021.
10. Women's Cricket Association of India, 41/B, Karan Nagar Extension, Jammu.
11. All India Chess Federation, 14 Fifth Cross Street, Shastri Nagar, Madras-600 020.
12. All India Carrom Federation, 2-Nehru Stadium, Madras-600 003.
13. Cycling Federation of India, Yamuna Velodrome, IP Estate, New Delhi.
14. Equestria Federation of India, Army Headquarters, West Block, R.K. Puram, New Delhi.
15. All India Football Fed., Netaji Indoor Stadium, Eden Gardens, Calcutta-21.
16. Indian Golf Union, Tata Centre, 3rd Floor, 43 Chowringhee Road, Calcutta-700071.
17. Indian Hockey Federation, Room No. 106, National Stadium, New Delhi.
18. All India Women's Hockey Association, A/2, Janki Devi College, Ganga Ram Hospital Marg, New Delhi.
19. Amateur Handball Federation of India, 27 Parade Groud, Jammu.
20. Kho-Kho Federation of India, Semhitha, 7/B-14 Cross Road, Malleswaram, Bangalore.
21. Federation of Motor Sports Club of India, 14-North Crescent Road, T. Nagar, Madras-600 001.
22. Indian Powerlifting Fed., 40-2/A Subarban School Road, Calcutta-700 021.
23. Indian Polo Association, C/o President's Body Guards, Rashtrapati Bhavan, New Delhi.
24. National Rifle Association of India, Room No. 46, First Floor, Raghushree Complex, Ajmeri Gate, Delhi-110 006.
25. Softball Association of India, Rawaton Ka Bas, Jodhpur-420 003.
26. Squash Racket Federation of India, C/o The Calcutta Rackets Club, Near St. Paul's Cathedral, Calcutta.
27. Swimming Federation of India, 3552, Darwaja's Khancha, Shalipur, Ahmedabad.
28. Table Tennis Federation of India, Room No. 1000, Block 'E', First Floor, Post Box No. 282, JN Stadium, Lodi Road, New Delhi.
29. All India Lawn Tennis Association, Deepika-6, Mohan Kumaramangalam Street, Nanganumbakham, Madras.
30. Volleyball Federation of India, 6. Nehru Stadium, Madras.
31. Weightlifting Federation of India, 2/2 Bajeshibpur Road, 2nd Bye Lane, Howrah.
32. Yachting Association of India, Room No. 33, Directorate of Naval Training, 'C' Wing, Sena Bhavan, New Delhi.
33. Cycle Polo Federation of India, Dundlod House, Bawa Sarak, Civil Lines, Jaipur.
34. Amateur Athletic Federation of India, Room No. 452, Rail Bhavan, New Delhi.
35. Gymnastic Federation of India, No. 68, Sector-10/A, Chandigarh.
36. Amateur Kabaddi Federation of India, 19/1030 Khernagar, Bandra (East), Bombay 400 051.
37. Women's Football Federation of India, 103, Wazeer Ganj, Lucknow-226 001.
38. Wrestling Federation of India, C/o Indian Olympic Association, Room No. 1104, 'F' Block, JN Stadium, New Delhi.
39. Indian Style Wrestling Federation, 2219, Vidyan Press, Nasik-422 001.
40. Judo Federation of India, Sonawala Bldg., 2nd Floor, 65, Bombay Samachar Marg, Bombay-400 023.
41. All India Sports Council of Deaf, 8 North-end Complex, Sri Ramakrishna Ashram Marg, New Delhi.

42. Tennis Kolt Federation of India, Room No. 23, First Floor, Lal Bahadur Stadium, New Delhi.
43. Rowing Federation of India, "Secretariat" 9, Archbishop Mathias Avenue, Madras-28.
44. Schools Games Federation of India, 54/55 Culterments Bldg., Shimla 171 004.
45. Indian Olympic Association Room No 1104 Block 'B' JN Stadium, New Delhi.
46. Indian Mountaineering Federation, Bemto Juarex Road, Anand Niketan, New Delhi.
47. All India Karate Fedn, 9, Sunshine, 156. M. Karwe Road, Bombay-400 020.
48. Indian Body Building Federation, 3, Rathna Nagar, Taynampit, Madras-600 013.
49. All India Atya Patya Federation, Nagpur Sharirik Shikshan Mahavidyalaya, Dr. Mhanga Road, Dhantoli, Nagpur-12.

25C. Participation by Central Government servants in sporting events and tournaments of national or international importance.

Reference is invited to this Department's O.M. dated 7-11-88, on the subject mentioned above and to say that para 3(v) of the O.M. may be read as under :—

It is further clarified that tournaments conducted by the Central Civil Services Sports Board are recognised as events of National importance for the purpose of availing benefits contained in this Department's O.M. dated 16-7-85.

[Deptt. of Pers. & Trg. O.M. No. 6185-Estt. (Pay- I) dated 8-6-89].

26. Miscellaneous orders relating to P. & T.—
The following categories of officials of the Indian Posts and Telegraphs Department should be treated as on duty under F.R. 9(6)(b)(i) during the period of training indicated against them, including the time actually spent on journeys to and from the training class.

<i>Cadre of Officers</i>	<i>Nature/Place of training</i>	<i>Authority</i>
1. Boy Peons or Group 'D' officials when required or permitted according to Rule 467 (3) of the P. & T. Manual, Volume IV.	To undergo the course of training as linemen either in the departmental construction parties or in a special class.	F. A. (C's) Endorsement No. E. A. 7/38/4, dated the 27-3-1939.
2. Departmental candidates.	Telegraph Training	F. A. (C's) Endorsement No. E. S. B.-221/v/47, dated the 8-4-1942.
3. Departmental officials selected for training for appointment as Telegraphists under rules regulating direct recruitment to this service.	Telegraphist	F. A. (C's) Endorsement No. E. 319-5/43, dated the 1-10-1943.
4. Telegraphist selected for promotion to the Telegraph Master's Grade.	Telegraph Master.	F. A. (C's) Endorsement No. S. 166-2/45, dated the 3-10-1945.
5. Temporary Clerks working in postal divisions and approved for permanent appointment in R.M.S. Divisions.	R. M. S. Training Classes.	F. A. (C's) Endorsement No. A. O.-18-54/47, dated the 2-8-1947.
6. Departmental candidates.	Telephone Operators' Training class.	M. F. (C's) Endorsement No. T.E.-31-35/52, dated the 17-3-1954.
7. Departmental officials other than Departmental candidates selected for appointment after competing in the recruitment examination.	Telephone Operators' Training Class.	M. F. (C's) Endorsement No. T. E. 31-35/52, dated the 28-2-1955.
8. Departmental candidates in the Telephone Districts of Bombay, Calcutta and Madras.	Prescribed course of training for promotion to the cadre of linemen.	M. F. (C's) Endorsement No. S. T. B.-376-19/52 /A. C. S.-I-52/55, dated the 22-2-1956.
9. Telegraph Masters.	Hindi Morse Code Training.	M. F. (C's) Endorsement on D.G. P. & Ts. Memo. No. T-2/84/7/57, P. & A., dated the 30-4-1958.

<i>Cadre of Officers</i>	<i>Nature/Place of training</i>	<i>Authority</i>
10. Inspectors of P.Os. and R.M.S.	Training for promotion to Postal Superintendents, Service Class II.	D. G., P. & T.'s Memo. No. PLG 98-41/53, dated the 8-6-1959 as amended by his Memo. No. 29-4-/60 PLGI. dated the 15-11-1960.
11. Clerks (both direct recruits and departmental) initially recruited in the Mail Motor Service and to be absorbed in R.M.S.	Training in the R.M.S. Training Class	M.F. (C's) Endorsement No. 23/13/59-S.P.B.I., dated the 6-11-1959.
12. Lower Section Grade Monitors	Training at Bombay or Calcutta prior to appointment as Instructors, Telephone Operators Training Class.	M. F. (C's) Endorsement on D.G., P. & T.'s Memo. No. 75-2/60 N. C. C., dated the 18-8-1960.
13. Engineering Supervisors and Mechanics	Short course of training away from their headquarters in teletype and teleprinter maintenance and in the maintenance of Olivetti Teleprinters	M.F. (C's) Endorsement No. N.M. 31-10-52-I., dated the 30-6-1952 and No. 45/187/60-P. & A., dated the 7-9-1961.
14. Officers of the Telegraph Traffic Service and Telegraph Masters	Training in modern system of telegraphy	D. G., P. & T., Memo. No. 59/162-S.T.A., dated the 4-1-1963.
15. Employees of the Department recruited as an outside candidate or as a departmental candidate	Training for appointment as Auto Exchange Assistants	D.G., P. & T., Memo No. 40-1-61/ N. C. C., dated the 19-1-1963 and P. & T. Board Notification No. 40-1-61-N. C. C., dated the 12-6-1963.
16. Departmental candidates.	Training for appointment as Technical Assistants	P. & T. Board Memo. No. 2-1/62-W. K., dated the 23-2-1967 M. F. U. O. No. 327 T. C. C., 67, dated the 17-2-1967.
17. Officials.	In Cross Bar techniques in India including practical training (not exceeding four months.)	P. & T. Board letter No. 100/29 (iii) 65-S. T. A., dated the 25-4-1967.
18. Lower grade officials in the same unit or in any other branch, whether selected as departmental candidates or outsiders	Training for appointment in clerical cadres.	D. G., P. & T., letter No. 23/1/67-PAT, dated the 19-6-1968 issued with the concurrence of the P. & T. Finance vide their U. O. No. 2439-FAI/68, dated the 6-6-1968.
19. Departmental officials.	Refresher training courses.	D. G., P. & T. Memo. No. 30/7/66 TRG (PAT), dated the 18-7-1968.
20. Officials qualified for appointment as J. As and S. As (now JAO).	Training on promotion.	M. F. (Communications) No. S.P. A. 214-4-51 dated 11-8-1954 and para. 3 of No. S.P.A. 214-4-54 dated the 28-5-1955.

AUDIT INSTRUCTIONS

- (1) (a) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.
- (b) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions for probation have been attached to his appointment,

such as the condition that he must remain on probation pending the passing of certain examinations.

- (c) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

(d) The instructions in clauses (a) and (b) above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government servant should be regarded as a 'probationer' or as merely 'on probation', irrespective of whether he is already a permanent Government servant or is merely a Government servant without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post. There is nothing in these Audit Instructions to prevent a Government servant substantive in one cadre (e.g., a First Division Assistant holding a lien on a post borne on the Central Secretariat Service, Group 'B') from being appointed (either through selection by a departmental committee or as a result of competitive examination through the Union Public Service Commission) as a "probationer" in or against a post borne on another cadre (like the Indian Audit and Account Service, the Indian Customs Service and the Income Tax Service, Group 'A'), when definite conditions of probation such as the passing of departmental examinations are prescribed. In such a case, the Government servant should be treated as a 'probationer' and (subject to specific rules, if any, to the contrary) allowed only, as initial and subsequent pays the rates of pay prescribed for the probationary period, irrespective of whether those rates are actually included in or shown separately from the time scales of the services concerned. The case of departmental candidates of the same department promoted by selection [e.g., S.A.S., (Central Service Group 'C') Superintendent or an Accounts Officer of the Indian Audit Department promoted by selection to the Indian Audit and Account Service within the quota for such promotion] is, however, different. If the Departments of the Government of India concerned consider it expedient, these 'promoted' man

may properly be put 'on probation' for a period to see if they make good in the actual work of a Group 'A' Officer and have lien (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion; but, whatever the departmental arrangements be to test their capacity etc., during the 'on probation' period, their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

[Para. 3 (i), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The leave of apprentices during the period of apprenticeship is governed by S.R. 292 [cf. Rule 33 of C.C.S. (Leave) Rules, 1972], and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post.

[Para. 3. (ii), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The periods spent in training and on the journey to and from the place of training by the reservists of the Indian Army and the Royal Indian Fleet in Civil Government employ, when called up for periodical military and naval training respectively, will be treated as duty for purposes of civil leave and increments of civil pay.

[Para. 4(i) Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(4) See item (4) of the Audit Instructions below F.R. 26.

(5) See item (2) of the Audit Instructions below F.R. 105.

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

See C. & A.G. Decision below S.R. 130 for treatment as duty of the period spent in the journey and the dates of examination in the

case of serving Stenographers appearing for the proficiency test conducted by the Staff Selection Commission at a place other than the place of duty.

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India, or the Consolidated Fund of a State ¹or the Consolidated Fund of a Union Territory] whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include—

(a) unearned income such as income from property, dividends, and interests on securities; and

²(b) income from literary, cultural, artistic, scientific or technological efforts and income from participation in sports activities as amateur.

³(7) *Foreign Service* means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(8) *Deleted*⁴

(9) *Honorarium* means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State ⁴or the Consolidated Fund of a Union Territory] as remuneration for special work of an occasional, or intermittent character.

GOVERNMENT OF INDIA'S ORDERS

Scope of the term honorarium.—The overtime allowance or overtime pay, pie money and extra duty allowance payable in the Indian Posts and Telegraphs Department should be treated as recurring honoraria as they are paid for laborious work of an occasional character within the meaning of this rule.

[F.A., P&T's Endorsement No. 779-F/26, dated the 4th February, 1932.]

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

(11) *Not printed.*

(12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave, as may be granted.

[Ar. G's Memo. No. 641-1/194-22, dated the 13th September, 1922.]

(14) *Local Fund* means—

(a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specially notified by the President as such.

⁵(15) *Deleted.*

(16) (a) *Military Commissioned Officer* means a commissioned officer other than (i) a departmental commissioned officer; (ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

¹ Inserted by G.I., M.F., Notification No.8 (13)-E. II (B)/73-(1), dated the 15th February, 1974.

² Substituted by G.I., M.H.A., Deptt., of Personnel & A.R., Notification No. 16913/1/79-Allowances, dated the 10th April, 1980.

³ Substituted by G.I., M.F., Notification No. 18(13)-E. IV(A)/70, dated the 29th January, 1971 and F.1 (12)-E. III(B)/72 dated the 27th November, 1972.

⁴ Inserted by G.I., M.F., Notification No. 8 (13)-E. II (B)/73-(1), dated the 15th February, 1974.

⁵ Deleted by G.I., M.F., Notification No. E.18(13)-IV (A)70, dated the 29th January, 1971.

(b) *Military Officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (a) above or any warrant officer.

(b) The period commencing on 30th January, and ending with 2nd March should be deemed as 1 month and 4 days, as indicated below:—

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of the Central Government.

	Y.	M.	D.
30th Jan. to 31st Jan.	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
	0	1	4

GOVERNMENT OF INDIA'S ORDERS

(1) It has been decided that those members of Group 'B' Services whose duties are predominantly clerical shall be classed as ministerial servants for the purpose of clause (17) of Rule 9 of the Fundamental Rules.

[G.I., F.D. Letter No. F.11(6)-R. 1/33, dated the 1st April, 1933 to the A.G., C.R.]

(2) It has been decided that, having regard to the nature of the duties attached to them, the posts of Private Secretaries to Secretaries and Joint Secretaries should be classified as "ministerial".

[G.I., M.H.A., No. F. 12/2/52-Est., dated the 3rd March, 1952.]

(18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

AUDIT INSTRUCTION

Calculation of period expressed in terms of months and days:—

(a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:—

	Y.	M.	D.
25th Jan. to 31st Jan.	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
	0	3	20

[C.S. No 105 to Manual of Audit Instructions (Reprint).]

(19) *Officiate* A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. The Central Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(20) *Overseas Pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(21) (a) *Pay* means the amount drawn monthly by a Government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an Officiating capacity or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, [] special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the President.

(b) In the case of a military officer, in receipt of the rates of pay introduced on July 1, 1924,

pay includes the amount which he receives monthly, under the following designations:—

(i) pay of appointment, lodging allowance and marriage allowance; and

(ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance, and marriage allowance.

(c) In the case of military officer, in receipt of the rates of pay in force before July 1, 1924, pay includes the amount which he receives monthly under the following designations:—

(i) Military pay and allowances and staff salary;

(ii) Indian Army pay and staff salary; and

(iii) Consolidated pay.

NOTE.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, "pay" shall be deemed to be equivalent to two hundred times his hourly class rate.

GOVERNMENT OF INDIA'S ORDER

Wireless proficiency pay granted to the wireless operators will be treated as pay under Fundamental Rule 9(21)(a)(iii).

[F. A. (C's) Endorsement No. Es. B-401-23/39/A, dated the 10th February, 1943]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

It has been decided with the concurrence of the Central Government, that a Civil Officer undergoing Military training, is not a 'Military Officer' as defined in F.R. 9(16)(b), and in his case "pay" as defined in F.R. 9(21)(a) does not include 'rank pay' received during the period of training.

[Ar. G's Letter No. 958-AC/139-38, dated the 29th December, 1938.]

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

GOVERNMENT OF INDIA'S ORDERS

Creation of Supernumerary Posts.—It appears that there are doubts as to the circumstances in which supernumerary posts may be created and

the principles governing the creation of such posts. While it is obviously not possible to give an exhaustive list of the circumstances in which supernumerary posts may be created, the following broad principles governing the creation of such posts may be indicated:—

(i) A supernumerary post is normally created to accommodate the lien of an officer, who, in the opinion of the authority competent to create such a post, is entitled to hold a lien against a regular permanent post but who, due to non-availability of a regular permanent post, cannot have his lien against such a post.

(ii) It is shadow post, i.e., no duties are attached to such posts. The officer, whose lien is maintained against such a post, generally performs duties in some other vacant temporary or permanent post.

(iii) It can be created only if another vacant permanent or temporary post is available to provide work for the person whose lien is retained by the creation of the supernumerary post. In other words, it should not be created in circumstances which, at the time of the creation of the post or thereafter, would lead to an excess of the working strength.

(iv) It is always a permanent post. Since, however, it is a post created for accommodating a permanent officer till he is absorbed in a regular permanent post, it should not be created for an indefinite period as other permanent posts are, but should normally be created for a definite and fixed period sufficient for the purpose in view.

(v) It is personal to the officer for whom it is created and no other officer can be appointed against such a post. It stands

abolished as soon as the officer for whom it was created vacates it on account of retirement or confirmation in another regular permanent post or for any other reason. In other words, no officiating arrangements can be made against such a post. Since a supernumerary post is not a working post, the number of working posts in a cadre will continue to be regulated in a manner that, if a permanent incumbent of one of the regular posts returns to the cadre and all the posts are manned, one of the officers of the cadre will have to make room for him. He should not be shown against a supernumerary post.

- (vi) No extra financial commitment is involved in the creation of such posts in the shape of increased pay and allowances, pensionary benefits etc.

It has been decided that, subject to the observance of the principles set out in the preceding paragraph, supernumerary posts may be created by the administrative authorities under their own powers to the same extent as they are competent to create regular permanent posts. Cases where deviations from the general criteria mentioned above are involved may be dealt with in consultation with the Ministry of Finance.

Administrative authorities should maintain a record of the supernumerary posts, the particulars of the individuals who had liens against them and the progressive abolition of such posts as and when the holders of the posts retire or are absorbed in regular permanent posts, for the purpose of verification of service for pension.

[G.I., M.F. O.M. No. F. 9 (4)-E.G.I./61, dated the 15th March, 1961.]

(23) *Personal pay* means additional pay granted to a Government servant—

- (a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or
- (b) in exceptional circumstances, on other personal considerations.

GOVERNMENT OF INDIA'S ORDERS

1. **Reference to Finance Ministry necessary in case of grant of personal pay.**—In supersession of all previous orders on the subject it has been decided that all cases in which it is proposed to grant personal pay under Fundamental Rule 9 (23) (b) may be referred to the Government of India, Finance Department through the Administrative Departments concerned. No case will be entertained which is not of an entirely exceptional character and in submitting cases for the grant of personal pay this should be carefully borne in mind.

[G.I., F.D., Letters No. FB. 14-XXXII-Ex. II, dated the 28th September, 1936 and No. F.16(14)-Ex. I/38, dated the 16th August, 1938.]

2. **Delegation of powers to Ministries etc.**—It has been decided to delegate to the Ministries of the Government of India and the Comptroller and Auditor-General of India in respect of the staff of the Indian Audit and Accounts Department powers as shown below :—

(a) *Protection of special pay drawn in a post on promotion to another post.*—Subject to the conditions mentioned below special pay granted for specific additions to duty or for arduousness of work will be protected on promotion by granting a personal pay equal to the difference between pay plus special pay drawn in the lower post and the pay due in the higher post on the basis of the basic pay in the lower post. Special pay granted in the following instances, among others, falls within this category :—

(a) Cashiers, and (b) Machine Operators. The conditions are :

- (i) It must be certified that but for his appointment to the other post the Government servant would have continued to draw special pay.

- (ii) The protection will only be for so long as the Government servant could have continued to draw the special pay.
- (iii) The personal pay will be absorbed in subsequent increases of pay.

NOTE 1.—The head of the office in which the official (whose special pay in his previous post has been protected) is working, should be responsible for satisfying himself that the Government servant continues to be eligible for the protection. For this purpose, he should obtain a periodical certificate from the concerned authority every half year, say in September and March. The certificate so obtained should be attached to the office copy of the pay bill of the Government servant concerned for those months.

[G.I., M.F., O.M. No. 8(113)-E. III/62, dated the 29th July, 1963.]

NOTE 2.—It is hereby clarified that the authority competent to fix pay of an official on promotion will also be competent to fix pay and grant personal pay under these orders. In such cases the sanction of the Administrative Ministry is not necessary for the grant of personal pay unless it is the competent authority to fix pay on promotion. This clarification issues with the concurrence of the Ministry of Finance (C) vide their U.O. No. 1208/PT-I, dated the 7th May, 1967.

[D.G., P&T's No. 2-1/67-PAP, dated the 6th April, 1967.]

(b) *Continuation of special pay originally sanctioned with the concurrence of the Ministry of Finance.*—Full power in cases where special pays are granted on the basis of well-defined yardsticks or are granted at a specified rate to a category of officials in general, provided it is certified the consideration for which the special pays are sanctioned continues to exist.

[G.I., M.F., O.M. No. F. 6 (23)-E. III/62, dated the 22nd June, 1962, as modified by O.M. No. F.6(23)/E. III/62, dated the 30th June, 1965.]

3. **Hindi Personal Pay.**—In supersession of the orders issued so far on the subject it has been decided to grant personal pay equal to one increment for a period of twelve months to the Central Government employees, on passing the Hindi, the Hindi Typewriting and the Hindi Stenography Examination of the Hindi Teaching Scheme, subject to the fulfilment of the following conditions:—

I. *Pragya Examination.*—The personal pay shall be granted only to those Government employees for whom the Pragya course has been prescribed as the final course of study:

Provided that an employee, who has already passed the Matriculation or an equivalent examination or a higher examination conducted by a Board or a University or a Private Body with Hindi as an elective, regular, additional or optional subject or as medium of examination, or an employee whose mother tongue is Hindi and who can express himself well in Hindi, or an employee who has been exempted from the in-service training in Hindi, will not be eligible for the grant of personal pay on passing the Pragya examination.

On promotion from one post to another, the personal pay will continue to be given to him had he not been promoted to the higher post.

It has also been decided that Gazetted Officers passing the examination (June 1978 or thereafter) of the full-time intensive training course conducted by the Central Hindi Institute, Agra, will also be granted on similar lines personal pay equal to one increment for a period of 12 months on the same terms and conditions governing the passing of Pragya examination.

II. *Praveen Examination.*—The personal pay shall be granted only to those Government employees for whom the Praveen course has been prescribed as a final course of study:

- (a) to the non-gazetted employees on passing the Praveen examination with 55% or more marks;
- (b) to the Gazetted Officers on passing the Praveen examination with 60% or more marks:

Provided that an employee who has already passed the Middle (Class VIII) or an equivalent or a higher examination conducted by a Board or a Private Body with Hindi or with Hindi medium or an employee, whose mother tongue is Hindi, or an employee, who is holding a post for which knowledge of Praveen (Middle) standard has been prescribed as an essential qualification for recruitment/appointment or who has been exempted from the in-service training in Hindi, will not be eligible for the grant of personal pay on passing the Praveen examination.

III. *Prabodh Examination.*—The personal pay shall be granted only to those non-gazetted Government employees for whom the Prabodh

course has been prescribed as a final course of study and who pass this examination with 55% or more marks:

Provided that an employee, who has already passed the Primary (Class V) or an equivalent or a higher examination conducted by a School Authority/Government Agency/Board or a Private Body with Hindi as subject or medium of examination, or an employee whose mother tongue is Hindi, or an employee, who is holding a post for which knowledge of Prabodh (Primary) standard has been prescribed as an essential qualification for recruitment/appointment, or who has been exempted from the in-service training in Hindi, will not be eligible for the grant of personal pay on passing the Prabodh Examination.

Gazetted Officers will not be granted personal pay on passing the Prabodh Examination.

IV. Hindi Typewriting Examination.—The personal pay shall be granted to the non-gazetted employees on passing Hindi Typewriting Examination:

Provided that an employee, who has already passed a test in Hindi Typewriting, or for whom the training in Hindi Typewriting is not obligatory, will not be eligible for the grant of personal pay on passing the Hindi Typewriting Examination.

V. Hindi Stenography Examination.—(1) The personal pay shall be granted.

- (a) to the non-gazetted employees, on obtaining pass marks in the Hindi Stenography Examination;
- (b) to the Gazetted Stenographers, on passing the Hindi Stenography examination with 90% or more marks:

Provided that an employee, who has already passed an examination in Hindi Stenography, or for whom the training in Hindi Stenography is not obligatory, will not be eligible for the grant of personal pay on passing the Hindi Stenography examination.

(2) The Stenotypists and Stenographers (gazetted as well as non-gazetted) whose mother tongue is not Hindi will be granted personal pay equal in amount to two increments on passing the Hindi Stenography examination. These increments will be absorbable in future increments of the concerned employees who will get personal pay equal in amount to two increments in the first year, and after absorption of one increment in the second year they will get personal pay equal in amount to one increment

only. In the case of Gazetted Stenographers the condition of marks would be the same as in paragraph 1 (b) above.

(3) A Government servant to whom personal pay has been sanctioned for passing the Hindi or the Hindi Typewriting or the Hindi Stenography examination, may forgo the same from a day of his choice, if it results in some monetary loss to him. The Government servant if he so desires may otherwise also forgo the incentive from a day of his choice without assigning any reasons therefor. In both the cases, he will have to inform his office in writing.

(4) The personal pay will be granted to the concerned employee with effect from any one of the following dates of his choice:

- (a) the first of the month following the month in which the results of the examination are announced; or
- (b) the date of annual increment which falls due after the announcement of the results of the examination (which would mean an advance increment over and above the normal increment).

The concerned employee will have to exercise his option in this connection within a period of three months from the date of the declaration of the results. The option once exercised shall be treated as final. If a Government servant is on leave on the date of the declaration of the result, the period of three months will count from the date on which he resumes duty after return from leave. If a Government servant does not exercise his option within a period of three months from the date of declaration of the result of the examination, it will be deemed that the concerned employee is not interested in the personal pay. No personal pay will be granted to such an employee. In special circumstances, the Administrative Ministry/Department of the Government of India concerned should themselves take a decision for extending the date of exercising the option on the merits of each case and no reference need be made to the Department of Official Language.

(5) The other terms and conditions regarding grant and payment of the personal pay will be as under:—

- (1) The personal pay will be in addition to the grant of cash awards and lump sum awards, to which such employees may be eligible in accordance with the instructions issued in this connection from time to time.

(2) The personal pay will be granted only to those Government servants who pass the prescribed examination within a period of fifteen months of the completion of the course. In respect of the employees who pass the examination as private candidates without undergoing regular training, the period of fifteen months would count from the date of their first appearance in the said examination.

(3) In case an employee passes the Hindi, the Hindi Typewriting or the Hindi Stenography examinations simultaneously or in quick succession, personal pay should be granted to him separately for each examination. Personal pay for the second examination should be admissible after completion of a full year after the grant of the first personal pay and it will also be for a period of twelve months.

(4) The post which a Government servant was holding on the date of announcement of the result or on the date given in the option exercised by him, shall be the post in which the personal pay will be allowed to him. However, in the case of Lower Division Clerks, who are promoted as Upper Division Clerks during the period of their training in Hindi Typewriting, or after they have appeared in the Hindi Typewriting examination, but before results are declared, or after the results are declared but before the date they start drawing the personal pay, the personal pay will be granted at the rate of and for the period they would have drawn it, had they not been promoted as Upper Division Clerks.

(5) An employee in receipt of a personal pay in a lower post—

(a) on being promoted from a non-gazetted post to a higher non-gazetted post, will continue to draw the personal pay at the rate and for the period he would have drawn it, had he not been promoted to the higher grade.

(b) on being promoted from a non-gazetted post to a Gazetted post, will continue to draw the personal pay for the remaining period only if he would have drawn it in the Gazetted post; however, the rate

and the period would be the same as he would have drawn it, had he not been promoted to the Gazetted post.

A Lower Division Clerk in receipt of personal pay on passing the Hindi Typewriting examination on being promoted as Upper Division Clerk will also continue to draw the personal pay at the rate and for the period he would have drawn it, had he not been promoted as an Upper Division Clerk.

(6) An employee mentioned at (5) above, if reverted to the lower post, will continue to draw the personal pay as he would have drawn according to his option, had he not been promoted to the higher post.

(7) An employee who has been granted personal pay while holding a higher post will, on his reversion to the lower post, draw the personal pay at the rate equal to his increment in the lower post for the period he would have drawn it in the higher post but for his reversion, subject to the condition that the total of pay *plus* personal pay shall not exceed the maximum of the scale of the lower post.

(8) In case an employee has already reached the maximum of his grade pay, personal pay equal in amount to one increment should be granted to him for a period of twelve months or till the employee is promoted to a higher grade, whichever is earlier.

As a special case, in the case of employees drawing maximum of their pay, benefit of personal pay on passing various examinations of the Hindi Teaching Scheme should also be allowed to them on their promotion to a higher grade, for the remaining period of twelve months. However, the rate of personal pay would be the same as it would have been if he had not been promoted to the higher post.

Similarly, the non-Hindi speaking English Stenographers, who have reached the maximum of their grade pay on their passing Hindi Stenography examination, will

be granted personal pay equal in amount to two increments in the first year and one increment in the second year. But on their promotion to the next higher grade, they will cease to get the personal pay.

(6) A specimen of the declaration form required to be filled in by every employee for the grant of personal pay, is appended (*not printed*). On the basis of the particulars furnished in the declaration form, the eligibility for the grant of personal pay shall be decided.

(7) The personal pay will be sanctioned by the respective Ministries/Departments/Offices and the expenditure on this account will be borne by them. In the case of employees of Union Territories, the personal pay will be sanctioned by the respective Union Territory Administration and the expenditure on this account will be borne by them.

[G.I., M.A., O.M. No. 12014/2/76-O.L. (D), dated the 2nd September, 1976; O.M. No. 12014/1/78-O.L. (D), dated the 14th February, 1979 and O.M. No. 12014/1/79-O.L. 12(D), dated the 13th March, 1980.]

Some Ministries/Departments have sought clarification on the point whether the Personal Pay admissible to an employee for a period of 12 months on passing the Hindi, the Hindi Typewriting and the Hindi Shorthand examinations would be taken into account for calculation of his/her pension and gratuity, etc. In this connection, it is clarified that the Personal Pay in question would be taken into account for calculating average emoluments for pension and the gratuity in case of retirement on superannuation, compulsory retirement or voluntary retirement.

[G.O.L. Department of Official Language (MHA) O.M. No. 12014/2/86-O.L. (D), dated 29-12-86.]

On passing such Hindi examinations conducted by the voluntary Hindi Organisations as have been recognised by the Government of India (Ministry of Education and Social Welfare) as equivalent to or higher than the Matriculation examination and the Parichaya examination of the Central Hindi Directorate, the non-gazetted employees may be granted, in addition to the lump sum award, personal pay equal in amount to one increment for a period of twelve months. The instructions issued from time to time in regard to the grant of personal pay will also be applicable to the aforesaid personal pay.

[Extract from G.I., M.H.A., O.M. No. 12013/3/76-O.L.(D), dated the 21st May, 1977.]

D.G., P. & T'S ORDERS

1. It has been decided that such of the Time-scale Clerks working in Postal, Railway Mail-Services, Engineering and Telegraph Traffic Divisions in Uttar Pradesh, Madhya Pradesh, Bihar, Rajasthan, Delhi, Punjab, Gujarat and Maharashtra Circles as may be permitted to pass the Hindi Typewriting examination by attending classes at centres provided by the Government of India, Ministry of Home Affairs or by the P.&T. Department will, subject to usual conditions prescribed from time to time, be eligible to receive personal pay equal in amount to one increment absorbable in future increase in pay for a period of one year besides grant of cash award, if any, for passing the examination on merits. The incumbents passing the examination, by their own efforts, i.e., without undergoing training at the Government or departmental centres will, besides the other benefits, be also eligible to get lump sum award of Rs. 150 (Rs. 200 from 1-10-1984) per candidate subject to the usual conditions prescribed from time to time. In this connection not more than two Time-scale Clerks from each Division who will be required to work as Typists, will be entitled to the above incentives.

[D.G., P&T, New Delhi letter No. 4-3/67-Hindi 'A' dated the 27th August, 1970 issued with the concurrence of P&T, Finance.]

2. The Telephone Duty Allowance admissible to Sub-Inspectors, Telephones, has been granted under F.R. 9 (25). On promotion to the post of Line Inspector, if there is drop in emoluments, the Telephone Duty Allowance will be protected in accordance with the orders contained in Government of India Order No. (2) below F.R. 9 (23).

[D.G., P&T, New Delhi No. 13-27/78-PAT, dated the 15th February, 1982.]

¹(24) *Presumptive pay of a post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned.

AUDIT INSTRUCTIONS

The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

[Para 7, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

¹(25) *Special Pay* means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

- (a) the specially arduous nature of the duties;
or
(b) a specific addition to the work or responsibility, ²[.]

GOVERNMENT OF INDIA'S ORDERS

1. The recommendation of the Fourth Pay Commission relating to grant of special pay has been accepted by the Government. It has been decided that the existing rates of Special Pay, where such special pays already exist and which have not been taken into account in the new pay scales introduced with effect from 1-1-1986 *vide* Central Civil Services (Revised Pay) Rules, 1986 would be doubled, subject to the ceiling of Rs. 500 p.m.

These orders would take effect from the date an employee draws pay in the revised scale of pay applicable in accordance with the Central Civil Services (Revised Pay) Rules, 1986.

[G.I. Dep. of Per. & Trg., O.M. No. 6/29/86-Estt. (Pay-II), dated the 29th September 1986.]

(2) *Special Pay* to officers of Organised Group 'A' services on their appointment as Under Secretary, Deputy Secretary and Director in the Central Secretariat Under the Senior Staffing Scheme.

The Government is reviewing the question of admissibility of special pay to all Group 'A' officers/posts. However, pending decision in this regard, the President is pleased to decide that on their posting as Under Secretary/Deputy Secretary/Director in the Secretariat under the Senior Staffing Scheme officers of Organised Group 'A' Services will be entitled either to get their pay fixed in the scale of pay attached to the post or to draw their grade pay plus special pay on the following terms and conditions :—

- (a) *Under Secretary* : Special Pay of Rs. 400 p.m. subject to the condition that grade pay plus special pay shall not exceed Rs. 4500.
(b) *Deputy Secretary/Director* : Special Pay of Rs. 500 p.m. subject to the condition that grade pay plus special pay shall not exceed Rs. 5850.

NOTE : (i) If the grade pay plus special pay of an officer working in the Secretariat exceeds Rs. 5850, it will be limited to Rs. 5850 by suitably adjusting the special pay. The officer shall have the option to revert to his parent cadre when the quantum of special pay is reduced:

(ii) when the grade pay of the officer exceeds Rs. 5850 the officer shall revert to his parent cadre within a period of 6 months from such date.

(iii) In respect of officers who are currently working in the Secretariat as Deputy Secretaries/Directors and whose pay has been fixed with effect from 1-1-86 at a stage above Rs. 5850, they shall revert to their parent cadre latest by 31-12-87 or the date of completion of their tenure in the Secretariat whichever is earlier.

2. These orders shall take effect from 1-1-1986.

[G.I. Deptt. of P.&T. O.M. No. 6/30/86—Estt. (Pay—II) Dated 22-9-1987]

(4) Posting of Officers of Organised Group 'A' Services under the Central Staffing Scheme on deputation to the Central Secretariat as Under Secretaries/Deputy Secretaries/Directors—Grant of Deputation on Tenure Allowance.

Reference is invited to the Department of Personnel & Training Office Memorandum No. 6/30/86-Estt. (Pay-II) dated the 22nd September, 1987, regarding rates of special pay and ceilings on grade pay plus special pay to Officers of Organised Group 'A' Services posted in the Central Secretariat as Under Secretaries/Deputy Secretaries/Directors under the Central Staffing Scheme.

1. Substituted by G.I., M.F., Notification No. F.6(2)E. III(B)68, dated the 30th April, 1968.

2. Deleted by G.I., Deptt. of P&T, Notification No. 18/11/87 (Pay I) dated 21-7-1988.

2. Since Officers of Organised Group 'A' Services posted in the Central Secretariat against the posts of Under Secretaries/Deputy Secretaries/Directors hold the posts which are ex-cadre posts for them outside their normal field of deployment and they are held by them on tenure basis, the special pay granted to them is actually not special pay as strictly understood, but in the nature of a deputation allowance. In view of this the President is pleased to decide that the existing system of grant of special pay to these officers should be replaced with effect from 1-3-89 by a scheme of 'Central Secretariat (Deputation on Tenure) Allowance' on the following terms and conditions :—

- (i) The Officers of Organised Group 'A' Services posted in the Central Secretariat under the Central Staffing Scheme as Under Secretaries/Deputy Secretaries/Directors will be treated as on deputation outside their cadre, that is to ex-cadre posts;
- (ii) Their posting is subject to a prescribed tenure on the expiry of which they will be reverted to their cadre posts in their parent departments;
- (iii) During the tenure they will be paid an allowance, termed as Central Secretariat (Deputation on Tenure) Allowance at the rate of 15% of their grade pay subject to a ceiling of Rs. 400 per month for Under Secretaries and Rs. 500 per month for Deputy Secretaries/Directors;
- (iv) Their grade pay plus Central Secretariat (Deputation on Tenure) Allowance will be further subject to a ceiling of Rs. 4,500 in the case of Under Secretaries and Rs. 5,850 in the case of Deputy Secretaries/Directors;
- (v) The Allowance will not be paid beyond the normal tenure of 3 years for Under Secretaries, 4 years for Deputy Secretaries and 5 years for Directors; and
- (vi) No Allowance will be admissible to Officers of these Services posted as Joint Secretaries and above in the Central Secretariat.

NOTE :

(1) If the grade pay plus Central Secretariat (Deputation on Tenure) Allowance of an officer

exceeds Rs. 4,500 in the case of an Under Secretary or Rs. 5,850 in the case of a Deputy Secretary, Director, it will be limited to the prescribed ceiling as above by suitably adjusting the deputation allowance. The officer shall have the option to revert to his parent cadre when the quantum of Allowance is reduced.

(2) When the grade pay of the officer exceeds Rs. 4,500 in the case of Under Secretaries and Rs. 5,850—in the case of Deputy Secretaries/Directors, the officer shall revert to his parent cadre within a period of six months from such date.

2. In so far as application of these orders to Officers of the Indian Audit and Accounts Department is concerned, they are being issued in consultation with C&AG of India.

[Deptt. of Pers. & Trg. O.M. No. 4/7/87-Estt(Pay-II), dated 1-3-89].

3B. Special pay admissible to officers of organised Group 'A' Services posted in Headquarters organisations.

Government is reviewing the question of the admissibility of special pay to all Group 'A' officers/posts. However, pending decision in this regard, the President is pleased to decide that special pay at the following rates shall be paid to officers of organised Group 'A' non-technical, technical, scientific and engineering services, when they are posted to the Headquarters Organisations of those Departments i.e. to the highest office administratively incharge of the Department like Office of the Comptroller & Auditor General, Office of the Controller General of Defence Accounts, Central Board of Direct Taxes, Central Board of Excise & Customs etc.

Rate of Special Pay

Officers in senior scale (Rs. 3000-4500)	Rs. 400 per month subject to the condition that grade pay plus special pay shall not exceed Rs. 4500.
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Officers in Junior Administrative Grade/Selection Grade (Rs. 3700-5000 and Rs. 4500-5700)	Rs. 500 per month subject to the condition that grade pay plus special pay shall not exceed Rs. 5850.
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2. These orders shall not apply to officers of services the cadres of which consist only posts at the Headquarters Organisations as also to officers of services who are not entitled to any special pay while posted as Under Secretary/Deputy Secretary or Director in the Central Secretariat.

3. These orders shall take effect from 1-1-86.

[GOI, D/Pers. and Trg. O.M. No. 6/30/86—Estt(P—II), dated 30-11-87].

The benefit of special pay contained in the above orders would be admissible to Group 'A' Officers of the respective organised services only when they are posted to the Headquarters Organisation of their respective Departments, i.e., to the highest office administratively in charge of the Department. In the event of a doubt whether a particular service is an organised one or not, the decision will rest with the Government.

[G.I., M.F. O.M. No. P 9 (7)E III/82, dated the 6th May, 1982].

4. Special pay to Telephone Operators drawn from the general clerical cadre.—(1) It has been decided to sanction with effect from 1st January, 1973 special pay to Telephone Operators appointed on tenure basis from the general clerical cadre at a uniform rate as follows :—

(i) Rs. 20 per month in the case of Telephone Operators drawn from Lower Division Clerks; and

(ii) Rs. 30 per month in cases where they are drawn from Upper Division Clerks for manning certain supervisory posts.

Ministries of Home Affairs, etc., may review the cadre of Telephone Operators in the offices under them and take suitable action to induct the staff into the regular clerical service. The special pay mentioned in paragraph 3 above is not applicable in cases where retention of a separate cadre is considered necessary by any department for administrative or other reasons.

[G.I., M.F. O.M. No. F 6(15)-E. III(B) 73, dated the 20th September, 1974].

(2) Notwithstanding the instructions issued *vide* D.P. & A.R. O.M. No. 8/58/71-CS II(iii), dated 13-12-1971 (not printed) that all the posts of Telephone Operators in the participating offices

should be filled only by regular Lower Division Clerks belonging to CSCS, some of the Ministries/Departments appointed telephone operators through the Employment Exchanges. These telephone operators are not entitled to any special pay.

(3) It has been decided as follows :—

(1) All the Telephone Operators appointed in 1971 or earlier may be inducted to Lower Division Grade of the Central Secretariat Clerical Service without their requiring to pass a qualifying examination. They would be assigned seniority *en bloc* below the Lower Division Clerks appointed through the Open Competitive Examination, 1971.

(2) The Telephone Operators appointed in 1972 or thereafter on regular basis and have either rendered three years service or have been declared quasi-permanent may also be inducted to the Lower Division Grade of the Central Secretariat Clerical Service. They would be assigned seniority below the Lower Division Clerks appointed through the open Competitive Examination of the year in which the Telephone Operators were appointed.

(3) On their induction to the Central Secretariat Clerical Service, they would be entitled to a special pay @ Rs. 20 p.m. while working as Telephone Operator.

(4) The Telephone Operators would be eligible for promotion to the Upper Division Grade of the Central Secretariat Clerical Service, as per the seniority assigned to them. On promotion to the Upper Division Grade, they may continue to work as Telephone Operator, as the positions of Lower Division Grade and Upper Division Grade are interchangeable. However, Upper Division Clerks, while working as Telephone Operators, would

not be entitled to any Special Pay. If the pay fixed under the normal rules on promotion to Upper Division Grade with reference to the pay drawn in the scale of Lower Division Grade happens to be less than the grade pay in the scale of Lower Division Grade *plus* special pay of Rs. 20 the differences would be allowed as personal pay to be absorbed in future increases in pay. This will be subject to the condition that Lower Division Clerks concerned worked as Telephone Operators were drawing the special pay immediately prior to their promotion to Upper Division Grade.

- (5) A post of Monitor/Supervisor may be allowed in a Ministry/Department/Office, against a minimum strength of ten Telephone Operators.

- (6) The post of Monitor/Supervisor may be filled from among Upper Division Clerks and the incumbent may be granted a special pay of Rs. 30 p.m. in addition to the grade pay. The posts of Monitor/Supervisor which have already been created in some Ministries/Departments in a pay scale other than Rs. 330-560 may be allowed to continue as personal to the existing incumbents till they vacate their posts and thereafter the posts will be brought on a scale of pay of Rs. 330-560 *plus* a Special Pay of Rs. 30 p.m. and filled from among UDCs.

- (7) This will be a one-time exercise and there will be no future direct recruitment to the posts of telephone operators and all vacancies would be filled by members of the Central Secretariat Clerical Service.

- (8) Consequent on the above decision the facility of selection grade to telephone operators will stand abolished from the date they are inducted in the CSCS.

- (9) The Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned under them for their guidance/appropriate action.

[G.I., Deptt. of Per. & Trg., O.M. No. 12/4/83-CS. II, dated the 7th November, 1985.]

5. **Special Pay to Telex Operators.**—(1) It has been decided to sanction with effect from the 1st January, 1973 a special pay to operators working on the Telex machines at a uniform rate of Rs. 20 per month.

(2) The special pay at the rate specified above may be allowed if the operator transmits 500 messages and receives 500 messages during the financial year.

3. The lowest grade of ministerial staff only should be entrusted with the work of operating the Telex machines. Not more than one such official will be allowed the special pay.

(4) Cases which are not covered by these orders may be referred to this Ministry (Establishment Division) for sanction as hitherto.

[G.I., M.F., O.M. No. F. 9(42)-E. III (B)/61, dated the 9th January, 1974.]

6. **Special Pay to Assistant Computers/Junior Computers/Key Punch Operators.**—(1) The Third Pay Commission in paragraph 36, Chapter 17 of its Report has recommended that a special pay of Rs. 20 p.m. may be allowed to Assistant Computers, Junior Computers and Key Punch Operators in the revised scale of pay of Rs. 260-400. The said recommendation has been accepted by the Government. It has been decided that a special pay of Rs. 20 p.m. may be sanctioned to Assistant Computers, Junior Computers and Key Punch Operators in the revised pay scale of Rs. 260-400 with effect from the 1st January, 1973 subject to the following conditions :—

(i) The minimum out turn of the machines obtained from a particular company may be fixed in consultation with the company and then a common working average may be arrived at after allowing certain margin for periods involved in oiling, etc. The special pay at the rate specified above may be given if such an out turn is shown.

(ii) Before sanctioning the special pay at the rate specified above, it should be

examined that operating the machines provided to such staff actually requires extra skill. Where the machine provided is a simple one merely facilitating the person to dispose of his work more conveniently and quickly, no special pay is to be allowed.

(iii) Not more than one such official per machine be allowed the special pay.

(iv) Special pay, at the rate specified above, should not be attached to all posts irrespective of the fact whether the incumbent is actually operating the machine or not.

(2) Cases which are not covered by these orders may be referred to the Ministry of Finance, Department of Expenditure (Establishment Division) for sanction as hitherto.

[G.I., M.F. O.M. No. F. 6(18)-E. III (B)/74, dated the 21st October, 1974.]

Special Pay to Cashiers

The recommendations of the Fourth Central Pay Commission as contained in para 11.56 Chapter II of the Report, relating to rates of special pay to cashiers have been accepted by the Government. In supersession of Ministry of Finance O.M. No. F. 6(2)-E.III(B)/76, dated the 30th October, 1976, as amended by Ministry of Finance O.M. No. F.9(10)-EIII/80, dated the 25th Sept. 1980, the President is pleased to decide that the following orders shall govern the grant of special pay to cashiers in the Central Government.

2. The powers to grant special pay are delegated to the Ministries and Heads of Departments who, at their discretion, may appoint LDCs/UDCs/Assistants to perform the duties of cashiers. The grant of special pay will be subject to the following conditions.

(i) The amount of special pay to be granted will depend on the average amount of monthly cash disbursed, excluding payments by cheques. As the pay and allowances of gazetted officers are payable by cheques, they should be excluded in calculating the amount of cash disbursed.

The amount of receipts are also not to be taken into account.

(ii) The Ministry or Head of the Department concerned should certify, on the basis of the previous financial year's average, the amount of cash disbursed and sanction the rate of special pay appropriate to that quantum. The average amount of cash disbursed should be arrived at by taking the total amount shown as disbursed in the Cash Book reduced by the items disbursed in the form of cheques/R.T.Rs./Drafts etc. All transactions concerning Gazetted Officers should also be omitted.

(iii) The special pay should be reviewed every financial year.

(iv) Every official, who is appointed to work as cashier, unless he is exempted by a competent authority, should furnish security in accordance with the provisions contained in Chapter 15 of the General Financial Rules, 1963 and orders issued thereunder from time to time.

(v) The special pay is to be granted from the date of issue of orders of appointment as cashier or from the date of furnishing security, whichever is later.

(vi) Not more than one official should be allowed the special pay in an office Department.

(vii) Sanction in each case should invariably be issued in the name of the person who is appointed to do the cash work and for whom the special pay is sanctioned.

3. The following will be the rates of special pay to be adopted.

Amount of average monthly cash disbursed	Rates of special pay
Upto Rs. 75,000	Rs. 50 p.m.
Over Rs. 75,000 & Upto Rs. 2,00,000	Rs. 75 p.m.
Over Rs. 2,00,000 & Upto Rs. 5,00,000	Rs. 100 p.m.
Over Rs. 5,00,000	Rs. 125 p.m.

4. In the case of a newly created office, where it is not possible to observe all the conditions quoted above, Ministries and Heads of Departments may themselves grant special pay to cashiers during the first year of existence on the basis of the estimated average monthly cash disbursements. The other conditions quoted in Para (2) above will, however, apply.

5. In cases where direct recruitment to the post of cashier is contemplated, no special pay will be admissible. Further, where there are sufficient number of cashiers in various Grades to constitute a viable cadre in a Deptt./Organisation, then the post of Cashiers should not carry any special pay.

6. These orders are not applicable to cashiers governed by separate orders, e.g., cashiers in Railways, Posts & Telegraphs and Customs and Central Excise.

7. Any relaxation of the terms and conditions will require the prior concurrence of the Department of Personnel & Training.

8. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consultation with the Comptroller and Auditor General of India.

9. These orders would take effect from 1-1-1986.

[G.I., D.P. & Trg. O.M. No. 6/31/86-Estt. (Pay-II), dated the 29th September, 1986.]

7A. Grant of Special Pay to Cashiers Clarification reg.

As per para 2(i) at 2(ii) of this Department Office Memorandum No. 6/31/86-Estt. (Pay II) dated the 29th September, 1986, on the above mentioned subject, special pay to LDCs/UDCs/ Assistants appointed to perform duties of Cashiers is based on average monthly cash disbursements excluding all transactions involving Gazetted Officers. This position has been reviewed and it has been decided that as pay and allowances etc. to Gazetted Officers upto certain levels are now payable in cash also. Cash transactions involving Gazetted Officers may also be included for calculating the average monthly cash disbursed.

2. Further, as per para 2(v) of this Deptt. O.M. dated 29-9-86 *ibid*, special pay is to be granted from the date of issue of orders of appoint-

ment as Cashier or from the date of furnishing of security, whichever is later. It has been brought to the notice of this Department that four subsidiary companies of General Insurance Company take about 3-4 months to issue the fidelity bond/policy (which is one of the accepted forms of security under CFRs), after the premium has been paid. Thus the cashier is able to handover the fidelity bond/policy to Head of Department much after the date of appointment as cashier and the date from which the risk is covered and consequently does not draw special pay for this intervening period. To overcome this problem, it has been decided that the special pay may be granted from the date of issue of orders of appointment as Cashier or from the date risk is covered through one of the accepted forms of security, whichever is later. However, the special pay will be released only after the cashier has furnished security fidelity bond to the Head of Department.

3. Provisions of para 2(i), 2(ii) and 2(v) of this Deptt. O.M. dt. 29-9-86 may be treated as modified to the above extent, w.e.f. the date of effect of said O.M. i.e. 1-1-86.

4. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consultation with the Comptroller and Auditor General of India.

[Deptt. of Pers & Trg. O.M. No. 4/30/88-Pay (II) dated 24-4-89.]

8. Special Pay to Group D staff assisting Cashiers in bringing cash from banks.—The Staff Side of the National Council had requested that Group D Staff, assisting cashiers in bringing cash from Banks, etc., be allowed a special pay for the higher responsibility and the risk involved. In pursuance of the agreed conclusion arrived at in a Committee of the National Council to which the matter was remitted, and adopted by the National Council at its meeting held on the 26th and 27th August, 1977, it has been decided that Group D Staff going to the Banks for depositing or bringing cash may be allowed a special pay of Rs. 5 p.m. subject to the following conditions :—

(i) In the office in question, there should only be one cashier or cash handling clerk so

designated for dealing with cash and be in receipt of a special pay for the purpose.

(ii) A single Group D employee should be attached to the cashier or cash handling clerk or the cash unit of a Section.

(iii) The Group D employee in question should be authorised as a regular measure by the Head of that Office asking him to go alone to the Banks for depositing or bringing small amounts of money, pay about Rs. 250 or so.

(iv) The Group D employee in question handling cash should be required to give a nominal security or fidelity bond for an amount equal to that up to which the Head of Office in question would authorise the Group D employee to handle cash.

(2) An odd occasion of emergency when a Group D employee is asked to perform this duty, would not be covered for this purpose. The above arrangement would also be subject to the general rules of Government relating to the responsibility for the cash handled by Group D employees. A reference is invited in this connection, to Rule 77 (viii) of Central Treasury Rules, Volume I.

[G.L. M.F., O.M. No. 6 (22)-E. III (B) 78, dated the 7th December, 1977.]

9. Special allowance to Parliament Assistants.—

(1) It has been decided that the grant of special allowance to Parliament Assistants will be regulated as follows :—

(i) An Assistant in a Ministry who is engaged wholetime on Parliamentary work (including work relating to questions preparation of pads for the Minister, attendance in official gallery, etc.) will be allowed to draw a special allowance at the rate of Rs. 200 p.m. (raised to Rs. 300 p.m. with effect from 7-10-1980).

(ii) If, however, an Upper Division Clerk is engaged on the work of the type referred to in (i) above, he will be allowed to draw the special allowance at the rate of Rs. 150 p.m. (raised to Rs. 225 p.m. with effect from 7-10-1980).

(iii) The allowance will be admissible at full rates for every calendar month in which the Parliament is in session for at least fifteen days in that month. For months with shorter periods, the allowance will be admissible at half the rates prescribed for the full month.

(iv) Normally, the allowance will be admissible to only one Parliament Assistant in a Ministry. Where a Ministry considers it necessary to engage more than one Parliament Assistant on full time Parliamentary duty, the prior approval of Finance Ministry will be necessary. Such additional staff will also be entitled to the special allowance mentioned above according to the status he enjoys.

(2) No overtime allowance shall be paid to Parliament Assistant for the calendar months in which the Parliament is in session.

(3) The special allowance referred to above will be classified as "Other Allowances".

[G.L., M.F. O.M. No. 16(1)-E. II (B)/70 dated the 10th February, 1970 and the 31st July, 1970. O.M. No. F.15020/4/78-E. II (B) dated the 18th August, 1978 and O.M. No. 15020/1/84-Estt. (Allowances), dated the 21st April, 1986.]

10. Special Pay to U.D.Cs. in non-Secretariat Administrative offices.—

A Committee of the National Council (JCM) was set up to consider the request of the Staff Side that in the non-Secretariat Administrative Offices since a certain percentage of Upper Division Clerks in the scale of pay Rs. 330-560 is handling cases of complex nature involving deep study and competence to deal with these cases, a certain number of posts of UDCs should be upgraded to the grade of Assistants in the scale of Rs. 425-800 in the Secretariat. The Committee's Report which was finalised on the 27th January, 1979, was adopted by the National Council at its meeting held on 2nd and 3rd February, 1979. Pursuant to the agreed conclusions arrived at in the Committee, it has been decided that Upper Division Clerks in the non-Secretariat Administrative Offices

attending to work of a more complex and important nature may be granted special pay of Rs. 35 p.m. The total number of such posts should be limited to 10% of the posts in the respective cadre and these posts should be identified as carrying discernible duties and responsibilities of a complex nature higher than those normally expected of Upper Division Clerks.

These orders take effect from 5th May, 1979.

[G.I., M.F., O.M. No. F.7 (52)-E III/78, dated the 5th May, 1979.]

(a) It may be pointed out that the grant of special pay of Rs. 35 p.m. is related to posts of Upper Division Clerks as such, and not to individual Government employees, which posts are to be identified as carrying discernible duties and responsibilities of complex nature, higher than those normally expected of Upper Division Clerks. The queries raised have been considered in consultation with the Department of Personnel and AR and following decisions have been taken:

<i>Point of query</i>	<i>Decision taken</i>
1. Whether these orders should be applicable only to posts of UDCs in the headquarters organisation or whether they should be extended to field offices also.	These orders are applicable to UDCs in subordinate offices not participating in the Secretariat Scheme and where there is no intermediary level between Supervisory grades and UDCs, including Technical Assistants, Investigator, etc.
2. Where the posts should be filled on seniority-cum-fitness basis in consultation with the Departmental Promotion Committee or on the basis of the suitability of a particular officer to handle the work in a post identified as carrying discernible duties and responsibilities of complex nature.	The selection is to be made by the Controlling Authority on the suitability of a particular officer to handle the work in a post identified as carrying discernible duties and responsibilities of complex nature. Seniority-cum-fitness would not be the criterion for filling up such posts.

Whether the special pay of Rs. 35 p.m. may also be allowed to Selection Grade U. D. Cs/ Auditors/ Senior Accountants in the scale of Rs. 425-700 and whether the posts in the Selection

Yes.

Point of query

Decision taken

Grade, etc., may also be taken into account for purposes of applying the 10% limit.

4. In cases where there are a number of field units under one organisation and the strength of U.D.Cs in each such unit is less than 10, whether the units could be grouped together for purposes of granting this benefit. No.

[G.I., M.F., O.M. No. F.7(52)-E III/78, dated the 29th December, 1982.] F-7(S 2)/E-III-78) Dated 1 July, 1987 S/No: 2.]

- (b) The Staff Side in the National Council of the JCM made a demand that Rs. 35 per month paid to the Upper Division Clerks as special pay in terms of the O.M. dated 5th May, 1979 referred to above, should be taken into account in fixation of pay on promotion. The matter was referred to the Board of Arbitration which gave its Award on 28th April, 1987. Accordingly, pursuant to the Award of the Board of Arbitration, the President is pleased to decide as under:—

Rs. 35 per month paid to U.D.Cs. as special pay under Ministry of Finance (Department of Expenditure) Office Memorandum No. F.7(52)/E. III/78 dated 5-5-1979 shall be taken into account for fixation of pay on promotion subject to the conditions—

- (a) that the incumbent is a substantive holder of the post to which the special pay is attached;

OR

- (b) that the incumbent, on the date of his appointment to higher post, is officiating in the lower post to which the special pay is attached, continuously for a period of not less than three years.

2. These orders take effect from 1st September 1985.

[G.I. M. F. of O. M. No. 7(35)-E. III/87 dated 1-9-1987.]

10A. Grant of Special Pay of Rs. 35 per month to the Upper Division Clerks in the non-Secretariat administrative offices—question whether this amount should be taken into account in the fixation of pay on promotion—Decision regarding.

Reference is invited to this Ministry's O.M. No. 7(35) E-III/87 dated the 1st September, 1987, on the subject mentioned above, which provides that special pay of Rs. 35 p.m. paid to upper Division Clerks under Ministry of Finance (Department of Expenditure) Office Memorandum No. F.7(52)/E-III/78 dt. 5-5-1979 should be taken into account for fixation of pay on promotion subject to the conditions mentioned therein. This decision was based on the Award of the Board of Arbitration and was effective from 1st September, 1985.

2. As the above cited orders dated 1st September, 1987 were not applicable to those UDCs who while drawing special pay of Rs. 35 p.m. were promoted to higher posts prior to 1-9-1985, their pay on promotion was fixed without taking into account the special pay of Rs. 35. A number of such Upper Division Clerks filed petitions before CAT claiming that with the implementation of the above decision of the Government, they have been put to disadvantage because their juniors promoted to higher posts on or after 1-9-1985, while drawing special pay of Rs. 35 have got their pay fixed at a higher stage as the special pay of Rs. 35 has been taken into account in such pay fixation. The Central Administrative Tribunal have delivered judgements that pay of those Upper Division Clerks drawing special pay of Rs. 35 and promoted to higher posts prior to 1-9-1985 may be re-fixed on notional basis from the date of their promotion by taking into account special pay of Rs. 35 and actual benefit be given from 1-9-1985 without payment of any arrears. This will be subject to fulfilment of the conditions mentioned in Ministry of Finance O.M. No. 7(35)/E-III/87 dated the 1st September, 1977. It was decided to implement the judgements of CAT in respect of the petitioners only.

3. The question of extension of the benefit of the judgements of CAT to the similarly placed Upper Division Clerks has been under consideration of the Government. President is now pleased to decide that pay of those Upper Division Clerks

who were drawing special pay of Rs. 35 in terms of this Ministry's O.M. No. 7(52)/E-III/78 dated 5-5-79 and promoted to higher posts prior to 1-9-1985 and who fulfil the conditions mentioned in this Ministry's O.M. No. 7(35)/E-III/87 dated the 1st September, 1987 may be re-fixed on notional basis from the date of their promotion by taking special pay of Rs. 35 into account and actual benefit may be allowed to them only from 1-1-1985 without payment of any arrears.

4. No benefit of these orders, whatsoever, will accrue to Upper Division Clerks not in receipt of special pay of Rs. 35 or not fulfilling conditions contained in O.M. dated 1-9-1987, in respective of the date of their promotion to higher posts.

[M/Finance O. M. No. 7(29)/E-III/89 dated 22-5-79].

11. Special Pay to Group D staff for operating Franking Machines.—(1) In the 31st Ordinary meeting of the Departmental Council (JCM) the Staff Side agreed that Group 'D' employees performing duties of Franking Machine Operators could be granted Rs. 15 p.m. as a special pay instead of Rs. 20 p.m. demanded by them. Accordingly, it has been decided to grant special pay of Rs. 15 p.m. to Group D employees performing duties of Franking Machine Operators, subject to the conditions (i) that not more than one Group 'D' staff is allowed special pay at a time for operating the same Franking Machine and (ii) that special pay will not be admissible if any separate scale is prescribed for Franking Machine Operators.

(2) These orders take effect from the date of issue.

[G.I., M.F., O.M., No. F.7 (1)-E. III/81, dated the 5th February, 1982.]

12. Special Pay to Caretakers of Government buildings hired or owned by Government.—(1) A Committee of the National Council (JCM) was set up to consider the request of the Staff Side that the posts of Caretakers of Government buildings be made ex-cadre and that a special pay of 30 % of pay be attached to the post of Caretaker to compensate for onerous nature of duties. The Committee considered the matter. Pursuant to

the agreed conclusions arrived at in the Committee, it has been decided as follows :—

- (i) The posts of Caretakers should be treated as ex-cadre in future and deputation (duty) allowance as admissible under the normal rules/orders might be allowed where caretaking duties would require full-time attention. This allowance is subject to all the conditions laid down in O.M. No. F. 1(11)-E. II/(B)/75, dated the 7th November, 1975 (Appendix 5) as amended from time to time for admissibility of deputation (duty) allowance, including that pay *plus* deputation (duty) allowance does not exceed the maximum pay of the post.
- (ii) The level of the posts of Caretakers should be decided depending upon the size of the office, number of people working, duties and responsibilities involved, etc. Norms to determine the level of the posts of Caretakers will be issued in due course. In future, no separate category or cadre of Caretakers to be filled in by direct recruitment will be created.
- (iii) If caretaking duties can be discharged on a part-time basis by an existing official belonging to the establishment, a consolidated special pay of Rs. 25 p.m. may be given to the incumbent in addition to his grade pay.

(2) These orders will take effect from the date of issue.

[G.I., M.F. O.M. No. F.9(7)-E. III/9, dated the 27th February, 1980.]

13. Special Pay to Auditors awaiting promotion as Section Officers.—During the first year, after passing the S.A.S. Examination, the Auditors of the Indian Audit and Accounts Department awaiting promotion as Section Officers will be entitled to special pay of Rs. 20 p.m. However, from 22nd September, 1979, enhanced rate of Rs. 35 p.m. will be admissible from the second year onwards of the date of passing the examination to the S.A.S. passed personnel awaiting promotion as Section Officers.

[G.I., M.F., Letter No. A-27023/(41)/74 EGI, dated the 22nd September, 1979]

14. Special Pay to Group D staff working as Gestetner Operator on regular basis in the absence of sanctioned post.—(1) It has been decided that in cases where regular post of Gestetner Operator has not been sanctioned in an office but a Group D employee attends to that item of work on a regular basis, special pay of Rs. 10 p.m. only may be paid.

(2) These orders take effect from the date of issue and past cases decided otherwise need not be re-opened.

[G.I., M.H.A., (D.O.P. & A.R.) O.M. No. 17016/5/80-Allowances, dated the 8th April, 1983.]

15. Grant of honorarium to Group 'D' staff who are required to work as Gestetner operators for short periods.

Reference is invited to this Deptt's O.Ms. No. 17016/5/80-Estt. (Allowances) dated 28-4-81 and 17016/5/80-Estt. (Allowances) dated 8-4-83. The question regarding revision of rates of honorarium paid to Group 'D' staff for performing duties of Gestetner Operator has been receiving attention of the Government for quite sometime and after careful consideration it has been decided that Group 'D' staff performing the duties of Gestetner Operator will be paid honorarium at the following revised rates namely:—

- (i) Re. 1 per day in the case of Group 'D' employees performing duties of Gestetner Operators during the absence of Gestetner Operator for short period.
- (ii) Rs. 20 per month to Group 'D' staff who attends to the work of Gestetner Operator on regular basis when such a post has not been sanctioned in an office.

2. These orders will take effect from the date of issue and past cases decided otherwise shall not be re-opened.

3. In so far as persons serving in the Indian Audit and Accounts Departments are concerned, these orders have been issued in consultation with the Comptroller and Auditor General of India.

[Deptt. of pers. & Trg. O. M. No. 17016/2/88-Estt. (Allow.) dated 10-11-88].

For grant of honorarium payable in the absence of regular Gestetner Operator on leave, etc.—see Order under F.R. 46.

¹(26) Deleted.

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 9(21)(a)(iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

NOTE 1.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, “substantive pay” shall be deemed to be equivalent to two hundred times his hourly class rate.

NOTE 2.—In the case of a person with a lien on a permanent post under a State Government, “substantive pay” means the “substantive pay” as defined in the relevant rules of the State Government concerned.

GOVERNMENT OF INDIA'S ORDERS

Marriage allowance and Lodging allowance of Military Officers in the Army come within the definition of ‘Substantive pay’ so long as they continue to be treated as part of ‘pay’.

[Ar. G's endorsement No. 281-A/289-35, dated the 15th August, 1936.]

¹(29) Deleted.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

GOVERNMENT OF INDIA'S ORDERS

1. An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when the grant of leave involves ‘no expense to Government’ but improper in the absence of this condition.

[G.I., F.D. No. F. 11 (5)-R. I/33, dated the 1st April, 1933.]

2. The practice of making appointments on a substantive basis in temporary posts, in any of the grades under the Government of India, should be discontinued altogether.

[G.I., M.F., O.M. No. F. 2(2)-Est. (Spl.)/52, dated the 19th April, 1952.]

(30A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than a limited period.

NOTE.—In case of doubt, the Central Government may decide whether a particular post is or is not a tenure post.

(31) (a) *Time-scale pay* means pay which, subject to any condition prescribed in these rules rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

(b) Time-scales are said to be identical if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

(c) A post is said to be on the same time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

GOVERNMENT OF INDIA'S ORDERS

1. When scales are identical but with different E.Bs.—A point has been raised whether pay scales which are identical in all respects except the efficiency bar should be treated as identical or not. It has been decided that two time-scales should be treated as identical within the meaning of F.R.9(31)(b) even though the scales may differ in the matter of provision of efficiency bars.

[G.I., M.F. O.M. No. F. 2(7)-E III/63, dated the 10th April, 1963.]

¹ Deleted by G.I., M.F. Notification No. 18 (13)-E. IV (A)/70, dated the 29th January, 1971. This takes effect from the 6th February, 1971.

2. Method of determining the average cost of appointment, commonly referred to as Madras Formula :-

(1) * *

(2) When the increment is annual or biennial and the period of rise is above five years.

(a) In the case of ministerial appointments--

Value = minimum + $\left(\frac{3}{4} - \frac{x}{60}\right)$ of the difference between maximum and minimum.

(b) In the case of other than ministerial appointments--

Value = minimum + $\left(\frac{2}{3} - \frac{x}{90}\right)$ of the difference between maximum and minimum.

Where x represents the excess in the period of rise in years over five years when the increments are annual, or four years when the increments are biennial.

[G.O. No. 477, Finl., dated the 16th July, 1904 (Madras.)]

NOTE.—If, in those cases, the maximum cannot be reached before the expiry of the 12 years in the cases of ministerial appointments, and before the expiry of the 9th year in the case of non-ministerial appointments the average value shall be taken as the mean between the maximum and the minimum.

[Paragraph 256, Burma Supplement to C.S.R.]

(3) In the case of revised scales of pay (ministerial and other than ministerial) under C.C.S.(R.P.) Rules, 1973.

Average Cost = Minimum + (Maximum—Minimum) $\left(\frac{3}{4} - \frac{x}{60}\right)$ where x is the length of time-scale minus 5.

[D.G., P.&T. ND. No. 1-32/75-PAP, dated the 26th September, 1975.]

(32) *Travelling Allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

PART II
CHAPTER III
GENERAL CONDITIONS OF SERVICE

F.R. 10—Except as provided by this rule, no person may be appointed in India to a post in Government¹ service without a medical certificate of health. The Central Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

[For rules made under the Fundamental Rule 10, See Supplementary Rules 3, 4 and 4-A.]

GOVERNMENT OF INDIA'S ORDERS

1. No appointment in pensionable establishment without medical fitness.—As the Ministries are aware every new entrant to Government service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. Powers of the President have been delegated to the Administrative Ministries to authorise in relaxation of F.R. 10 the drawal of pay and allowances for a period not exceeding two months in respect of fresh appointment to Government service without medical certificate of health.

(2) In view of the Government's decision on family pension communicated in Ministry of Finance O.M. No. 1(10)-E-V(B)/78, dated the 27th January, 1979 (family pension entitlement without minimum service limit), it has been decided that in no case should a person be allowed to join Government service in a pensionable establishment without having been medically examined and found fit.

(3) All appointing authorities are, however, advised to ensure that this does not result in delay

in issuing offers of appointments to the candidates recommended by the UPSC/SSC immediately after they accept the offers of appointment.

[G.I., M.H.A., Deptt. of Personnel & A.R. O.M. No. 15015/1/79-Estt. (D), dated the 26th June, 1979.]

2. No discretion to ignore certificate declaring one unfit.—Once a candidate is asked by an authority to produce a medical certificate of fitness either for entry into Government service whether in a permanent or temporary capacity or for any other purpose and has actually been examined and declared unfit, it is not open to such authority to use its discretion to ignore the certificate that has been produced. Cases where it becomes absolutely necessary to retain the services of such personnel on a temporary basis due to certain administrative reasons, should be referred to the Ministries of Home Affairs, Health and Finance.

[G.I. M.H.A., O.M. No. 5/9/58-RPS, dated the 10th October, 1958]

3. Appointment before medical examination and retention in service of those declared 'temporarily unfit' subsequently.—(1) Under F.R. 10, no person may be appointed to a post in Government service without a medical certificate of health. This means that medical examination should precede actual appointment. Where this procedure is not followed and the employee is found physically unfit for service in his post, the payment of salary for the period of his employment can be made only in special relaxation of F.R. 10, as S.R. 4(4) is not aptly applicable in such cases. Hence medical examination before appointment should be the rule.

1. The words "which must be affixed to his first pay bill" occurring after the word "health" were deleted by G.I. M.F., Notification No. F. 25 (24)-E. V/66, dated the 26th August, 1966.

(2) In exceptional cases of urgency, however, it occasionally becomes necessary to appoint an individual straightway and arrange for medical examination by the competent medical authority immediately thereafter, but such instances should be reduced to the minimum. Where the competent medical authority declares such an employee as "not fit" for appointment to the post specified, the services of the employee should, subject to the provisions of the Ministry of Health Office Memorandum No. 5-35/55-H.II, dated the 13th December, 1965 (see Order below S.R. 4) be terminated forthwith. Though medical opinion should not declare a candidate as "fit for temporary employment", it sometimes happens that a candidate is declared "temporarily unfit" as requiring re-examination after a specified period in cases where the condition of temporary unfitness is curable in a reasonable period. It has been decided that in such cases, there should be no objection to a Government servant declared "temporarily unfit" physically being retained in service for the period specified by the competent medical authority provided that—

- (i) the period after which a second medical examination is to be conducted is specified by the competent medical authority;
- (ii) the condition leading to temporary unfitness is declared as being curable within a reasonable period;
- (iii) the disease is not of such nature as to be a source of risk to others with whom the Government servant may have to come in contact in the course of his duties; and
- (iv) where the period of such retention is likely to exceed six months, the approval of the Ministry of Finance shall be obtained.

(3) In relaxation of the provisions of F.R. 10, it has also been decided that a Government servant so appointed in advance of medical examination should be paid his salary for the period of his employment, if he is declared "unfit" and for the period of his retention in service if he is declared "temporarily unfit" as mentioned in paragraph 2 above.

(4) Where any officer has been declared "temporarily unfit" by the competent medical authority and retained in service in accordance with these orders the period for which the officer has been declared "temporarily unfit" should be intimated to Audit.

[G.I., M.H.A. O.M. No. 5/2/57-RPS, dated the 22nd July, 1957 and G.I., M.F. U.O. No. 3617/EV.(B)/63, dated the 25th January, 1964 and M.F., O.M. No. F. 25 (24)-E V/66, dated the 24th August, 1966.]

4. Delegation of powers and conditions for appointment in anticipation of medical certificate.—

(1) The President has been pleased to delegate powers to the Administrative Ministries and the Comptroller and Auditor-General of India to authorise, in relaxation of F.R. 10, the drawal of pay and allowances for a period not exceeding two months in respect of fresh recruits to Government service without a medical certificate of health, subject to the condition that if the person concerned is subsequently found medically unfit, his services should be terminated after the expiry of the period of one month from the date of communication to him of the findings of the Medical Officer/Board if no appeal for a second medical examination is made by him during the period or after the case for second medical examination is finally decided if such an appeal is made and accepted. This condition should be clearly stated in the initial letter of appointment.

(2) The Administrative Ministries and the Comptroller and Auditor-General of India shall, however, exercise this power sparingly and in exceptional circumstances only, e.g., when it is considered necessary in the public interest that a selected person should be appointed immediately in anticipation of his medical examination.

(3) Where the competent authority authorises the drawal of pay and allowances of a newly appointed Government servant for a period not exceeding two months without medical certificate of health, a certificate to this effect shall be furnished in the first pay bill.

[G.I., MF O.M. Nos. F. 67 (21)-E V/60, dated the 16th December, 1960 and F. 25 (24)-E V/66, dated the 24th August, 1966.]

5. Applicability to promotion to Gazetted Post.—
 In the case of Government servants other than those covered by clauses (a) and (b) of sub-paragraph (4) of the I.M.F., O.M. No. F.55(11)-EV/59, dated the 12th February, 1960 read with O.M. No. 15(1)-EV.(B)/62, dated the 5th July, 1962 (see Orders below S.R. 4), who are promoted to hold gazetted posts and who are required to undergo medical examination by the appropriate medical authority, it has been decided that the Administrative Ministries and the Comptroller and Auditor-General may exercise powers to authorise, in relaxation of F.R. 10, drawal of pay and allowances without production of fitness certificate in respect of such Government servants for a period not exceeding two months subject to the condition that if the person concerned is subsequently found medically unfit, he should be reverted to the lower post from which he had been promoted after the expiry of one month from the date of communication to him of findings of the examining Medical authority if no appeal for a second medical examination is made by him during this period or after the case for second medical examination is finally decided if such an appeal is made and accepted. This condition should clearly be stated in the relevant orders of promotion to the gazetted post.

[G.I., M.F., O.M. No. F.20 (15)-E.V. (A) /65, dated the 12th February, 1966.]

6. Complete exemption from medical examination only in exceptional cases.—(1) The Ministries of the Government of India are competent to dispense with the medical certificate of fitness before appointment to Government service in individual cases. A case has come to the notice of this Ministry in which an officer was appointed to a Group 'A' gazetted post without being medically examined by a medical board at the time of his initial appointment and was subsequently exempted by the Administrative Ministry concerned from medical examination by a Standing Medical Board at the time of his confirmation in the post on the assumption that they had powers under F.R. 10 to grant this exemption. This action on the part of the Ministry concerned was irregular as the powers delegated could have been exercised by the Ministry only if the decision to dispense with the medical fitness certificate from the competent authority had been taken before his appointment to the post. The Ministry concerned was thus not competent to grant exemption to the officer from medical examination at the time of his confirmation without the concurrence of the Ministry of Finance.

(2) Although under F.R. 10 the Ministries are competent to dispense with a medical certificate of fitness before appointment to Government service in individual cases, powers under F.R. 10 should not be exercised by the Administrative Ministries liberally and exemption should be granted only sparingly and in exceptional cases in public interest. The medical examination is necessary both in the interests of the employer and the employee. If any relaxation is considered necessary after the examination in a really deserving case, where the individual concerned is highly qualified and otherwise perfectly fit to hold a particular post under the Government of India, exemption should be granted, in consultation with the Ministry of Finance who may consult the Ministries of Home Affairs and Health, where necessary.

[G.I., M.F., O.M. No. 20(1)-EV.(A)/64, dated the 24th February, 1964.]

7. Entry in service book of production of medical certificates of fitness on first appointment.—
 The medical certificate of fitness furnished by a Government servant is an important document and it should be kept in safe custody along with the other documents connected with his service career. However, an entry in his service book may be made under the signature of the Head of the Office that he has furnished the medical certificate of fitness.

[G.I., M.F., O.M. No. 25(24)-EV./66, dated the 12th April, 1967.]

REVISED SERVICE BOOK

1. Biodata

** ** *

2. Certificate & Attestation

Sl. No.	Subject	Certificate	Signature & designation of the certifying officer
(1)	(2)	(3)	(4)
1.	Medical examination	The employee was examined by .....	..... on

and found fit. The medical certificate has been kept in safe custody *vide* Sl. No. of Volume II of the Service Book.

[G.I., M.F., O.M. No. F. 3 (2)-E. IV(A)/73, dated the 11th March, 1976.]

The more important of the personal documents relating to a Government servant should be kept secure as Volume II of the Service Book in the personal custody of the Head of Office.

F.R. 11—Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration; whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

F.R. 12.—(a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively [...] to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

F.R. 12-A.—Unless in any case it be otherwise provided in these rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

GOVERNMENT OF INDIA'S ORDERS

1. Confirmation in a service or cadre is tantamount to acquiring a lien on a post.—(1) A question arose whether lien is acquired on confirmation

of a Government servant in a 'service' or 'cadre'. The intention of the rules relating to lien is to provide every person substantively appointed to Government service his own substantive niche in the appropriate cadre. In certain organised services like the Central Secretariat Service, the Indian Economic Service and the Indian Statistical Service, the members are confirmed in a particular grade of the service/cadre as such and not against any specific post. Confirmation of a Government servant in a 'service' in such cases, is tantamount to acquiring a lien on a post (although not specified) in the appropriate cadre of that service.

[G.I., M.F., O.M. No. 2 (2) E. IV (A)/67, dated the 15th May, 1967.]

(2) Delinking of confirmation from the availability of permanent posts.—In the existing system, the prerequisite for confirmation is the availability of a permanent post on which no other Government servant holds a lien. With a view to finding a permanent post to confirm a Government employee, a periodic exercise is taken up to identify vacant permanent posts along with exact date from which these are available. The availability of a permanent post depends upon the factors such as retirement/resignation of a permanent Government employee, confirmation of a Government servant in a higher post, conversion of temporary posts into permanent ones, etc. Further, according to the present procedure, confirmation is not a one-time event in the career of a Government employee. He has to be successively confirmed in each and every post or grade to which he is promoted subject to the availability of a permanent post in each grade.

(3) Thus, the exercise of identification of permanent vacant posts as well as convening of meetings of DPC. to consider the confirmation of employees against them has become a time-consuming and complicated procedure which has to be gone through under the existing rules before permanent status is conferred upon a Government employee. The delays and complexities involved in complying with the procedural requirements of confirmation often result in a situation where an employee continues to officiate in successive higher grades for years together while he is confirmed only in the grade he entered the service.

1. [...] The words "except as a temporary measure" were deleted, *vide* G.I., M.F., Notification No. F.2(2)-F.(A)/75, dated the 30th December, 1967.

(4) A Task Force [set up in 1976 *vide* Ministry of Finance Order No. F.1(5)/75-Spl. Cell dated 5-1-1976] went into the entire question of confirmation with a view to bring about some simplifications. Their main recommendations were :—

- (i) Confirmation of Government employees should be delinked from the availability of permanent vacant posts; and
- (ii) There should be only one confirmation in the career of a Government servant instead of multiple confirmation against successive posts/grades.

These recommendations were then considered in consultation with UPSC etc. but the case was not pursued as in the meantime orders were issued allowing pension to temporary employees superannuating after 20 years of service. In the context of the drive for simplification of rules and procedures, undertaken sometime back, the proposal was revived. It has now been decided to delink confirmation from the availability of a permanent vacant post and to have confirmation as one time event in the career of a Government servant.

(5) Pursuant to the above decision, a review of all the existing rules and instructions has been made and the revised procedure to be followed in respect of various matters such as probation, confirmation, seniority, lien, temporary service rules, etc. is indicated below :—

5.1 CONFIRMATION:

(A) General :

- (i) Confirmation will be made only once in the service of an official which will be in the entry grade.
- (ii) Confirmation is delinked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation may be considered for confirmation.

(B) Confirmation in the grade to which initially recruited:

- (i) As at present, the appointee should satisfactorily complete the probation.
- (ii) The case will be placed before the DPC (for confirmation).

- (iii) A specific Order of confirmation will be issued when the case is cleared from all angles.

(C) On promotion :

- (i) If the recruitment rules do not prescribe any probation, an officer promoted on regular basis (after following the prescribed DPC etc. procedure) will have all the benefits that a person confirmed in that grade would have.

- (ii) Where probation is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time, he may revert him to the post or grade from which he was promoted, or extend the period of probation as the case may be.

Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactorily, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

5.2 CCS (TEMPORARY SERVICE) RULES:

- (i) As no officer otherwise eligible will have to wait for confirmation pending availability of a permanent vacancy, the need for following the existing procedure for declaring a person quasi-permanent ceases to exist. Accordingly, the provisions relating to the quasi-permanency in the CCS (Temporary Service) Rules will be deleted.

- (ii) As there will still be situations where appointments are made against posts/establishments which are created for definite and purely temporary periods e.g. Committees/Commissions of Enquiry, organisations created for meeting a particular emergency which is not expected to last for more than a few years, posts created for projects for specified periods, the remaining provisions of the Temporary Service Rules will continue to be in force.

(5.3) LIEN

The concept of lien as the title of a Govt. servant to hold substantively a permanent post will undergo a change. Lien will now represent only the right/title of a Govt. servant to hold a regular post, whether permanent or temporary, either immediately or on the termination of the periods of absence. The benefits of having a lien in a grade will thus be enjoyed by all officers who are confirmed in the grade of entry or who have been promoted to a higher post declared as having completed the probation where it is prescribed, or those who have been promoted on regular basis to a higher post where no probation is prescribed under the Rules, as the case may be.

The above right/title will, however, be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if at any time the number of persons so entitled is more than the posts available in that grade. For example, if a person who is confirmed or whose probation in a higher post has been declared as having been completed or one who is holding a higher post for which there is no probation on a regular basis, reverts from deputation or foreign service and if there is no vacancy in that grade to accommodate him, the junior most person will be reverted. If, however, this officer himself is the junior most, he will be reverted to the next lower grade from which he was earlier promoted.

(5.4) PENSION

Since all the persons who complete probation in the first appointment will be de-

clared as permanent, the present distinction between permanent and temporary employees for grant of pension and other pensionary benefits will cease to exist.

(5.5) RESERVATION FOR SC/ST

As a result of introduction of confirmation only at the entry stage and the delinking of confirmation from the availability of permanent posts, the need for reservation at the time of confirmation in posts and services filled by Direct Recruitment as per the existing instructions will cease to exist as everyone who is eligible for confirmation will be confirmed.

(5.6) SENIORITY

According to para 2.3 of the consolidated orders of seniority issued vide this Department's OM No. 22011/7/86-Estt(D) dated 3-7-86 where persons are confirmed in an order different from the order of merit indicated at the time of their recruitment or promotion, seniority shall follow the order of confirmation and not the original order of merit. Since there is confirmation in the entry grade, seniority will continue to be determined on the basis of confirmation in that grade.

6. The existing instructions/Rules in respect of the aspects mentioned above stand modified to be the extent indicated in the preceding paragraphs. As regards rules relating to pension, Temporary Service, Lien, etc. suitable amendments will be notified separately.

7.1 The revised procedures relating to confirmation outlined above will not apply to the cases of appointments made on *ad hoc* basis, i.e. it is only the appointments made on regular basis which will come within the purview of these instructions.

7.2 Sometimes Establishments are created for a specific objective for a limited period, as in the case of Committees or Commissions to study or investigate a specific problem. Normally, posts in such Establishments are filled by deputation or contract basis, which would not result in regular incumbency. Even in a few cases, where regular appointments are made by framing the recruitment rules, appointments are made according to those rules, these instructions about confirmation

would not apply. In other words, persons appointed against the posts in purely temporary organisations are outside the purview of the revised procedure outlined in this Office Memorandum.

8. These instructions will come into force with effect from 1st April 1988.

9. When the new procedure detailed in this OM comes into effect the administrative work involved in confirmation of officials in all Government offices every year will be eliminated. This would result in reduction of work load of various Ministries and Departments. All the Ministries and Departments are requested to review the position and intimate by 31st October, 1988 details of reduction of staff effected as a result of the rationalisation for reporting the matter to the Cabinet.

[G.I. Deptt. of P&T O.M. No. 18011/1/85-Est(D) dated 26-3-1988.]

F.R. 13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post—

- (a) while performing the duties of that post;
- (b) while on foreign service, or holding a temporary post, or officiating in another post;
- (c) during joining time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;
- (d) subject to the exception in sub-rule (2) of Rule 97, while on leave other than refused leave granted after the date of compulsory retirement under Rule 86 or corresponding other rules; and
- (e) while under suspension.

GOVERNMENT OF INDIA'S ORDERS

1. Retention of lien in civil post when called to Army service.—All officers of the Army in India

Reserve of Officers who are employed under the Central Government shall when called to Army service, retain a lien on their civil posts during the period for which they are called to Army service.

[G.I., F.D. Endorsement No. F. 31-R.1/29, dated the 19th March, 1929.]

2. Retention of lien in parent department in the case of Government servants getting employed in other departments.—(1) The question as to what procedure should be followed in respect of Government servants working in a particular Department/Office who apply in response to advertisements or circulars inviting applications for posts in other Central Government Departments/Offices has been under consideration for some time past. It has been decided that the following procedure should be followed in respect of such Government servants :—

- (1) The applications may be forwarded in accordance with the instructions contained in this Office Memoranda (*not printed*) irrespective of whether the post applied for in the other Department/Office is permanent or temporary.
- (2) In the case of permanent Government servants their lien may be retained in the parent department/office for a period of two years. They should either revert to the parent department/office within that period or resign from the parent department/office at the end of that period. An undertaking to abide by these conditions may be taken from them at the time of forwarding the applications to other Departments/Offices.
- (3) In the case of quasi-permanent Government servants who wish to revert to the parent department/office within a period of two years, they may be taken back in the parent Department/Office, provided the posts held by them prior to their joining the new Department/Office continue to exist. In any case, at the end of two years from the date of release from the parent Department/Office they will have to resign from the parent Department/Office, if reversion does not take place. An undertaking to abide by those conditions may be taken from them at the time of forwarding the applications.

- (4) As for temporary employees, they should as a matter of rule be asked to resign from the parent Department/Office at the time of release from the parent Department/Office. An undertaking to the effect that they will resign from the parent Department/Office in the event of their selection and appointment to the post applied for may be taken from them at the time of forwarding the applications.
- (5) In exceptional cases where it would take some time for the other Department/Office to confirm such Government servants due to the delay in converting temporary posts into permanent ones, or due to some other administrative reasons, the permanent Government servants may be permitted to retain their lien in the parent Department/Office for one more year. While granting such permission, a fresh undertaking similar to the one indicated in sub-para. (2) above may be taken from the permanent Government servants by the parent Department/Office. A similar treatment may be accorded to the quasi-permanent employees on their giving an undertaking similar to the one indicated in sub-para. (3) above.
- (6) During the period of two years referred to in clauses (2) and (3) above, the pay of the officer in the ex-cadre post will be subject to the limits prescribed in M.F., O.M. No. F. 10(24)-E. III/60, dated the 9th March, 1964 (*Appx. 5 in this compilation*), in case where the minimum of the scale of pay of the new post is substantially in excess of his grade pay in the parent Department and such other orders as may be issued from time to time. No deputation allowance will be admissible in any case.

(2) These instructions are applicable to the employees in all the Departments/Offices of the Government of India (excluding the Ministry of Railways and Civilians in Defence Services). The members of the Central Secretariat Service/Central Secretariat Stenographers Service/Central Secretariat Clerical Service will also be governed by these instructions in supersession of the practice hitherto followed in respect of them.

[G.L., M.H.A., O.M. No. 60/37/63-Ests. (A), dated the 14th July, 1967.]

Clarification.—A question has been raised as to whether in the case of temporary Government servant who applies for a post occurring in the same Department/Office which is to be filled on the basis of direct recruitment an undertaking to the effect that, in the event of his selection to the post he will resign from the post held by him, is to be obtained or not. It is clarified that the instructions contained above apply in all cases, i.e. if a quasi-permanent Government servant applies for a post, occurring whether in other department or the same department, recruitment to which is made on direct recruitment basis, he will be allowed to come back to his post held by him earlier within a period of two years, provided the post exists. In the case of temporary Government servant, he should invariably be asked to resign from the post held by him at the time of release from that post in the event of his selection and appointment to the post applied for. An undertaking to this effect may be taken from him at the time of forwarding his application.

[G.L., M.H.A., (Deptt. of Personnel & A.R.) O.M. No. 28015/2/89-Estt. (C), dated the 22nd July, 1980.]

Para. 1 (6) above provides that during the period of retention of lien for two or three years in the parent Department the pay of the officer in the ex-cadre post will be fixed in the pay scale of that post and will be subject to the limits prescribed in M.F., O.M. No. F. 10(24)-E. III/60, dated the 9th March, 1964 in cases where the minimum of the scale of pay of the new post is substantially in excess of the grade pay drawn by the person concerned in the parent Department. The effect of the aforesaid O.M. is that the pay of the officer in the new post has in most of the cases to be fixed at a figure below the minimum of the pay scale of the new post under F.R. 35 subject to the limits laid down in the O.M. referred to above. A question has been raised whether the restriction on pay imposed in terms of para. 1 (6) should apply in a case where a permanent Central Government servant is appointed to an ex-cadre post on the basis of his selection in an open competition on the recommendations of the Union Public Service Commission.

(3) After careful consideration of the case and having regard to the fact that restriction of pay of a Government servant *vis-a-vis* an outsider who is allowed to draw pay in the scale of pay

of the post, gives rise to an anomalous position in that the persons selected in an open competition are treated differently, it has been decided that in such cases where Government servants are selected for appointment to ex-cadre posts on the basis of their own application in an open competition through the Union Public Service Commission, they will be allowed to draw pay in the scale of the post without applying the restriction laid down in the M.F., O.M., dated the 9th March, 1964.

[G.I., C.S. (Department of Personnel), O.M. No. 3/19/72-Estt. (C), dated the 8th November, 1972.]

3. Retention of lien while on deputation to developing countries on Government basis.—(1) Order No. (2) above lays down the conditions for retention of lien of permanent and quasi-permanent Government servants working in particular Department/Office who apply in response to advertisements or circulars inviting applications for posts in other Central Government Departments/Offices. The question as to what procedure should be followed in the case of Government servants working in various Departments/Offices of the Government of India who apply for registration for foreign assignment and are selected for assignment in a foreign country on Government to Government basis, has been under consideration of the Government. It has been decided that—

(i) deputation to the developing countries of Asia, Africa and Latin America on Government to Government basis arranged through the Foreign Assignment Division of this Department may be treated in the public interest;

(ii) the lien, as defined in Fundamental Rules of all permanent servants deputed to any one of the countries cited in (i) above, may be retained initially for a period of two years extendable to five years whereafter the Government servant will either revert back to his parent post under the Government of India or resign his post in India, subject to the instructions as have been/may be issued by the Foreign Assignment Division of this Department and/or the Ministry of External Affairs in the matter;

(iii) as regards quasi-permanent and temporary Government servants deputed abroad

under these orders, they would remain eligible for being considered for confirmation/quasi-permanency, etc. and the service rendered by them in the developing countries will be taken into account for determining the total continuous service for a maximum period of five years;

(iv) in the case of Government servants who seek/secure employment in a foreign country through open advertisements/through their own sources, the existing instructions as are applicable to those who seek employment in the private sector within the country will continue to apply.

(2) These instructions do not apply to 'Below Expert' category (non-graduates, etc.) personnel.

(3) These instructions are applicable to employees in all the Departments/Offices of the Government of India (including the Ministry of Railways and Civilians in Defence Services, the members of the Central Secretariat Service, Central Secretariat Stenographers' Service, etc.).

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. 28017/1/81-Estt. (C), dated the 1st April, 1981.]

4. Retention of lien in parent department in the case of Central Government servants getting employed under State Governments.—(1) The question as to the procedure that should be followed in respect of those Central Government employees who apply for posts under the State Governments on their own volition in response to advertisements or circular including those by the State Public Service Commissions has been under consideration. It has been decided that the following procedure may be adopted in such cases by the administrative authorities :—

(1) The applications may be forwarded subject to the instructions issued by the Central Government from time to time and within the limits laid down for forwarding applications for outside posts.

(2) Temporary Central Government servants should, as a matter of rule, be asked to resign at the time of release from the parent department/office. An undertaking from them to the effect that in the event of selection for the posts applied for they will resign from their posts may be taken from them at the time of forwarding the applications.

(3) In respect of the permanent and quasi-permanent employees, the terms on which the Central Government servant goes over

to a post under a State Government may be settled mutually between the Central Government and the State Government concerned. The permanent Government servants will be governed by the instructions contained in Government of India, Ministry of Finance letter No. F. 1 (56)-B/63, dated the 16th November, 1967.

The permanent/quasi-permanent Government servant should either revert to the parent department/office within the period of two years or resign from the parent department/office at the end of that period. Quasi-permanent Central Government servants will be allowed to revert within two years or at the end of two years, to the posts held by them in the parent departments under the Central Government, if the posts held by them continues to exist on the date of their reversion and if they are eventually confirmed in the parent department/office, the liability to pay leave salary and pension contribution for the period of service rendered by them in the State Government shall be borne either by the State Government, if the appointment is treated by that Government as on transfer or by the quasi-permanent Government servants themselves.

An undertaking to abide by these conditions may be taken from permanent/quasi-permanent Government servants at the time of forwarding their applications.

- (4) In exceptional cases where it would take some time for the State Government to confirm the Government servant due to administrative reasons, the permanent/quasi-permanent employee may be permitted to retain his lien/quasi-permanent status for one or more year. While granting such permission, a fresh undertaking similar to the one in sub-para (3) above may be taken from the Government servant concerned.

- (5) During the period of two or three years as referred to above, the pay of the Government servant in the ex-cadre post will be fixed in the pay scale of that post and will be subject to the limits prescribed in Ministry of Finance O.M. No. F. 10 (24)-E. III/60, dated the 9th March, 1964 in cases where the minimum of the scale of the pay of the new posts is substantially in excess of his grade pay in the parent department/office and such other orders as have been/may be issued

by the Ministry of Finance from time to time. These orders will also be subject to the orders issued by the Ministry of Home Affairs in respect of members of C.S.S./C.S.S.S./C.S.C.S. However, in cases where the Central Government servants are selected for appointment to posts under the State Government on the basis of their applications in an open competition through the State Public Service Commission, they will be allowed to draw pay in the scale of the post without applying the restrictions laid down in the Ministry of Finance O.M., dated 9th March, 1964.

No. deputation allowance as such will be admissible in such cases.

- (6) Central Government will not accept any liability to pay any retirement benefits or for carry forward of leave for the period of service rendered under them by the temporary/quasi-permanent Central Government servants going over to the State Governments under these orders.

(2) These instructions are applicable to the employees in all the Departments/Offices of the Government of India except the Ministry of Railways and civilians in Defence Service. The members of the Central Secretariat Service, Central Secretariat Stenographers Service, Central Secretariat Clerical Service will also be governed by these instructions in supersession of the practice hitherto followed in respect of them.

(3) While forwarding the applications to the State Government concerned, it should be made clear that the Central Government servant if selected for appointment will be permitted to join the State Government on the terms and conditions in this Decision.

[G.I. Cabinet Secretariat (D.O.P.&A.R.), O.M. No. 8/4/70 Ests. (C), dated the 6th March, 1974.]

F.R. 14. (a) The President shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) Omitted.

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

1. Deleted by G.I., M.F., Notification No. F.2(2)-E. IV (A)/65, date the 12th April 1967. This takes effect from the 22nd April 1967.

(b) The President may, at his option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this rule, [is transferred in an officiating capacity], to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this rule, the post may be filled substantively and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause shall also apply to a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) but not under clause (b) of this Rule.

(e) A Government servant's lien which has been suspended under clause (a) of this rule shall

revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause [(1) or (3)] of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this rule shall revive as soon as he ceases to be on deputation out of India or foreign service or to hold a post in another cadre, provided that suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause [(1) or (3)] of clause (a).

GOVERNMENT OF INDIA'S ORDERS

1. Suspension of lien not to be resorted to in case of superannuation within three years.—When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

[G.I., F.D., Letter No. F.12 (16)-R.L/38, dated the 29th July, 1938, to the Government of Bombay.]

2. Only one provisional substantive appointment against one post.—Under the existing provisions of Fundamental Rule 14, it is possible for more than one person to be appointed in a provisionally substantive capacity against a single post. In as much as the pay of a Government servant in his provisionally substantive post is being treated as 'substantive pay' for purposes of fixation of pay on his appointment to another post the present rule confers unintended benefits on all the individuals so appointed. It has, therefore, been decided that the operation of Fundamental Rule 14 should, with immediate effect, be restricted so as to permit only one provisionally substantive appointment against one post. Accordingly, the lien acquired by a Government servant, on his appointment in a provisionally

¹ As revised by G.I., M.F., Notification No. F.2 (2)-E. IV (A)/65, dated the 12th April, 1967. This takes effect from the 22nd April, 1967.

² As revised by G.I., M.F., Notification No. 2(2)-E IV(A)/65, dated the 3rd October, 1967.

substantive capacity under clause (d) of Fundamental Rule 14, should not in future be suspended if he is deputed out of India or is transferred to a post of the nature specified in clause (b) of that rule.

[G.I., M.F., O.M. No. 11(2)-Estt. IV/54, dated the 15th March, 1955.]

AUDIT INSTRUCTION

The lien of a Government servant which is suspended under F.R. 14 (b) need not necessarily be revived under F.R. 14 (f) when he proceeds on leave preparatory to retirement and it may be left to the discretion of the competent authority to make such provisional substantive appointments as it may deem fit during the period of such leave.

[Correction No. 37 to the Manual of Audit Instructions (Reprint).]

F.R. 14-A. (a) Except as provided in clauses (c) and (d) of this rule and Rule 97, a Government servant's lien on a post may, in no circumstances, be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) Deleted.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be terminated while on refused leave granted after the date of compulsory retirement under Rule 86 or corresponding other rules or on his appointment substantively to any of the offices referred to in sub-rule (1) of Rule 97 or to the post of Chief Engineer of the Public Works Department² or on his appointment as the Chairman or any other member of the Union Public Service Commission or as the Chairman or any other member of a State Public Service Commission].

³(d) A Government servant's lien on a post shall stand terminated on his acquiring a lien on a permanent post (whether under the Central Government or a State Government) outside the cadre on which he is borne.

GOVERNMENT OF INDIA'S ORDERS

Termination of lien of permanent Government servants on foreign service in the event of permanent absorption under the foreign employer.— Rule 14-A (a) of the Fundamental Rules provides that a Government servant's lien on a post may in no circumstances be terminated even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

A question has been raised as to what procedure should be followed for terminating the lien of permanent Government servant who is transferred on foreign service and is subsequently absorbed in the service of the foreign employer.

It is hereby clarified that F.R. 14-A applies only so long as a Government servant remains in Government service. Obtaining of consent of the Government servant to the termination of lien is necessary in certain circumstances where the Government servant is to be confirmed in another post under Government. Such consent is not necessary in cases where the Government servant ceases to be in Government employ. The proper course in such cases, where it is proposed to absorb him in non-Government service in public interest, would be to ask the Government servant concerned to resign appointment under the Government with effect from the date of such permanent absorption and the lien will stand automatically terminated with the cessation of Government service.

Such resignation from Government service will be without prejudice to the entitlement of

1. Deleted by G.I., M.F., Notification No. F.2 (2)-E. IV(A)/65, dated the 12th April, 1967. This takes effect from the 22nd April, 1967.

2. Inserted by G.I., M.F., Notification No. F.2(A)-E. IV (A)/65, dated the 24th March, 1966.

3. As amended by G.I., M.F., Notification No. F.-E. IV (A)/65, dated the 12th April, 1967. This takes effect from the 22nd April, 1967.

the Government servant to the retirement benefits provided the transfer to the public sector undertaking or Government or Semi-Government Corporations is in the public interest.

However, obtaining of formal resignation is not necessary if an individual is deemed to have retired from service by virtue of Rule 37 of C.C.S. (Pension) Rules, 1972.

In all cases where a Government servant is to be absorbed permanently by the foreign employer under his organisation, it would be incumbent on him to consult the parent employer before issuing orders absorbing the Government servant permanently in his service. The orders of permanent absorption should be issued only after the resignation of the Government servant has been accepted by the Government and with effect from the date of such acceptance.

[G.I., M.F., O.M. No. F.4(3)-E. IV/A/63, dated the 1st October, 1963 and 2 (1)-E. IV(A)/73, dated the 22nd April, 1974.]

F.R. 14-B. Subject to the provisions of Rule 15, the President may transfer to another permanent post in the same cadre, the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

F.R. 15. (a) The President may transfer a Government servant from one post to another; provided that except—

(1) on account of inefficiency or misbehaviour,
or

(2) on his written request,

(a) Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the re-transfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

GOVERNMENT OF INDIA'S ORDERS

1. Creation of supernumerary post to provide a lien in the new post on transfer/reduction.—F.R. 15 (a) provides, *inter alia* that the President may transfer a Government servant from one post to another provided that, except on account of inefficiency or misbehaviour, such a Government servant shall not be transferred substantively to a post carrying less pay than the pay of the permanent post on which he holds lien, or would hold a lien had his lien not been suspended under F.R. 14. Similarly, reduction to a lower service, grade or post, or to a lower time-scale, is one of the penalties prescribed in the Central Civil Services (Classification, Control and Appeal) Rules, which may, for good and sufficient reasons, be imposed on a Government servant in accordance with the procedure laid down in those rules.

A question has been raised whether in the event of non-availability of a permanent post in the lower service/grade/time-scale, etc., to which a Government servant is transferred/reduced by the competent authority, a supernumerary post can be created in that service/grade/time-scale, etc., to provide a lien to the Government servant concerned on his new post.

It has been decided that it would be reasonable to create such a post in the lower service/grade/time-scale, etc., to provide lien to the person concerned in case of non-availability of a permanent post in that service/grade/time-scale, etc.

It should also be noted in this connection that when a permanent post is rendered vacant by the reduction of a Government servant, it should not be filled substantively before the expiry of one year from the date of reduction.

When, on the expiry of the period of one year, such post is filled substantively and the original incumbent happens to be reinstated thereafter, he should be accommodated against a post which may be substantively vacant in the grade to which his previous substantive post belonged. In the absence of a vacant post, he may be accommodated in a supernumerary post which may be created with proper sanction and terminated on the occurrence of a substantive vacancy in that grade.

[G.I., M.F., O.M. No. F.9(3)-E.IV (A)/60, dated the 29th August, 1960 and the 2nd August, 1962.]

F.R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the President may by order prescribe.

F.R. 17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties :

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

2. The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

AUDIT INSTRUCTION

A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred afternoon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognised practice to pay a Government servant at a higher rate for more important duties performed during a part only of a day.

[Para. 1, Chap. III, Sec. I of Manual of Audit Instructions (Reprint).]

F.R. 17-A. Without prejudice to the provisions of Rule 27 of the Central Civil Services (Pension) Rules, 1972, a period of an unauthorised absence—

- (i) in the case of employees working in industrial establishments, during a strike which has been declared illegal under the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force;

(ii) in the case of other employees as a result of acting in combination or in concerted manner, such as during a strike, without any authority from, or valid reason to the satisfaction of, the competent authority; and

(iii) in the case of an individual employee, remaining absent unauthorisedly or deserting the post,

shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in departmental examinations, for which a minimum period of continuous service is required.

EXPLANATION 1.—For purposes of this rule “strike” includes a general, token, sympathetic or any similar strike, and also participation in a bandh or in similar activities.

EXPLANATION 2.—In this Rule, the term “competent authority” means the “Appointing Authority”.

GOVERNMENT OF INDIA'S ORDER

Reasonable opportunity to be given before invoking the penal provisions.— (1) F.R. 17-A provides that a period of an unauthorised absence, in the category of cases mentioned therein, shall be deemed to cause an interruption or break in the service of the employees, unless otherwise decided by the competent authority for certain purposes. An order passed by the P & T authorities in the case of some of their employees, invoking F.R. 17-A was struck down by the Lucknow Bench of Allahabad High Court on the ground that issue of such an order without giving a reasonable opportunity of representation and being heard in person, if so desired, to the person concerned, would be against the principle of natural justice. The question of amending F.R. 17-A as also Rule 28 of the C.C.S. (Pension) Rules and S.R. 200 is under consideration in consultation with the Ministry of Law.

(2) The above position is brought to the notice of all Ministries/Departments so that if there are occasions for invoking F.R. 17-A, etc., they may keep in mind the procedural requirement

1. Inserted by G.I., M.F., Notification No. 1 (12)-F.III (A)/65, dated the 26th July, 1965.

2. Inserted by G.I., M.H.A. (Dept. of Personnel and A.R.), Notification No. 33011/3/75-Estt. (B), dated the 16th April, 1979 and takes effect from the 26th July, 1965.

3. Inserted by G.I. M.H.A. (Dept. of Personnel and A.R.), Notification No. 33011/2(5)/84-Estt. (B) (Vol. II), dated the 30th May 1986.

that an order under F.R. 17-A, etc., should be preceded by extending to the person concerned a reasonable opportunity of representation and being heard in person if so desired by him/her.

[G.I. Dept. of personnel & Training, O.M. No. 33011/2 (S)/84-Estt. (B) dated the 2nd May, 1985.]

break-in-service on account of "unauthorised absence for purposes of pension only in exceptional and grave circumstances and not as a matter of course. The question of condonation of break-in-service for the purpose of Pension Rules may be considered *suo motu* without waiting for a representation from the affected officials and orders issued so that the retired employees are not put to financial hardship. It is requested that these instructions may be brought to the notice of all appointing authorities for their information and guidance.

[D.G., P&T's letter No. 14/12/82-Vig. III, dated the 23rd September, 1982.]

D.G., P. & T.'s INSTRUCTIONS

1. **Condonation of unauthorised absence for purposes of pension.**—Instructions have been issued from time to time that unauthorised absence in pursuance of concerted action by a group of employees acting in combination should be treated as unauthorised absence resulting in break in service. Fundamental Rule 17-A has also been introduced which enumerates the disabilities that would occur as a result of break in service. It has also been laid down that while the break in service may be condoned for counting the previous services under Rule 27 of C.C.S. (Pension) Rules by the appointing authority, the proposals of relaxation of other disabilities may be sent together with the recommendations of Heads of Circles/Districts to P & T Board for their consideration. It has been noticed that in a few cases of unauthorised absence as a result of concerted action a few appointing authorities did not condone the break under Rule 27 of the Pension Rules for counting the previous service which adversely affected the pension of the officials. In this connection it needs to be pointed out that the principles to be adopted for condonation of break in service for purposes of pension and that for purposes of other disabilities enumerated in F.R. 17-A for which a reference is required to be made to the P & T Directorate are different. The fact that break in service has not been condoned by the P & T Board for purposes of Leave Travel Concession, quasi-permanency and eligibility to appear at departmental examinations should and need not influence the appointing authority adversely in deciding the question of condonation of break for counting the past service of the official for purposes of pension. It is not the intention of the Government to deny the pensionary benefits to the employees in all cases of break of service. If necessary, the appointing authority may in its discretion not condone the

2. **Guidelines for considering representations.**—Representations for condonation of breaks and concomitant disabilities were hitherto being considered and decided by Member (A) on behalf of the P & T Board. The matter has been examined afresh and it has been decided that henceforward representations for condonation against such break-in-service could be decided by Heads of Circles who have been delegated the powers of Head of Department under S.R. 2(10). [(See Explanation 2 as amended for further delegation to the 'Appointing Authority').] While deciding such representations either in favour or against, the following guidelines may be kept in view :—

- (i) In no case the condonation of break-in-service should be considered as a routine matter. A break-in-service shall not be condoned except on receipt of a formal representation from the employee concerned about the said absence.
- (ii) The absentee in his representation should have expressed unqualified regret with an assurance that he will not be indulging in such conduct in future.
- (iii) After the receipt of such apology, the competent authority may even consider watching the work and conduct of the petitioner for some time before taking its decision on the prayer for condonation.
- (iv) There was indeed a grave provocation from an outside factor for such unauthorised absence.
- (v) The departmental superiors had shown certain callousness or indifference to any genuine complaint brought to their notice

by the members of the staff which resulted in such unauthorised absence.

(In case of doubt, some of their counterparts may be consulted in confidence with a view to ensuring certain amount of uniformity in practice).

- (v) Non-condonation of break-in-service should not be the guiding factor for non-condonation of break-in-service for purposes of pension under Rule 27 of the Pension Rules.

Earlier, it was pointed that strike is a strike even if it is for five minutes. Duration is irrelevant. While there is no doubt that strike even for a few minutes is a strike for the purpose of Rule 7 of the CCS (Conduct) Rules, the competent authority need not be rigid in their stand for condonation of break, subject to the fulfilment of the aforesaid conditions, if the duration of absence is short.

The aforesaid guidelines are only indicative in nature and not complete and comprehensive and have been prescribed to provide a broad parameter to enable to decide such representations. It is requested that all representations may be decided by the competent authority on their own merit and in the light of the factors outlined above.

[D.G.P. & T.'s letter No. 14/12/82-Vig. III, dated the 23rd April, 1983.]

3. No disabilities under F.R. 17-A in regard to efficiency bar, promotion and special pay/allowance.—(1) It has been reported by the Service Unions that crossing of efficiency bar has been denied to officials, who have been issued orders under F.R. 17-A. According to these Unions, in many Circles promotions have been held up and special allowances and special pay have also been withdrawn.

(2) The matter has been examined and it is clarified that as far as crossing of efficiency bar is concerned the disabilities under F.R. 17-A should not stand in the way of an official if he is otherwise found suitable to cross efficiency bar. Special pay and special allowances, should not be withdrawn merely on the ground that F.R. 17-A has been invoked.

1. Substituted by G.I., M.F., Notification No. F.16 (4)-E.IV(A)/71-II, dated the 31st August, 1971. This takes effect from the 23rd October, 1971.

(3) Interruption or break in service under F.R. 17-A has the following disabilities :—

Leave Travel Concession;

Quasi-permanency; and

Eligibility for appearing in Departmental examinations

for which a minimum period of continuous service is required.

(4) Promotion of employees can be by way of consideration by D.P.C. and/or qualifying in Departmental examinations. If, in the case of an employee promotion is dependent on passing a qualifying examination for appearing in which a minimum period of continuous service has been prescribed and in his case F.R. 17-A has been invoked, it would have an indirect effect on his promotion. Though promotion by D.P.C. and departmental examinations do have some similarities, it is not the intention that break-in-service under F.R. 17-A should affect promotion through normal D.P.C.

[G.I., Dept. of Posts, Lt. No. 137-17/83-SPB II, dated the 19th August, 1986.]

F.R. 18. Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

GOVERNMENT OF INDIA'S ORDERS

1. Treatment of wilful absence from duty not regularised.—Wilful absence from duty, even though not covered by grant of leave does not entail loss of lien. The period of absence not covered by grant of leave shall have to be treated as "dies-non" for all purposes, viz., increment, leave and pension. Such absence without leave where it stands singly and not in continuation of any authorised leave of absence will constitute an interruption of service for the purpose of pension and unless the pension sanctioning authority exercises its powers under Article 421, Civil Service Regulations [now rule 27 of the C.C.S. (Pension)/Rules] to treat the period as leave without allowance, the entire past service will stand forfeited.

[Comptroller and Auditor-General's U.O. No. 1947-A/438-58, dated the 12th September, 1958 in Government of India's Ministry of Finance File No. 11-(52), EV/58.

PART III
CHAPTER IV
PAY

F.R. 19. Except in the case of personal pay granted in the circumstances defined in Rule 9 (23)(a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

equitable but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under Rule 9 (6)(b).

AUDIT INSTRUCTION

It is of the intention of F.R. 19 that it should give the Central Government power to grant less pay than is permissible under F.Rs. 22 and 23.

[Para 1, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

**COMPTROLLER AND AUDITOR-GENERAL'S
DECISION**

The rule does not give the Central Government power to grant pay in excess of what is permissible under other rules in the Fundamental Rules. Thus it does not enable the Central Government to grant an initial pay higher than what is permissible under F.R. 22. But once an initial pay is fixed under F.R. 22, F.R. 27 enables an authority mentioned therein to grant advance increment immediately. Thus in fact F.Rs. 22 and 27 read together enable an authority mentioned in F.R. 27 to fix initial pay in excess of the amount permissible by F.R. 22 only.

[Ar. G's No. 1164-A/408-23, dated the 20th November, 1923.]

F.R. 20. In respect of any period treated as duty under Rule 9(6)(b), a Government servant may be granted such pay as Government may consider

GOVERNMENT OF INDIA'S ORDERS

1. In the case of Government servants who are members of the Indian Fleet Reserve or Reservists of the Army or Air Force.—A reservist of the Indian Army in Civil employ will, when called up for periodical military training, receive military pay and allowances. He will also receive the excess, if any, of the Civil pay over his military pay, provided that this concession is specifically sanctioned by the Department of the Government of India or attached and subordinate offices concerned, in whose employ the reservist is serving in his Civil capacity. Except where the Civil pay of the reservist is met from the Army Estimates, the extra expenditure involved will not constitute a charge against the Army Estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of Civil leave, and increment of Civil pay.

[G.I., F.D. No. F.22-R. I/32, dated the 14th April, 1932 and G.I., W.D.(Navy Branch), Letter No. P.S./11110 N.H.Q., dated the 1st October, 1942. Copy received under G.I., F.D. Endorsement No. D-2504-R. I/42, dated the 3rd November, 1942.]

A reservist of the Indian Fleet Reserve in Civil Government employ will, when called up for periodical training, receive naval pay and allowances. He will also receive the excess, if any, of his Civil pay over his naval pay provided that this concession is specifically sanctioned by the Department of the Government of India affected, or its

1. Substituted by G.I., M.F., Notification No. 18(13)-E. IV (A)/70, dated the 29th January, 1971. This takes effect from the 6th February, 1971.

attached and subordinate offices, or by the State Government concerned, in whose employ the reservist is serving in his Civil capacity, and provided also that (except when his Civil pay is also met from the Naval Estimates) the extra expenditure involved does not constitute a charge against the Naval Estimates.

The period spent in training and on the journey to and from the place of training will be treated as duty for purposes of Civil leave, and increments of Civil pay.

[G.I., D.D. (Navy Branch) Letter No. 658-N, dated the 15th May, 1940, received with G.I., F.D., Endorsement No. 2330-88, 1/40, dated the 6th June, 1940, and G.I. W.D. (Navy Branch) Letter No. 738, 1/1110/N/E/O., dated the 1st October, 1942, copy received under G.I., F.D., Endorsement No. D-2504-R, 1/42, dated the 3rd November, 1942 and M.F. (Exp.) U.O. No. 18(4)-E, IV(A)/71, dated the 8th December, 1973.]

Note.—It has been decided that a Fleet Reservist employed in a Civil Department should not lose in consequence of his being called for training and that he should be given the excess, if any, of Civil pay and allowance over the Naval pay and allowances.

[M.F., Decision communicated in Comptroller and Auditor General's U.O. No. 773-Admn. II/294-52, dated the 2nd June, 1953.]

The incidence of the Civil pay of a Government servant, who is a member of the Indian Naval Volunteer Reserve or the Indian Naval Reserve, when called up for training, should be governed on the analogy of Rule 6 of Part B (I) of Appendix 3 to the Account Code, Volume I (First Edition, Fifth Reprint).

[G.I., D.F. (Navy Branch), Letter No. 134-N, dated the 18th January, 1941, G.I.F.D. Endorsement No. D-729-W dated the 4th February, 1941, copies received under, the C.A.C. Endorsement No. 74-AC/34-41, dated the 13th February, 1941 and M.F. (Exp.) U.O. No. 18(4)-E.IV(A)/71, dated the 4th December, 1973.]

The question of affording protection of pay and allowances, etc., in respect of Government servants paid from Civil estimates, who are members of the Indian Fleet Reserve or Reservists of the Army or Air Force (excluding the reserves of officers) during the period of training has been under the consideration of Government. Orders above allow protection only in respect

of the difference, if any, of a Government servant's pay drawn in Civil capacity over the pay drawn during the period of training as a reservist. These do not envisage protection also in respect of the allowances drawn in the Civil post or posts. To overcome this difficulty, it has been decided that the Central Government servants, who are members of the various Army, Navy and Air Force Reserves (excluding the reserves of officers) will, if called up for periodical training, be entitled to the following concessions in respect of their Civil employment :—

(1) The entire period of training, including the period of transit, will count as duty in the Civil post for purposes of leave, increment and also for pension, if it does not count for Military pension under Army, Navy and Air Force Rules.

(2) During the transit period, they will be entitled to their Civil rates of pay and allowances to be met from the budget head to which such expenditure is normally debitable. No travelling allowance will, however, be admissible to them because they would travel on railway warrants and would draw money in lieu of ration and mineral water and ice allowance during summer months.

(3) For the period of training (excluding periods of transit), if the pay and allowances excluding concessions in kind (e.g. free ration, etc., admissible as a reservist) are less than the pay and allowances admissible in the Civil post, the difference will be paid and debited to the budget head to which the individual's civil pay is normally debitable.

[G.I., M.H.A., O.M. No. 47/3/57, Ests.(A), dated the 27th July, 1957 and Corrigendum No. 47/28/63-Ests.(A), dated the 20th June, 1963.]

2. Pay admissible to Section Officers deputed for Refresher Course.—It has been decided that the Section Officers who are deputed for the refresher course training at the Secretariat Training School should, if they are permanent in this grade, be allowed, for the period of such training, to draw their grade pay as Section Officers.

As regards officiating Section Officers deputed for refresher training, they may be allowed to draw their officiating pay as Section Officers during the period of such training, if it can be certified that the officer concerned would have continued to officiate as a Section Officer but for his being deputed for refresher training. If such certificate cannot be given, they should be allowed to draw only the pay admissible to them as Assistants. The required certificate regarding continued officiation as Section Officer in such cases may be given by the Ministry/Department concerned if the officer is included in the R.T.E. of Section Officers and the certificate can be given having regard to the vacancy position in the concerned Ministry/Department. In other cases the Ministry of Home Affairs (Office of Establishment Officers) should be consulted before such a Certificate is given.

[G.L. M.H.A., O.M. No. F.1/49/60-C.S.(A), dated the 16th July, 1961.]

3. Protection of civilian pay during defence training and active service.—(A) The question of affording protection to the pay and allowances, etc., of Government servants paid from Civil estimates who are officers of the Army or Air Force Reserves or the Indian Naval and Indian Naval Volunteer Reserve/Air Defence Reserve during the period of their training and when called up for active service has been under the consideration of Government. The decisions reached are detailed below :—

I. During Training—

(i) Civil or Service pay and allowances whichever is more favourable, if officers do not avail themselves of leave due in respect of their civil appointment during the period of training. Where the Civil pay and allowances are higher, the difference between the civil pay and allowances and the service pay and allowances should be a charge against the Civil Department/State Government concerned.

(ii) Where, however, officers choose to avail themselves of leave at their credit in order to undergo training, the civil leave salary and allowances may be given in addition to service pay and allowances.

II. On Active Service—

Civil or military pay and allowances, whichever is more favourable and where the Civil pay

and allowances are higher, the difference should be a charge against the Civil Department/State Government concerned.

III. Pay and Allowances—

(i) The period of training and active list service (including the period of transit) will count as "duty" in the civil post for purposes of leave, increments and also for pension if it does not count for military pension under Army, Navy and Air Force Rules. The periods of training and transit will not be treated as duty, if the Government Servant avails himself of leave during training/transit period. In such a case, the Government servant will be allowed to draw during training leave salary, in addition to service pay and during the transit period, only the Civil leave salary.

(ii) During the transit period, the Government servant will be entitled to his civil rates of pay and allowances to be met from the budget head to which such expenditure is normally debitible, as in (i) above, if the Government servant avails of leave during this period.

(iii) No travelling allowance will be payable from the budget head of the Central Civil Department/State Government concerned. Travelling allowance will be admissible as under from the Defence Service Estimates:—

(a) When an Officer is called for training, he will be entitled to the same travelling allowance by rail, road, river or sea on temporary duty scale as is admissible under regulations to regular officers travelling on duty. These allowances are payable only for actual journeys performed and will be limited to the maximum admissible from the place, at which the civil post is held/permanent place of residence in India, to the place of training and return or back to any other station not involving extra expenditure to the State.

(b) When an Officer is called up for active service and also on termination thereof, he will be entitled to the same travelling allowance as in (a) above.

(c) During active service and also in the following circumstances an officer will be entitled to conveyance as in admissible to regular officers:—

- (1) On being compelled to resign his Commission through circumstances beyond his control.
- (2) On dismissal or removal from the service or on being permitted to resign the Commission to avoid dismissal.

The periods of absence from duty of Civilian Government servants occasioned by their interview/medical examination, etc., in connection with their joining the above organisations should be treated as special casual leave. This concession would, however, be admissible only in those cases where it may not be possible for the Government servants concerned to attend to their duties after the interview/medical examination, etc. If a Government servant withdraws his candidature at the interview, he would not be entitled to any special casual leave.

[G.I., M.H.A., O.M. No. P. 47/7/61-Ests.(A), dated the 31st August, 1961 read with Corrigenda of Even No., dated the 18th May, 1962 and No. 47/28/63-Ests.(A), dated the 20th June, 1963.]

(B) The Government servants joining the Indian Naval Service, the Indian Naval Reserve and the Indian Naval Volunteer Reserve will be governed by the provisions laid down in (A) above in regard to the admissibility of pay and allowances and for the grant of leave, increments and also for pension if does not count for military pension under Army, Navy and Air Force Rules.

[G.I. (M.H.A., O.M. No. 47/4/72-Ests.(A), dated the 19th July, 1962 and Corrigendum No. 47/28/53-Ests.(A), dated the 20th June, 1963.]

NOTE.—The term “Civil pay and allowances” used in this Decision includes House Rent Allowance and Compensatory (City) Allowance” where admissible for computing the difference between civil pay and allowances and military pay and allowances. This, is however, subject to the condition prescribed for temporary transfer in H.R.A. and C.C.A. Orders.

[G.I., M.H.A., O.M. No. 47/13/62-Ests.(A), dated the 22nd October, 1962.]

(C) The procedure for regulating the pay and allowances of Reservists (Officers) has been detailed in (A) above. The question of protection of lien of such officers and also extension to them of the benefits under the “next below” rule has been under consideration of the Government of India and the following decisions have been reached in this regard:—

I. Lien

Temporary Government servants and persons on work charged establishment have no lien, in the technical sense, on the civil post held by them. However, on release from the Military duty all such persons should be absorbed in the post in which they would have continued but for their “embodiment” subject to those posts being available. If the posts held by them are abolished while they are on active service they will be treated to have ceased to be in Civil employment.

II. Benefits under the “Next Below Rule”

The period of service rendered by the reservists (Officers) will be treated as service outside the ordinary line for the purpose of proviso to F.R. 30(1); accordingly they will be entitled to pro forma promotion in their parent department under the Next Below Rule. They will also get seniority in higher post to which they would otherwise be entitled, had they not gone on active service.

[G.I., M.H.A., O.M. No. 47/19/62-Ests.(A), dated the 5th March, 1963.]

4. Promotion of Government servants to higher grades while undergoing training.—See Govt. of India's Order (10) below F.R. 30.

D.G., P. & T.'S INSTRUCTIONS

1. Pre-appointment training of surplus redeployed staff.—The surplus staff redeployed in the Posts and Telegraphs Department through the surplus cell of the Ministry of Home Affairs will during the period of their training where such training is a pre-requisite condition before appointment, be entitled to pay and allowances and travelling allowance/dearness allowance as admissible to the Departmental officials deputed for the same kind of training.

The transfer of the surplus staff through the surplus Cell of the Ministry of Home Affairs is in public interest and as such, these officials

will be entitled to all the benefits admissible to Government servants transferred from one Government Department to another. Their seniority will, however, be determined with reference to the date of their joining the duties in the Department.

[D.G., P & T., New Delhi, Letter No. 20/12/70-SPB I dated the 10th December, 1971, issued with the concurrence of P. & T. Finance, vide their U.O. No. 3170-FA III dated the 5th November, 1971.]

2. Telegraph Master's Training.—The Telegraphists holding posts carrying special pay, when they are sent for training for appointment as Telegraph Masters, may be allowed the pay and allowances including special pay during the period of training subject to the condition that the competent authority issues a certificate to the effect that the official would have continued to draw the special pay but for his proceeding on training.

It is further clarified that a Telegraphist working as Telegraph Master in officiating capacity prior to his proceeding on training for appointment as Telegraph Master, is not entitled to officiating pay of Telegraph Master during the period of his training but he is entitled only to the pay and allowances of Telegraphists' post. However, a Telegraphist who prior to his promotion as officiating Telegraph Master was holding a post carrying special pay, when deputed for training as Telegraph Master, will during the period of training get pay and special pay that he would have drawn but for his promotion as officiating Telegraph Master, provided, of course a certificate to the effect is issued by the competent authority.

[D.G., P.&T.'s Letter No. 10/13/70-PAT, dated the 17th February, 1971.]

AUDIT INSTRUCTION

A Government servant who is treated as on duty during a course of instruction or training and who at the time when he was placed on such duty was drawing pay on account of an officiating appointment, may be allowed to draw such officiating pay which he would have drawn from time to time had he been on duty other than duty under Rule 9(6)(b) and not necessarily the one drawn immediately before proceeding on training. The "pay which the Government servant

would have drawn" would also include special pay, if any, which he would have drawn from time to time but for his proceeding on training.

[Correction Slip No. 51 to the Manual of Audit instructions (Reprint).]

F.R. 21. Deleted.

F.R. 22 I. The initial pay of a Government servant who is appointed to a post on a time scale of pay is regulated as follows:—

(a) (1) where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time scale of the higher post shall be fixed at the stage next above the notional pay arrived at by increasing his pay in respect of the lower post held by him regularly by an increment at the stage at which such pay has accrued or rupees twenty five only, whichever is more.

Save in cases of appointment on deputation to an ex-cadre post, or to a post on ad-hoc basis, the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the stage of the time scale of the new post above the pay in the lower grade or post from which he is promoted on regular basis, which may be refixed in accordance with this rule on the date of accrual of next increment in the scale of the pay of the lower grade or post. In cases where an ad-hoc promotion is followed by regular appointment without break, the option is admissible as from the date of initial appointment/promotion, to be exercised within one month from the date of such regular appointment:

Provided that where a Government servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing

1. Deleted by G.I., M.F., Notification No. 18(13-(E IV (A)/70, dated the 29th January, 1971.

2. Amended vide PD & T notification No. 1/10/89-BSA (P1) dt. 30-8-89.

pay at the maximum of the time scale of the lower post, his initial pay in the time scale of the higher post shall be fixed at the stage next above the pay notionally arrived at by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the time scale of the lower post or rupees twenty-five, whichever is more.

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis :

Provided that where the minimum pay of the time scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay :

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time scale of the old post; in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time scale of the new post.

On appointment on regular basis to such a new post, other than to an ex-cadre post on deputation, the Government servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under sub-rule (a) of rule 15 of the said rules, and the maximum pay in the time scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time scale :

Provided that, both in cases declared by clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), if he :

(1) has previously held on a regular basis :—

(i) the same post, or

(ii) a permanent or temporary post on the same time scale, or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time scale, or

(2) is appointed subject to the fulfilment of the eligibility conditions as prescribed in the relevant recruitment rules to a tenure post on a time scale identical with that of another tenure post which he has previously held on regular basis; then the initial pay shall not, except in cases of reversion to parent cadre, governed by proviso (1) (iii) be less than the pay, other than special pay, personal pay or any other emoluments, which may be classed as pay by the President under rule 9(21) (a) (iii) which he drew on the last occasion, and he shall count the period during which he drew that pay on a regular basis on such last and any previous occasions for increment in the stage of the time scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre, count towards initial fixation of pay, to the extent and subject to the conditions indicated below :—

(a) the Government servant should have been approved for appointment to the particular grade or post in which the previous service is to be counted;

(b) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the Department itself or elsewhere and atleast one junior was

holding a post in that Department carrying the scale of pay in which the benefit is to be allowed ; and

- (c) the service will count from the date his junior is promoted on a regular basis and the benefit will be limited to the period the Government servant would have held the post in his parent cadre had he not been appointed to the ex-cadre post.

(II) The President may specify posts outside the ordinary line of service the holder of which may, notwithstanding the provisions of this rule and subject to such conditions as the President may prescribe, be given officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay whether with or without any special pay attached to such posts as they would have received if still in the ordinary line.

(III) For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith.

(IV) Notwithstanding anything contained in this rule, where a Government servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment."

3. Rules 22 C, 30 and 31 of the said rules shall be omitted.

[NOTE.—In respect of a Government servant serving in an ex-cadre post on identical time-scale of pay as the time-scale of the parent cadre, service rendered in the ex-cadre post up to the 29th November, 1965, shall count for purposes of fixation of pay and increment to the extent admissible under proviso 1 (ii) as it existed immediately before the 30th November, 1965, if the same is more advantageous to him.

GOVERNMENT OF INDIA'S ORDERS

1. **Reversion from a tenure post.**—Reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purpose of F.R. 22.

[G.I., F.D., No. F. 15-C.S.R./27, dated the 22nd January, 1927.]

2. **Declaration of relative degrees of responsibility.**—For the purpose of F.Rs. 22 and 30 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative head of the department or the Government of India according as the posts are in the same or different departments.

[G.I., F.D., No. F/113-R.I/30, dated the 19th August, 1930.]

3. **Identical time-scales.**—A question arose whether identical time-scales—one attached to posts whose pay is governed by the Civil Service Regulations and the other subject to conditions prescribed by the Fundamental Rules—could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor General that when two posts are on identical time-scales it is reasonable to hold that the duties and responsibilities to the posts are not very different in nature, irrespective of the fact whether the pay of the post is governed by the Civil Service Regulations or the Fundamental Rules, and that duty rendered in one of them may, therefore, be allowed to count towards increment in the other.

[G.I., F.D., Letter No. 14(12)-R.I/31, dated the 15th May, 1931.]

NOTE.—This decision applies to all posts governed by the Civil Service Regulations including those paid from the Defence estimates.

[G. I., M.F., O.M. No. F.2(14)-Ests. III/59, dated the 28th April, 1959.]

4. **Counting of temporary service in tenure posts.**—Service rendered in temporary posts which

1. Inserted by G.I., M.F., Notification No. F.I(25)-E III(A)/64, dated the 27th May, 1970. This takes effect from the 12th September, 1970.

are on the same or identical time-scale as tenure posts should not count for initial fixation of pay in posts on identical time-scales unless they are also on the same time-scale as a non-tenure permanent post.

[G.I. M.F., O.M. No. F.2(18)-Ests. II/59, dated the 30th May, 1959.]

5. Protection of quasi-permanent pay.—It has been decided that in case where the initial fixation of pay of the officer was done under F.R. 27 in order to protect his quasi-permanent pay, such pay need not be treated as having been inflated for the purpose of the proviso to F.R. 22 because there is no other way of protecting quasi-permanent pay which is treated on par with substantive pay, except by recourse to F.R. 27.

[G.I. M.F., U.O. No. 6798-Ests. III(B)/61, dated the 6th October, 1961.]

6. Condonation of resignation for purposes of fixation of pay.—The question whether the benefit of past service for purposes of fixation of pay can be given to a Government servant who resigns his post before taking up appointment in the new post in the same or another Department, has been under the consideration of the Government of India. Normally, the benefit of past service is given only in those cases where such service has not been terminated by resignation/removal/dismissal. The President is, however, pleased to decide that in cases where Government servants apply for posts in the same or other departments through proper channel and on selection, they are asked to resign the previous posts for administrative reasons, the benefit of past service may, if otherwise admissible under rules, be given for purposes of fixation of pay in the new post treating the resignation as a 'technical formality'. The pay in such cases may be fixed under F.R. 27.

[G.I. M.F., O.M. No. 3379-E.III(B)/65, dated the 17th June, 1965.]

7. Counting service in a scale higher than or identical with the parent cadre.—(1) Doubts having been expressed as to whether the benefit of proviso (1) (iii) to F.R. 22 in respect of protection of pay and period of increment would be admissible to Government servants on their appointment directly or on transfer from a post carrying an identical time-scale of pay without fulfilment of the conditions prescribed in that proviso, it was clarified that in such cases the benefit mentioned above will be admissible without

fulfilment of those conditions subject to paragraph 2 below.

(2) This benefit will not be admissible to an individual who enters Government service for the first time from a post in a body, incorporated or not which is wholly or substantially owned or controlled by Government.

(3) In cases of reversion from an ex-cadre to a cadre post on an identical time-scale of pay the benefit of proviso (1) (iii) to F.R. 22 shall be admissible subject to the fulfilment of all the conditions mentioned under the said proviso.

[G.I. M.F., O.M. No. F.1(25)-E.III(A)/64, dated the 23rd July, 1968.]

8. Promotion from one Group 'A' to another Group 'A' Post effective up to 31-12-1985.—(a) *Manner of regulation of pay* : It has been decided that with effect from 1st November, 1973 in respect of all promotions/appointments from one Group 'A' post to another Group 'A' post carrying higher duties and responsibilities, the pay of the employees will be fixed at the stage next above the pay drawn in the scale of the lower post, irrespective of whether the lower post was held in a substantive, officiating or temporary capacity.

[G.I. M.F., O.M. No. F.1(10)-E.III(A)/74, dated the 21st June, 1974.]

A question has been raised about the manner of regulation of pay of officers on promotion from one Group 'A' post to another Group 'A' post in terms of the aforesaid order in cases where the lower posts are held in officiating capacity and subsequent to their promotion, their pay in the lower post becomes equal to or more than their officiating pay in the higher post, as a result of increment or otherwise in the lower post and whether in such cases, the provisions of F.R. 31 (2) are applicable.

The matter has been examined and it is clarified that the provisions of F.R. 31 (2) cannot be applied when the lower posts are not held in substantive capacity. However, in order to mitigate the hardship, if any, involved in such cases, it has been decided that if the officiating pay in the lower post at any time exceeds the officiating pay in the higher post, the difference between the pay that would have been admissible in the lower officiating post and that admissible in the higher officiating post may be allowed as personal pay to be absorbed in future increases of pay provided it is certified that but for holding the higher officiating post, the officer concerned would

have held the lower officiating post. The protection would be admissible only for so long as it is certified that he would have continued to hold the lower post but for his officiation in the higher post.

[G.I., M.F., O.M. No. F. 1(14)-E.III(A)/78, dated the 17th June, 1978.]

(b) *Stepping up for removal of anomaly.*—(1) Cases have come to notice wherein a senior Group 'A' Government servant on promotion to a higher Group 'A' post before 1st November, 1973 draws less pay than his junior who is promoted on or after that crucial date.

(2) The above matter has been under consideration in this Ministry for quite some time. It has been decided that in order to remove the anomaly in such cases, the pay of the senior officer should be stepped up to a figure equal to the pay as fixed for the junior officer promoted on or after 1st November, 1973. The stepping up should be done with effect from the date of promotion of the junior officer and should be subject to the following conditions:—

(a) Both the junior and senior officers should belong to the same cadre and the posts to which they have been promoted should be identical and in the same cadre;

(b) The pay scales of the lower posts in which they draw pay and the higher posts in which they are entitled to draw pay should be identical; and

(c) the anomaly should be directly as a result of application of orders in Order above.

(3) The orders re-fixing the pay of the senior officer in accordance with these provisions shall be issued under F.R. 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay.

(4) These orders take effect from the date of issue. Cases of senior officers drawing less pay than the junior officer in respect of promotions occurring on or after 1st November, 1973 may also be regulated under these orders, but the actual benefit would be available from the date of issue of these orders.

[G.I., M.F., O.M. No. 1(40)-E.III(A)/76, dated the 21st March, 1977.]

9. Pay of Grade 'B' Stenographer on appointment as S.O. to be fixed with reference to his pay in Grade 'C' only.—(1) The undersigned is

directed to say that according to Regulation 4 of the Central Secretariat Service Section Officers' Grade (Limited Departmental Competitive Examination) Regulations, 1964, permanent or temporary Assistants of the C.S.S. and Stenographers Grade 'C' of the C.S.S.S. who have rendered not less than 5 years of approved and continuous service in the respective grade, or in both, as the case may be, on the crucial date are eligible to appear in the Section Officers' Limited Departmental Competitive Examination. Stenographers Grade 'B', who have not been appointed substantively in Grade 'B' are also allowed to take the Section Officers' Grade Limited Departmental Competitive Examination on the premise of their holding lien in Grade 'C'. There may also be cases, where after taking the Section Officers' Grade Limited Departmental Competitive Examination, a Grade 'C' Stenographer is appointed to Grade 'B' and continues in the latter Grade, till his appointment as Section Officer on the results of the aforesaid examination. The question as to how the pay of the Grade 'B' Stenographers on their appointment as Section Officers on the basis of the Limited Departmental Competitive Examination, should be fixed, has been engaging the attention of the Government of India.

(2) The matter has been carefully examined and it has been decided that when a Grade 'B' Stenographer of the C.S.S.S. is appointed as Section Officer on the basis of the Section Officers' Grade Limited Departmental Competitive Examination, his pay may be fixed in the scale of pay attached to the post of Section Officer under the normal rules/orders with reference to his presumptive pay in the post of Stenographer Grade 'C' and *not* with reference to his pay in the post of Grade 'B' because, under the Regulations only Grade 'C' Stenographers are eligible to take the examination.

(3) These orders will take effect from the first of the month in which they are issued. Past cases decided otherwise need not be reopened.

[G.I., Deptt. of Per. & Trg., O.M. No. 13/15/83-Estr. (Pay I), dated the 29th November, 1985.]

(4) The orders contained in the O.M. may be made applicable to those Stenographers appointed on the basis of the Section Officers' Grade Limited Departmental Competitive Examinations held after the issue of those orders.

(5) As regards appointments made on the basis of 1984 examination, if a Stenographer was regularly

holding the post of Grade 'B' Stenographer on the date of his appointment as Section Officer, his pay may be fixed under the normal rules with reference to the pay he was so drawing as Grade 'B' Stenographer. As regards those who were holding the posts of Grade 'B' Stenographers on an *ad hoc* or long term basis, their pay on appointment as Section Officer may be fixed as indicated above.

[G.I., Deptt. of Per. & Trg., O.M. No. 13/15/83-Estt. (P-I), dated the 15th May, 1986.]

10. Fixation of Pay of Re-employed Pensioners.—

A (a)(1) In supersession of all the previous orders on the subject, the initial fixation of pay and other benefits on re-employment of ex-servicemen pensioners as also civilian pensioners will be governed by the Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986 as detailed in the Annexure. With reference to all the appointments made on or after the 1st July, 1986 the pay of the re-employed pensioners may be fixed as per the enclosed orders.

[G.I., Deptt. of Per. & Trg., O.M. No. 3/1/85-Estt. (Pers.-II), dated 31-7-1986, O.M. No. 3/4/87-Estt. (Pay-II), dated the 3rd July, 1987.]

(b) 1. The President is pleased to decide that in fixing the initial pay of re-employed pensioners, the pension equivalent of gratuity may *not* be deducted from the pay so fixed.

2. These orders shall have effect from the 1st June, 1988.

[G.I. Deptt. of P. & Trg. O.M. No. 3/3/87. Estt(Pay II), dated 3-6-1988.]

(10) Central Civil Services (Fixation of Pay of Re-employed pensioners) Orders, 1986.

1. Short title and commencement

(1) These orders may be called the Central Civil Services (Fixation of Pay of Re-employed Pensioners) Orders, 1986.

(2) They shall come into force on 1-7-1986.

2. Application

(1) Save as otherwise provided in these orders, these orders shall apply to all persons who are re-employed in Civil Services and posts in connection with the affairs of the union Government after retirement on pension, gratuity,

and/or Contributory Provident Fund benefits from the services of—

- (a) Union Government including Railways, Defence and Posts and Telegraphs,
- (b) State Governments and Union Territory Administrations, and
- (c) Public Sector Undertakings, Local Bodies, Autonomous Bodies like Universities or Semi-Government Organization like Port Trusts.

(2) These orders shall also apply to persons re-employed in regular work charged capacity.

(3) Unless otherwise provided, these orders shall also apply to persons re-employed on contract basis.

(4) These orders shall not, however, apply to—

- (a) Persons re-employed after resignation, removal or dismissal, provided they have not received any retirement terminal benefits for the pre-employed service;
- (b) Persons reemployed in posts, the expenditure of which is not debitabale to the Civil estimates of the Union Government;
- (c) Persons paid from contingencies;
- (d) Persons on casual or daily rated or part-time employment;
- (e) Persons appointed as Consultants on payment of consolidated fees; and
- (f) Retired Judges of Supreme Court/High Courts appointed on Commissions/Committees who are governed by separate orders on the subject issued from time to time.

3. Definitions

In these orders, unless, the context otherwise require—

(1) Pension means the gross monthly pension and/or pension equivalent of Death-cum-retirement gratuity and/or pension equivalent of gratuity of Government's contribution to Contributory Provident Fund and/or other retirement benefits, if any, payable under the Central Civil Services (Pension) Rules, 1972, or the relevant rules of the Government or body under which the re-employed pensioner was serving prior to his retirement. Where pension has been commuted partly or fully, pension means the gross pension payable prior to commutation.

(2) **Pre-retirement pay** means the substantive pay last drawn before retirement. However,

- (j) Pay drawn in an officiating appointment may be taken into account if the officer had officiated continuously for at least ten months in the appointment on the date of retirement or he had been appointed to that post on a regular basis in accordance with the prescribed recruitment rules.
- (ii) Special pay granted in terms of FR 9 (25) shall also be taken into account for determining pre-retirement pay. Such special pay, like officiating pay shall, however, be taken into account towards the pre-retirement pay only if it has been drawn for at least ten months before retirement. Pay drawn for holding more than one charge under FR 49 will *Not* be taken into account in determining pre-retirement pay.
- (iii) Such portion of deputation allowance, if any, drawn continuously for at least ten months before retirement, as has been taken into account for pension purposes, shall also be taken into account for determining the last pay drawn before retirement.
- (iv) The pay drawn in a tenure post may also be treated as pay last drawn before retirement provided that it was drawn continuously for ten months immediately before retirement.
- (v) Personal pay granted for loss of substantive pay or allowed as a special increment for promoting small family norms shall be taken into account in fixing pre-retirement pay irrespective of whether it is drawn for ten months or not as it stands on the same footing as substantive pay. Other types of personal pay shall, however, be accorded the same treatment as officiating pay and taken into account only if the same had been drawn for ten months or more.
- (vi) The periods of leave preparatory to retirement and foreign service during

the last ten months before retirement may be included in the ten months for the purpose of computing pre-retirement pay, if it is certified by the competent authority that the officer would have officiated in the post but for his being on such or foreign service.

- (vii) An increment accruing in the substantive appointment during earned leave upto 120 days or the first four months of leave on average pay taken as leave preparatory to retirement shall be taken into account for determining the pre-retirement pay. If the officer was holding at the time of retirement a post in an officiating capacity, the increment in respect of that post may be taken into account only if the competent authority certifies that the officer would have held the officiating appointment but for proceeding on leave preparatory to retirement. Promotion to any higher post which the officer would have got but for going on leave will *not* be taken into account.
- (viii) In the case of an officer who retires while on foreign service, the pay that he would have drawn in his parent cadre but for going on foreign service shall be taken as pre-retirement pay. Regard will also be given to the promotions which the officer would have received in his parent service or cadre as provided for in FR 113, provided that he would have officiated for ten months or more.
- (ix) In the case of retired Defence Services personnel of the rank of JCO, NCO, or OR in the Army and corresponding ranks in the Navy or Air Force, the items of emoluments mentioned below shall constitute pre-retirement pay.

ARMY (JCO, NCO, or OR)

Old Pay Code

Basic pay/Grade/trade/
technical/and rank
corps pay.

New Pay Code

Pay (including deferred pay) and rank pay.

Good service/Good Conduct pay	Increments of pay for length of service.
Proficiency pay/Special proficiency pay	Good Service pay.
War service increments	Classification pay
Deferred pay.	
Personal Allowance (Ris/Sub Major)	
Extra Duty pay.	

NAVY

Basic pay, Non-Substantive pay	Pay (including deferred pay) Good conduct pay.
War service Increments Good Conduct pay	Higher pt. II Qualification pay. Classification pay.
Deferred pay	

AIR FORCE

Basic Pay.	Pay (including deferred Pay)
Good service/Good Conduct Pay...	
Air proficiency pay badge pay.	
War Service increments Deferred pay	Classification pay.

(a) (a) In case of persons who retired before 1.1.1973 and were re-employed after 1.1.1973 the pre-re-retirement pay will be taken to be the basic pay plus dearness pay plus dearness allowance and interim relief drawn at the time of retirement.

(b) In the case of persons who retired after 1.1.1973 on the pre-revised scale of pay, the pre-retirement pay will be taken to be the basic pay plus dearness allowance and interim relief drawn at the rates in force on 31.12.1972.

(xi) MEDICAL OFFICERS

In the case of those Medical officers who were in receipt of Non-Practising Allowance in their last employment, the allowance so drawn will be taken into account for determining the last pay drawn

for purposes of fixation of pay in the re-employed post, if such an allowance is admissible in the re-employed posts also. The allowance shall not be taken into account for such purposes where it is not admissible in the re-employed post. Where, however, no Non-Practising Allowance was admissible in the last employment but it is attached to the civil post in which the pensioner is re-employed, such an allowance shall be drawn separately after fixation of pay on re-employment.

4. Fixation of pay re-employed pensioners

(a) Re-employed pensioners shall be allowed to draw pay only in the prescribed scales of pay for posts in which they are re-employed. No protection of the scales of pay of the posts held by them prior to retirement shall be given.

(b) (i) In all cases where the pension is fully ignored, the initial pay on re-employment shall be fixed at the minimum of the scale of pay of the re-employed post.

(ii) In cases where the entire pension and pensionary benefits are not ignored for pay fixation, the initial pay on re-employment shall be fixed at the same stage as the last pay drawn before retirement. If there is no such stage in the re-employed post, the pay shall be fixed at the stage below that pay. If the maximum of the pay scale in which a pensioner is re-employed is less than the last pay drawn by him before retirement, his initial pay shall be fixed at the maximum of the scale of pay of the re-employed post. Similarly, if the minimum of the scale of pay in which a pensioner is re-employed is more than the last pay drawn by him before retirement his initial pay shall be fixed at the minimum of the scale of pay of the re-employed post. However, in all these cases, in non-ignorable part of the pension and pension equivalent of retirement benefits shall be reduced from the pay so fixed.

(c) The re-employed pensioner will in addition to pay as fixed under para (b) above shall be permitted to draw separately any pension sanctioned to him and to retain any other form of retirement benefits.

(d) In the case of persons retiring before attaining the age of 55 years and who are re-employed, pension (including pension equivalent of gratuity and other forms of retirement benefits) shall be ignored for initial pay fixation to the following extent :

(i) in the case of ex-servicemen who held posts below commissioned officer rank in the Defence Forces and in the case of civilians who held posts below Group A posts at the time of their retirement, the entire pension and pension equivalent of retirement benefits shall be ignored.

(ii) In the case of service officers belonging to the Defence Forces and Civilian pensioners who held Group A posts at the time of their retirement, the first Rs. 500/- of the pension and pension equivalent of retirement benefits shall be ignored.

5. Drawal of increments:

Once the initial pay of a re-employed pensioner has been fixed in the manner indicated above, he may be allowed to draw normal increments in the time-scale of the post to which he is appointed as if the pay had been fixed at the minimum or the higher stage, as the case may be (i.e. before an adjustment on account of pension and pension equivalent of other forms of retirement benefits is made) provided that the pay and gross pension/pension equivalent of other retirement benefits taken together do not at any time exceed Rs. 8,000 per month.

6. Personnel retiring on Invalid or compensation pension :

Persons who are re-employed after obtaining compensation or invalid pension will also be governed by these orders subject to the condition that if the re-employment is in qualifying service, they may either retain their pension, in which cases their former service will not count for future pension, or cases to draw any part of their pension and count their previous service. Pension intermediately drawn need not be refunded. In case the pensioners elect to count their previous service for pension by foregoing their entire pension including death-cum-retirement gratuity their pay would be fixed by treating them as if

they are not in receipt of any pension. The special provision contained in this order regarding grant of Contributory Provident Fund benefits during the period of re-employment and the grant, on terminations of the period of re-employment, of the unutilized portion of the refused leave in respect of previous service shall not be extended to them.

7. Military Reservists :

Military reservists who continue to serve in the same civil post in which they were employed during reserve period, shall continue to draw the same rate of pay which they were drawing on the date of transfer to military pension establishment in addition to pension provided the pension is not more than Rs. 50 per month.

8. Emergency Commissioned Officer and Short Service Commissioned Officers :

Emergency Commissioned Officers and Short Service Commissioned Officers who joined pre-commissioned training or were commissioned after 10-1-1968 may, on their appointment in Government service to unreserved vacancies, may be granted advance increments equal to the completed years of service rendered by them in Armed Forces on a basic pay (inclusive of deferred pay but excluding other emoluments) equal to or higher than the minimum of the scale attached to the civil post in which they are employed. The pay so arrived at should not however, exceed the basic pay (including the deferred pay but excluding other emoluments) last drawn by them in the Armed Forces.

9. Promotion/Transfer :

On regular promotion/transfer to another post pay of the re-employed pensioner shall be fixed under the provisions of Fundamental Rules with reference to the pay in the previous re-employment post before adjustment. Adjustment from the pay so fixed, on account of pension and pension equivalent of retirement benefits shall be continued to be made to the same extent as was being made earlier. This will, however, remain subject to the condition that the pay plus pension and pension equivalent of gratuity/other forms of retirement benefits shall not exceed Rs. 8,000/- per month at any time.

10. Provisional Pay :

(i) Where delays are likely to occur in determining the pension and other pensionary benefits, the re-employed officers, pending final fixation of pay, might be paid their pay on provisional basis for a maximum period of six months after taking into account the maximum pension and gratuity that might be admissible to them on the basis of last pay drawn by them. The sanctioning authorities shall be responsible for ensuring that the provisional pay authorised is not likely to exceed the correct pay that may become admissible. For the purposes of calculating the pension equivalent of the gratuity, the Table as prescribed in the Civil Services (Commutation of pension) Rules 1981, from time to time shall be followed. An undertaking for refunding any amount that might be overpaid as a result of provisional fixation of pay shall be obtained from the reemployed pensioners.

(ii) (a) In cases where considered desirable, a re-employed person may be paid the full pay of the post on provisional basis which would be inclusive of his pension but would exclude an approximate amount of pension equivalent of gratuity/pension equivalent of employer's portion of Contributory Provident Fund, as the case may be, provided he executes an agreement in the appropriate form (vide Annexure I). He shall also be required to furnish acquittance in the prescribed form (vide Annexure II) indicating receipt of his pay including pension. The acquittance shall be obtained from the reemployed person concerned along with the pay bill every month he is paid provisionally.

(b) When the pension and other retirement benefits are ultimately sanctioned to the reemployed person by the competent authority, the pay shall be fixed after taking into account the pension and pension equivalent of other forms of retirement benefits in accordance with the provisions contained in these orders and he shall have no fresh claims for pensionary benefits in respect of the past periods during which he drew the same along with the provisional pay. The actual amount of pension equivalent of gratuity/employer's portion of CPF will be adjusted against the gratuity/CPF to the extent it is different from the approximate amount deducted, from the pay of the post provisionally paid.

(iii) The orders contained in (ii) above shall apply to cases of civil retired Central Govt. employees reemployed in Central Civil Department and shall not apply to cases of any other categories of retired persons (such as retired persons of Defence Deptt., Railway Deptt. and State Governments) on their reemployment under Central Government.

11. Allowances :

The drawal of various allowances and other benefits based on pay shall be regulated with reference to the pay that is fixed on reemployment. Pay for these allowances and benefits will be the pay fixed before deducting the non-ignorable part of the pension and the pension equivalent of the other retirement benefits.

12. Contributory Provident Fund :

Reemployed officers might be permitted to contribute to the Contributory Provident Fund, provided that where the term of reemployment is initially for a year or less but is later extended so as to exceed one year, the Government's contribution with interest shall be credited only after the completion of one year's reemployment service. The Government contribution with interest shall be payable for the entire period for which the reemployed officer is allowed to contribute to the C.P.F. if such period exceeds one year.

13. Leave and leave salary :

In the case of persons reemployed after retirement, the provisions contained in the Central Civil Service Leave Rules, 1972 shall apply.

14. Gratuity/Death-Cum-retirement Gratuity :

Reemployed Officers shall not be eligible for any gratuity/death-cum-retirement gratuity for the period of reemployment except in those cases covered on Rules 18 and 19 of the Central Civil Services (Pension) Rules, 1972, and corresponding Rules of the Defence Services Regulations.

15. Retrenched employees :

In the case of ex-servicemen as well as civilians who are retrenched from service and are not granted pension and/or service gratuity, on their appointment to Government service they may be granted advance increments equal to the completed years of service rendered by them on a basic pay equal to or higher than the minimum of the scale attached to the civil post in which they are

employed. The pay so arrived at should not however, exceed the basic pay drawn by them in the Armed Forces.

16. Fixation of pay of Ex-Combatant Clerks/Storemen :

(i) In partial modification of the provisions contained in orders 4 and 5 above, ex-combatant Clerks on their reemployment as Lower Division Clerks or Junior Clerks in the Civil posts and Ex-Storemen in the Armed Forces on their reemployment as Storemen in Civil posts shall have the option to get their pay fixed under orders 4 and 5 above in accordance with the procedure indicated in sub para (2) below.

Explanation :

(i) The option once exercised is final. The reemployed pensioner should be asked to exercise the option within the period of three months from the date of his reemployment.

(ii) Ex-combatant Clerks and Storemen referred to in this order will include reservists released at their own request or on compassionate or medical grounds.

(2) Service rendered as Combatant Clerks and Storemen in Armed Forces shall be treated as equivalent to service as lower Division Clerks/Junior Clerks and Storemen respectively in Civil posts, irrespective of the pay drawn in those posts in the Armed Forces. The initial pay in such cases shall be fixed in the time scale of the reemployed posts at a stage equivalent to the stage that would have been reached by putting in the civil posts, the number of completed years of service rendered in the posts in the Armed Forces. The pay so fixed will not be restricted to the 'pre-retirement pay'. The fixation of pay in these cases shall be done by invoking the provisions of Fundamental Rule 27.

Explanation :

(i) For the purpose of calculation of completed years of service rendered in the Armed Forces the non-qualifying service in the Armed Forces will not be taken into account.

(ii) Pension as defined in Order 3(1) above shall be deducted from the pay fixed under this rule after ignoring Rs. 15/- thereof and only the net pay is payable.

(iii) If the resultant amount does not correspond to a stage in the scale applicable to the reemployed post, pay may be fixed at the next lower stage and the difference allowed as personal pay to be absorbed in future increases of pay.

(iv) Where the pay in such cases is fixed below the minimum of the pay scale of the reemployed post, as a result of adjustment of amount of pension drawn by him from the Army in excess of Rs. 15/- per month, increases in pay may be allowed after each year of service at the rate of increment admissible as if the pay has been fixed at the minimum till the minimum of the scale is reached. Thereafter, subsequent increments may be granted in the scale of the reemployed post in the usual manner.

(3) In the case of appointment of persons during 'released leave/terminal leave', their pay may be fixed at the minimum of the scale of pay of the civil post of Lower Division Clerks/Junior Clerks/Storemen and they will draw leave salary separately from the military authorities. Their pay in accordance with the Formula mentioned at (2) above will be fixed from the date of their final discharge from the Army.

(4) The power to fix the pay under this order is delegated to the Administrative Ministries/Departments of the Government of India. For this purpose the Comptroller and Auditor General of India will have the same powers as the Ministries of the Government of India. Orders fixing the pay in such cases should be issued by invoking the provisions of Fundamental Rule 27.

17. Details to be called for from the Audit Officers :

For the correct determination of pay, competent authorities shall obtain the following information in respect of all officers viz. gazetted, non-gazetted and Group 'D' from the Audit/Pay and Accounts officers who reported on the title to pension etc.

(i) Post held substantively on the date of retirement and substantive pay in that post together with scale of pay.

(ii) Other post, if any, held in an officiating capacity on the date of retirement and officiating pay drawn in the post together with scale of pay.

(iii) In the case of (ii) above, the dates of actual officiation.

(iv) (a) Special pay, personal pay and deputation allowance, if any, drawn on the

date of retirement and the period for which it was drawn continuously.

(b) The portion of special pay etc. counted as emoluments for pension should be indicated.

(c) In the case of special pay drawn in a substantive post whether it is a part of the prescribed scale of the post and included in the relevant pay schedules.

(v) Gross pension, including amount commuted particulars of pension payment order, to be quoted.

(vi) Death-Cum-Retirement or other gratuity and pension equivalent thereof.

(vii) Government contribution to the Contributory Provident Fund with interest and the pension equivalent thereof, the Contributory Provident Fund Account number previously allotted and the particulars of the authority issued by the previous Audit/Pay and Accounts Officer.

After getting the above information, the competent authority shall fix the pay of the reemployed officer under the provisions of these orders and communicate the same in the sanction letter to the Audit/Pay and Accounts Officers. In the case of Ministries/Departments where the integrated accounts set up has been introduced, the information shall be passed on to the concerned Accounts Officer. In addition to the above, the competent authorities may give the information to the Audit/Pay and Accounts Officer regarding particulars of equivalent/higher posts held by the reemployed government servant which was taken into account for giving the higher starting salary under paragraph 4 (b) (i) of the orders.

18. Delegation of powers :

(i) The administrative Ministries/Departments will be competent to fix the pay of a retired officer reemployed under them in accordance with the formula mentioned in order 4 above, provided that the post in which the officer is reemployed already carries a sanctioned scale of pay. Cases in which a scale of pay has not been sanctioned for the post will be referred to the Deptt. of Personnel and Training.

(ii) The administrative Ministries/Departments and the Comptroller and Auditor General may delegate their powers to lower authorities at their discretion in respect of appointments which are with the powers of such lower authorities to make.

ANNEXURE-I

FORM OF AGREEMENT TO BE EXECUTED BY THE CENTRAL GOVERNMENT (CIVIL) PENSIONER ON HIS RE-EMPLOYMENT

An agreement made.....day ofone thousand nine hundred and.....between..... (hereinafter called the retired Govt. servant, which expression shall include his heirs, executors, administrators and legal representatives) on the one part and the President of India (herein after called the Government) on the other part.

Whereas the Government has appointed a retired Govt. servant in the post of..... which carries a scale of

Whereas in accordance with the orders contained in the Ministry of Finance Office Memorandum No. 8(34) Estt. III/57 dated the 25th Nov., 1958 as modified upto dates the initial pay on re-employment plus the gross amount of pension and/or the pension equivalent of other form of retirement benefits shall not exceed (i) the pay he drew before his retirement or (ii) Rs. 8,000 whichever is less.

Whereas the pension and/or the pension equivalent of retirement benefits in respect of the retired Government servant's previous service has not been finally determined and sanctioned by the competent authority before his re-employment.

Whereas the approximate amount of pension equivalent of gratuity/pension equivalent of employer's contribution to the Contributory Provident Fund receivable by the retired Government servant has been worked out to be Rs. P.M.

Whereas the retired Government servant is desirous of receiving pay in the re-employed post each month inclusive of the amount of pension due to him for the relevant period but exclusive of a sum of Rs. representing the approximate amount of pension equivalent of employer's contribution to C.P.F.

Now therefore, the Government have agreed to fix his pay at a sum of Rs. per month "provisionally" which sum shall include the amount of pension due to him for the relevant period but exclude an approximate amount of pension equivalent of employer's Contribution to C.P.F. on the condition that,

The provisional pay shall be subject to adjustment on the fixation of his final pay in accordance with the orders referred to above, when the pension equivalent of other forms of retirement benefits in the respect of his previous service are sanctioned to the retired Government servant by the competent authority.

The retired Government servant shall not have any further claim for the pension in respect of the period during which he had drawn the amount thereof included in the provisional pay.

And further that the actual pension equivalent of gratuity/pension equivalent of employer's contribution to C.P.F. shall be subject to adjustment from the gratuity/

basis to other posts in the same or other departments/offices of the Central Government provided the transfer is outside the normal field of deployment and is in the public interest.

3.2 The question whether the transfer is out-side normal field of deployment or not will be decided by the authority which controls the service or the post from which the employee is transferred.

3.3 Appointments of serving Government servants made either by promotion or by direct recruitment with open market candidates, whether on a permanent or temporary basis, will *not* be regarded as 'deputation'.

3.4 Permanent appointments made by transfer will also *not* be treated as 'deputation'.

3.5 Temporary transfers made on the basis of personal requests of employees otherwise than in public interest will also *not* be treated as 'deputation'.

4. Exercise of option :

4.1 An employee on deputation may elect to draw either the pay in the scale of pay of the deputation post or his basic pay in the parent cadre plus personal pay, if any, plus deputation (duty) allowance. In no case will the pay so fixed be less than the minimum of the scale of the ex-cadre post.

4.2 The borrowing authority should obtain the option of the employee within a period of one month from the date of joining the ex-cadre post.

4.3 The option once exercised shall be final. However, the employee may revise the option under the following circumstances:—

- (a) When he receives proforma promotion in his parent cadre under the Next Below Rule;
- (b) When he is reverted to a lower grade in his parent cadre;
- (c) When he is appointed to another grade in the borrowing organisation; and
- (d) When the scale of pay of the cadre post on the basis of which his emoluments are regulated during the deputation or of the ex-cadre post held by the employee on deputation is revised either with retrospective effect or from a prospective date.

5. Pay Fixation :

5.1 When an employee on deputation elect to draw pay in the scale of pay attached to the ex-cadre post, his pay may be fixed under the normal rules with reference to his pay in the cadre post to which he has been appointed on a regular basis.

5.2 In cases of appointments/promotion from one ex-cadre post to another ex-cadre post where the employee opts to draw pay in the scale of pay of the ex-cadre post, the pay in the scale of the second or subsequent ex-cadre posts shall be fixed under the normal rules with reference to pay in the cadre post only. In respect of appointments to ex-cadre posts on time-scale of pay identical with the time-scale of pay of ex-cadre post(s) held on an earlier occasion(s), the benefit of proviso 1 (iii) to FR 22 will, however, be admissible.

5.3 In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions the employee should have opted to draw pay in the scales of pay attached to the ex-cadre posts.

5.4 If during the period of deputation the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation of the employee should be restricted to a maximum period of six months from the date on which his pay thus exceeds such maximum and he should be reverted to his parent department within the said period.

5.5 No employee whose basic pay at the time of his proposed deputation exceeds the maximum on the scale of pay of the ex-cadre post or the fixed pay of the ex-cadre post, as the case may be, shall be deputed to such a post.

6. Deputation (Duty) Allowance :

6.1 The deputation (duty) allowance admissible shall be at the following rates :

(a) 5% of the employee's basic pay subject to a maximum of Rs. 250 p.m. when the transfer is within the same station.

(b) 10% of the employee's basic pay subject to a maximum of Rs. 500/- p.m. in all other cases;

provided that the basic pay plus the deputation (duty) allowance shall at no time exceed Rs. 7300/- p.m.

NOTE (1) : The term 'same station' for this purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.

NOTE (2) : When there is no change in the headquarters with reference to the last post held, the transfer should be treated as within the same station and when there is change in headquarters it would be treated as not in the same station. So far as places falling within the same urban agglomeration of the old headquarters are concerned, they would be treated as transfer within the same station.

6.2 Special rates of deputation (duty) allowance may be admissible under separate orders in any particular area, on account of conditions of living there being particularly arduous or unattractive. Where special rate is more favourable than that under 6.1 above, employees deputed to the area will be given the benefit of the special rate.

6.3 The deputation (duty) allowance, as admissible vide 6.1 above, shall be further so restricted that the basic pay of the employee in his parent cadre from time to time plus deputation (duty) allowance does not exceed the maximum of the scale of pay of the post held on deputation.

6.4 The employee on deputation may be given the benefit of the Next Below Rule subject to the application of the provisions of 6.3 above in regard to the regulation of the deputation (duty) allowance.

6.5 Whenever extension of the period of deputation for the fifth year or the second year in excess of the period prescribed in the Recruitment Rules is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.

6.6 If an employee (with the permission of the competent authority) proceeds on deputation from one post in one Ministry/Department/Organisation to another post in the same or another Ministry / Department / Organisation without reverting to his parent cadre, and if the second ex-cadre post is at the same station as the first ex-cadre post, then the rate of deputation (duty) allowance would remain unchanged.

6.7 In cases where a deputationist is transferred by the borrowing authority from one station to another without any change in the post held by him, the rate of deputation (duty) allowance will remain the same as was decided at the time of initial posting and will not undergo any change.

7. Admissibility of any other pay and allowances while on deputation :

7.1 Any project allowance admissible in a project area may be drawn in addition to deputation (duty) allowance.

7.2 Any other special pay drawn by an employee in the parent department should not be allowed in addition to the deputation (duty) allowance provided, however, the Government may, by general or special order, suitably restrict the deputation (duty) allowance where, under special circumstances, the special pay drawn by an officer in a non-tenure post in his parent cadre is allowed to be drawn, in addition to basic pay, in his deputation post. This will require the specific prior concurrence of the Department of Personnel & Training.

7.3 The personal pay, if any, drawn by an employee in his parent department will continue to be admissible until it is absorbed in other increases in pay i.e. increments or increase of pay by promotion or for any other reason unless it is personal pay (or special pay in the nature of personal pay like qualification pay etc.) of non-absorbable nature.

7.4 In case special pay is attached to the scale of pay of the ex-cadre post and the employee has opted to draw pay in that scale, in addition to his pay in that scale he will also be entitled to draw such special pay.

8. Tenure of Deputation :

8.1 The period of deputation shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment Rules.

8.2 The Administrative Ministries may grant extension beyond this limit upto one year, after obtaining orders of their Secretary, in cases where such extension is considered necessary in public interest.

8.3 The borrowing Ministries/Departments may extend the period of deputation for the fifth year or for the second year in excess of the period prescribed in the Recruitment Rules, where absolutely necessary, subject to the following conditions :—

- (i) While according extension for the fifth year, or the second year in excess of the period prescribed in the Recruitment Rules, the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances such extensions should be granted.
- (ii) The extension should be strictly in public interest and with the specific prior approval of the concerned Minister of the borrowing Ministry/Department.
- (iii) Where such extension is granted, it would be on the specific understanding that the officer *would not* be entitled to draw deputation (duty) allowance.
- (iv) The extension would be subject to the prior approval of the lending organisation, the officer on deputation, and wherever necessary, the U.P.S.C.

8.4 In cases where the extension is beyond the fifth year or beyond the second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the *prior* approval of the Department of Personnel & Training. Proposals in this regard should reach this Department at least three months before the expiry of the extended tenure.

8.5 When extension of the period of deputation is considered, the period of extension may be so decided upon as to enable the officer concerned to continue on deputation till the completion of the academic year in cases where the officer has school/college going children.

8.6 For computing the total period of deputation, the period of deputation, including the period of deputation in another ex-cadre post held *immediately* preceding the current appointment in the same or some other organisation/department of the Central Government shall also be taken into account.

8.7 If during the period of deputation the basic pay of an employee exceeds the maximum of the scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation of the employee should be restricted to a maximum period of six months from the date on which his pay thus exceeds such maximum and he should be reverted to his parent department within the said period.

8.8 If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he may be allowed to complete the normal tenure of deputation subject to 8.7 above but no extension of the period of deputation should be allowed in such cases.

9. Promotions during period of deputation :

9.1 When an employee already on deputation is to be promoted/appointed to another post by the borrowing authority, the borrowing authority should obtain the concurrence of the lending authority prior to the promotion/appointment.

9.2 The employees on deputation may be given the benefit of the Next Below Rule subject to the application of the other provisions contained in this Office Memorandum.

10. Grant of leave on expiry of tenure of deputation :

On reversion from the deputation post to the parent cadre, the employee concerned might be allowed leave not exceeding two months by the borrowing Ministry/Department/Organisation. The employee concerned should apply for further leave to his cadre controlling authority.

11. Premature reversion of deputationist to parent cadre

Normally, when an employee is appointed on deputation, his services are replaced at the disposal of the parent Ministry/Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving reasonable notice to the lending Ministry/Department and the employee.

12. Sanctioning of deputation (duty) allowances

The administrative Ministries/Departments will be competent to sanction the deputation duty allowance of their employees and those in offices under them in accordance with these terms and conditions. Such sanctions may be issued either by the Ministry/Department by transferring the employees or by the Ministry/Department for loaning the services of the employees, as may be appropriate in the circumstances of each case.

13. Relaxation of conditions

Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel & Training.

14. These orders take effect from the 1st April 1988.

[G.O.I. D/Personnel & Trg. O.M. No. 2/12/87-Estt(II) dated 29th April, 1988.]

11(c) Transfer on deputation of Central Government employees to ex-cadre posts under Government—Terms and Conditions—Regarding—

Reference is invited to this Department's Office Memorandum No. 2/12/87-Estt. (Pay-II) dated the 29th April, 1988 and to say that paragraphs 4.1 and 5.1 of that O. M. provide as follows:—

Para 4.1 "An employee on deputation may elect to draw either the pay in the scale of pay of the deputation post or his basic pay in the parent cadre plus personal pay, if any, plus deputation (duty) allowance. In no case the pay so fixed be less than the minimum of the scale of the ex-cadre post".

Para 5.1 "When an employee on deputation elects to draw pay in the scale of pay

attached to the ex-cadre post, his pay may be fixed under the normal rules with reference to his pay in the cadre post to which he has been appointed on a regular basis".

2. The underlying intention of these provisions is that w.e.f. 1-4-88, when a Central Government employee is regularly appointed on deputation in accordance with the provisions of the relevant recruitment rules to hold another post in the Central Government, and is governed by the terms and conditions as enumerated in this Department's O.M. of even number dated the 29th April, 1988, he has an option either to draw pay in the scale of pay of the deputation post or he can draw his basic pay in the parent cadre plus personal pay, if any, plus deputation (duty) allowance in accordance with the rates prescribed in the O.M. In case the employee opts for drawing pay in the scale of pay of the deputation post, the pay is to be fixed under the normal rules with reference to the pay in the cadre post. However, while fixing his pay in the ex-cadre post under the normal rules, the restrictions under FR 35 as well as the orders under that Fundamental Rule will not apply. In other words, in no case will the pay of the employee be fixed at a stage less than the minimum of the scale of the ex-cadre post.

3. However, in case the employee opts to draw his grade pay in the parent cadre plus deputation (duty) allowance, it has to be ensured that the basic pay in the parent cadre plus deputation (duty) allowance shall at no time exceed Rs. 7300 per month. There will be no correlation between the pay in the parent cadre and the minimum of the pay scale of the ex-cadre post in such cases.

[D/P & Trg. O. M. No. 2/12/87-Estt. & (Pay II) dated 11-9-89.]

11 (c) Fixation of pay of Central Government employees on deputation on foreign service basis in Public Sector Undertakings.

The pay of the Cental Govt. employees on deputation on foreign service basis in public

sector undertakings will be regulated as follows :—

Pay :—When a Central Government employee is deputed to a post in a Public Sector Undertaking where the industrial rates of Dearness Allowance are being granted, he may be allowed an option either (i) to draw the grade pay plus deputation allowance at the rate of 10% of his grade pay subject to a maximum of Rs. 500 p.m., or (ii) to draw pay in the scale of pay attached to the post in the public sector undertaking.

Where the employee opts to draw pay in the time scale of the post in the public sector undertaking, his pay may be fixed in the pay scale of the post at the stage next above the amount arrived at by adding to his grade pay one increment in the scale of his cadre post in the government (and if he was drawing pay at the maximum of the scale by the increment last drawn) and appropriate dearness allowance, additional dearness allowance, ad-hoc dearness allowance, and interim relief on such pay as admissible to the Govt. employee on the date of his deputation to the Public Sector Undertaking, reduced by the industrial rates of dearness allowance, additional dearness allowance and interim relief, if any, applicable to the post in the undertaking. The pay so fixed should not, however, be less than the minimum of the pay scale of the post and also should not exceed the maximum of the pay scale of the post to which the Government employee is deputed. The option once exercised shall be final except that :—

- (i) When such an employee receives proforma promotion in his parent department under NBR or is reverted to a lower grade in the parent department or is appointed to another grade in the undertaking; or
- (ii) When the scale of the deputation post or that the post held by the deputationist in the parent cadre is revised, in such circumstances, the employee will be allowed a fresh option.

Increments :—The Government employee will draw increment in his parent grade or in the

grade attached to the deputation post, as the case may be, depending on whether he has opted for his own grade pay plus deputation (duty) allowance or the time scale of the deputation post.

Dearness Allowance :—In case the employee exercises an option to draw pay in the time scale of the post, he will be entitled to dearness allowance under the rules of public sector undertaking. In other cases, he will be entitled to dearness allowance in accordance with the rules of the Central Government as applicable from time to time.

Other Allowances :—As regards other allowances and concessions, the same will be regulated as admissible to corresponding employees of the Public Sector Undertakings.

These orders will take effect from the date an employee draws pay in the revised scale of pay applicable in accordance with the CCS (Revised Pay) Rules, 1986.

(G.O.I., D/Personnel & Training, O.M. No. 6/30/86- Estt. (P-I), dated 9th December, 1986.)

11 (d) Terms of appointment of employees of public sector undertakings on reverse of foreign service in the Government of India.

Employees of public sector undertakings, who are in receipt of industrial rates of Dearness Allowance and who are appointed on deputation under the Central Government may be offered the following terms in respect of their pay and allowances, etc. :

- (i) **Pay :—**The employee will have an option to draw either (a) pay in the scale of the post held by him on reverse foreign service under the Central Government or (b) to draw his grade pay in the public sector undertaking plus deputation (duty) allowance at 10% of the grade pay subject to a ceiling of Rs. 250 per month, without restriction with reference to the maximum of the scale of pay of his post. Where the employee has opted for the alternative at (a) above, his initial pay will be fixed by raising his grade pay in the public sector undertaking by one increment in his pay scale and equating the pay so raised plus appropriate dearness allowance, additional dearness allowance and interim relief, if any, admissible in the public sector undertaking, to the pay plus the dearness allowance, additional dearness allowance, ad-hoc dearness allowance, and interim relief admissible under the Government, and fixing the pay at the appropriate stage in the

pay scale of the post in the Government. If there is no stage equal to that pay in the pay scale of the post under the Government, his pay will be fixed at the next stage in the scale. The pay so fixed will, however, be restricted to the maximum of the pay scale under the Government. A few illustrative cases of pay fixation under this Office Memorandum are given in the enclosed Annexure.

(ii) Allowances :- Where the option is in favour of the alternative at (a) above, the allowances and perquisites will be regulated in accordance with those applicable to the post under the Central Government. In respect of those who opt for the alternative at (b) above, the allowances and perquisites at rates admissible in the parent public sector undertaking may be allowed, provided allowances and perquisites of the same character are available to officers of comparable status in the Government, subject to the fulfilment of the conditions, if any, prescribed by the public sector undertaking for drawal of such allowance etc. In respect of perquisites and allowances, of a character which are not available to officers of corresponding status in the Government, the clearance of the Department of Personnel and Administrative Reforms shall be obtained before settling the terms. The facility of limited use of Government vehicle for private purposes on payment of normal charges will *not*, however, be available during the period of reverse foreign service even if similar facility is admissible to the employee in the public sector undertakings.

(ii) Encashment of Leave :- During the period of reverse foreign service, the employee will, unless otherwise specified, be governed by the leave rules of the public sector undertakings concerned as leave salary contributions are payable to the public sector undertakings. Hence, encashment of leave will be regulated as per the rules of the public sector undertakings and the liability in this regard will be that of the lending organization.

2. Employees of public sector undertaking who are in receipt of DA at Central Government rates.

The cases of employees of public sector undertakings, who are in receipt of Central Government rates of DA and who are appointed on deputation under the Central Government may be referred to the Department of Personnel and Administrative Reforms before finalising their terms.

3. State Government employees on deputation to the Government of India.

According to para 4.3 of the Ministry of Finance, O.M., dated 7-11-1975 referred to above, the terms laid down therein as modified by the Department of Personnel and A.R. vide O.M. No. 2(23)-Estt. (Pay II)/81, dated 29-9-1981 are at present applicable to the employees of the State Governments appointed on deputation in the Government of India. Since many State Governments have revised the pay scales of their employees after 1-1-1973, it has been decided that the terms as contained in paragraph 1 of this Office Memorandum in respect of pay and allowances as admissible to the employees of public sector undertakings on reverse foreign service may also be extended to the State Government employees during their deputation to the Government of India.

4. Date of effect & option.

These orders will take effect from the 1st December 1984. Employees of public sector undertakings already on reverse foreign service and State Government employees already on deputation to the Government of India will have the option either to continue to be governed by their existing terms and conditions during the present terms of their deputation or to come over to the terms and conditions mentioned in this Office Memorandum. For the extended period of their tenure, they will be governed only by the provisions of this Office Memorandum. In the case of others the option for pay fixation under para 1 (i) supra will have to be exercised within one month of the officers coming on deputation and that option will be effective from the date of coming on deputation. Option once exercised will be final except when—

- (a) Such officer receives proforma promotion in his parent office under the next below grade or in reverted to a lower grade in the parent office or is appointed in another grade in the Government, and
- (b) When the scale of the deputation post or that of the post held by a deputationist in his parent office is revised either with retrospective or prospective effect.

12. Guidelines for fixing pay of candidates working in Public Sector Undertakings, etc. recommended for appointment by the Commission by the method of recruitment by selection—regarding—

As per extant rules/orders on the subject, pay protection is granted to candidates who are appointed by the method of recruitment by selection through the U.P.S.C. if such candidates are in Government service. No such pay protection is granted to candidates working in Public Sector Undertakings, Universities, Semi-Government Institutions or Autonomous Bodies, when they are so appointed in Government. As a result of this, it has not been possible for Government to draw upon the scale that is available in non-Government organisations.

2. The question as to how pay protection can be given in the case of candidates recruited from Public Sector Undertakings, etc. has been engaging the attention of the Government for sometime. The matter has been carefully considered and the President is pleased to decide that in respect of candidates working in Public Sector Undertakings, Universities, Semi-Government Institutions or Autonomous Bodies, who are appointed as direct recruits on selection through a properly constituted agency including departmental authorities making recruitment directly, their initial pay may be fixed at a stage in the scale of pay attached to the post so that the pay and D.A. as admissible in the Government will protect the pay + D.A. already being drawn by them in their parent organisations. In the event of such a stage not being available in the post to which they have been recruited, their pay may be fixed at a stage just below in the scale of the post to which they have been recruited, so as to ensure a minimum loss to the candidates. The pay fixed under this formulation will not exceed the maximum of the scale of the post to which they have been recruited. The pay fixation is to be made by the employing Ministries/Departments after verification of all the relevant documents to be produced by the candidates who were employed in such Organisations.

3. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders are issued with the concurrence of the Comptroller and Auditor General of India.

4. These orders take effect from the first of the month in which this O.M. is issued.

[D/Pers. & Trg. O. M. No. 12/1/88—Estt. (Pay I), dated 7-8-89]

ANNEXURE

ILLUSTRATION-I

An Officer in a Public Sector Undertaking in the scale of Rs. 2,450-100-2,750 with a basic pay of Rs. 2,550 and D. A. of Rs. 1,016.55 to be appointed in Government in the scale of pay of Rs. 3,000-100-3,500-125-4,500:

	Rs.
Basic pay in P.S.U.	2,550.00+
D.A.	1,016.55
Ad-hoc Relief	840.00
Total	4,406.55

Pay in the Government will be fixed as under:

	I	II	III
	Rs.	Rs.	Rs.
Basic pay	3,000.00	3,500.00	3,625.00
DA- 23%	690.00	805.00	805.00
Total	3,690.00	4,305.00	4,430.00

So pay will be fixed at Rs. 3,500 on his appointment in Central Government.

ILLUSTRATION-II

Another officer in a Public Sector Undertaking in the scale of Rs. 3,000-100-3,700 with a basic pay of Rs. 3,100 and D.A. of Rs. 1,016.55 to be appointed in the Govt. in the scale of Rs. 4,100-125-4,850-150-5,300.

	Rs.
Basic pay in P.S.U.	3,100.00
D.A.	1,016.55
Ad-hoc relief	1,080.00
Total	5,196.55

Pay in the Government will be fixed as under :

	I	II	III
	Rs.	Rs.	Rs.
Basic pay	4,100.00	4,350.00	4,475.00
D.A. 17%	697.00	739.50	760.75
Ad-hoc			
	<u>4,797.00</u>	<u>5,089.50</u>	<u>5,235.75</u>

So pay will be fixed at Rs.4350 on appointment in Government.

D.G., P. & T.'S INSTRUCTIONS

(1) The question as to how the pay of the officials discharged from service under Rule 5 of the Central Civil Services (Temporary Service) Rules, 1949 should be regulated on their re-employment was under consideration for some time past. It is clarified that the discharge of an official under Rule 5 does not amount to removal or dismissal from service and on re-employment there will be no objection to the provisions of the proviso to F.R. 22 being applied provided they are otherwise applicable.

[D.G.P. & T.'s Letter No. 30/14/SPB/PAP, dated the 28th November, 1962.]

It is clarified after examination in consultation with the Department of Personnel and the Ministry of Finance that the above decision is equally applicable in the cases of re-employment after termination of services under Rule 5 of the C.C.S. (T.S.) Rules, 1965.

[D.G. P.&T.'s Letter No. 2-79/70-PAP, dated the 11th May, 1971.]

AUDIT INSTRUCTIONS

(1) A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another.

If a Government servant has held substantively, or officiated in a post in the cadre or class prior to the introduction of a new time-scale, and has drawn during the period, salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or

pay last drawn and the period during which it was drawn may be counted for increment in the same state, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

The above provisions will not be applicable to posts the pay of which has been reduced.

[Para 3(i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Regulation of pay of a Government servant in receipt of personal pay under F.R. 22 (a)(ii) when he earns his next increment—When the next increment in the time-scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the new post, and forthwith lose the personal pay and all connection with the time-scale of the old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

[Para. 3(ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) Not printed.

(4) For the purpose of F.R. 22 and 23, a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the "same post" as the permanent post even though the duties remain the same. In other words, in view of F.R. 9(30) the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only (to the pay of the permanent post if it is on a fixed rate of pay or) to the minimum of the time-scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under provisions (1) (i) and (1) (iii) to F.R. 22.

NOTE:—The provisions of Art. 370, Civil Service Regulations, are not affected by this decision.

[Para. 3(iv), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The expression "if he holds a lien on a permanent post" occurring in clause (a) of Fundamental Rule 22 should be held to include the lien

on a permanent post to which a Government servant is appointed in a provisional substantive capacity under Fundamental Rule 14 (d), and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Fundamental Rule 22 (a) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government servant in a post is thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

[Para. 3(v), Chap. IV, Sec. I of the Manual of Audit Instructions (Reprint).]

(6) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under F.R. 35, he must not be treated as having effectually officiated in that post within the meaning of F.R. 22, or having rendered duty in it within the meaning of F.R. 26. Such an officer, on confirmation should have his initial pay fixed under F.R. 22 (b) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

[Para. 12(ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(7) In a case where there is a pause in the time-scale (e.g., at the stages of Rs. 525 and Rs. 625 in the scale of Rs. 375-50-525-525-50-625-625-50-975) there are really two stages at the same rate of pay and an incumbent gets the first stage at that rate during the first year of service and at the second stage only on the conclusion of the first year. Where, however, a scale is expressed as Rs. 375-50-525-50/2-575-50-625-50/2-675-25-975 the biennial increments at the stages of Rs. 525 and Rs. 625 accrue only after the full incremental period of two years and it cannot be said that there are two stages at the same rate of pay to be drawn during the first and second year respectively.

2. The difference between the two types of scales mentioned above will be material only in respect of cases involving fixation of pay under F.R. 22(a)(ii). So far as cases involving fixation

of pay under F.R. 22(a) (i) are concerned the treatment to be meted out will be the same irrespective of the type of the time-scale. The manner in which the fixation of pay should be regulated in such cases under F.R. 22(a) (i) and F.R. 22(a)(ii) respectively is indicated below :

3. Fixation of pay under F.R. 22 (a) (i) :—

The words "the stage of the time-scale next above his substantive pay in respect of the old post" occurring in F.R. 22 (a) (i) means the stage in the time-scale which is next in amount above his substantive pay, although the time-scale of the new post may carry only biennial increments or have a pause operating at the stage of pay in that scale equal to his substantive pay. For example, if an officer in receipt of substantive pay of Rs. 350 p.m. in a permanent post in the scale of Rs. 275-25-500-EB-30-650-30-EB-800 is appointed to officiate in the post involving higher responsibilities in the scale of Rs. 350-350-380-380-30-590-EB-30-770-40-850, his officiating pay in the latter scale may be fixed at Rs. 380 instead of at second stage of Rs. 350 p.m.

4. Fixation of pay under F.R. 22 (a) (ii) :—

I. Cases where there is a pause in the time-scale :—

(i) When the substantive pay in the old post is not equal to a stage in the time-scale of the new post, the incumbent will draw the pay at the stage in the new post next below his substantive pay *plus* the difference as personal pay. If there is a pause at that stage the pay will be fixed at the second stage. For the purpose of this fixation it is immaterial whether there is a pause at the stage in which the pay was drawn in the old post and whether he drew that pay in the first or second stage.

(ii) If the pay drawn in the old post corresponds to a stage in the time-scale of the new post the pay in the new post will be fixed at that stage. If there is a pause at that stage in the scale of the new post, the pay will be fixed at the first stage. If however, there is a pause at that stage in the scale of pay attached to the old post also, then the pay in the new post will be fixed at the

first or the second stage according as it was drawn in the first or second stage in the old scale.

lower post by one increment at the stage at which such pay has accrued.

[Para. 3(vii), Chap. IV, Sec. I of the Manual of Audit Instructions (Reprint) as inserted by C.S. No. 61 thereto.]

(iii) In cases covered by both (i) and (ii) above he will continue to draw the pay specified above until such time as he would have received an increment (i.e., an actual increase in pay has distinguished from passing on from one stage to another at the same rate of pay) in the time-scale of the old post or for the period after which an increment (i.e., an actual increase) is earned in the time-scale of new post, whichever is less. After that period he will draw the next increment (i.e., actual increase) in the time-scale of the new post and forthwith lose the personal pay and all connection with the time-scale of the old post.

(9) The instructions contained in clause 3 of Audit Instruction (7) apply *mutatis mutandis* to cases where pay has to be regulated under M.F., O.M. No. F.1 (10)-E. III (A)/74, dated the 21st June, 1974. [Government of India Order No. (9)], except that in the case of F.R. 22 (a) (i) the pay with reference to which the next stage in the higher post has to be worked out is the pay drawn in the scale of the lower post irrespective of whether the lower post was held in a substantive, officiating or temporary capacity. Thus, an officer who drew pay of Rs. 2,000 in a Group 'A' post in the scale of Rs. 1,800-100-2,000 before his appointment to a higher post in the scale of Rs. 2,000-125/2-2,250 in an officiating capacity will have his initial pay in the higher post fixed at the stage of Rs. 2,125 in terms of the O.M., dated the 21 June, 1974.

[Para. 3(viii) Chap. IV, Sec. 1 of the Manual of Audit Instructions (Reprint)—Authority: Deptt. of Personnel & A.R., U.O. No. 1(21)-Estt.(Pay-I), dated the 3rd September, 1981 in Comptroller and Auditor-General File No. 81, Audit/81.]

II. Cases where the increment is biennial:—

Here there is no question of the Government servant drawing the same rate of pay at the first or second stage; and an increment at the biennial stage of the new scale accrues after a Government servant had rendered service for two years at that stage. When the pay of a Government servant is fixed at such a stage in the new post under F.R. 22 (a) (ii) whether with or without any personal pay the increment raising his pay to the stage next above the biennial stage will accrue to him on the date on which he would have got an increment (actual increase) in the time-scale of the old post or after he had rendered service for two years in the new post whichever is earlier; from that date he will lose the personal pay, if any.

[Para. 3(vi), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(8) The instructions contained in clause 3 of Audit Instruction (7) apply *mutatis mutandis* to cases where pay has to be regulated under F.R. 22-C, except that instead of the substantive pay in the old post as in the case of F.R. 22 (a) (i) the pay with reference to which the next stage in the higher post has to be worked out would be the pay notionally arrived at by increasing the pay of the Government servant in respect of the

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

1. Temporary posts on the usual time-scale rates of pay sanctioned for an Accounts Office form a temporary addition to the cadre of the office. Under Government of India Order (1) above, reversion to ordinary cadre of a service from a post outside the cadre does not constitute 'substantive appointment to a post' for the purpose of F.R. 22. When, therefore, a Government servant reverts from a temporary post which he held substantively to his former permanent substantive post, F.R. 22 does not apply.

[C.A.G.'s Letter No. T-375-NGE/109-29, dated the 23rd May, 1929.]

2. It has come to the notice of the Comptroller and Auditor-General that a specific declaration as to the relative degree of responsibility is sometimes called for by the Audit Officer even in cases

where it is obvious beyond doubt that the duties attaching to the new post carry a higher degree of responsibility than those attaching to the old post. The Auditor-General has decided that it is quite unnecessary for audit to require a statement of the obvious. A specific declaration under Government of India's Order (2) above should be insisted upon only in cases where there is some doubt as to the relative degree of responsibilities attaching to the two posts.

[C.A.G.'s Letter No. T-512-NGE/261-35, dated the 21st June, 1935.]

3. A Government servant when appointed to a post substantively while officiating in it is entitled to have his pay fixed anew under the revised F.R. 22 with reference to his substantive pay at the time in respect of his old permanent post.

[C.A.G.'s Letter No. T-1176-A 170-34, dated the 11th September, 1934.]

4. In connection with the application of the Government of India's Order embodied in Audit Instruction (4) above, a question was raised as to whether the decision would affect any of the existing Audit Instructions issued under F.R. 22.

The Comptroller and Auditor-General has decided that the decision has no bearing on any of the Audit Instructions referred to above. The decision does not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post; it refers only to cases of conversion of a temporary post into a permanent one on a different rate of pay. There is also nothing in the decision of the Government of India which debars service in a temporary post, created as an addition to a cadre and on the same time-scale from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished. This position which obtained before the issue of the Government of India's Order remains unaffected even after the issue of that order.

[C.A.G. endst. No. 209-A/2-36, dated the 24th June, 1937 and U.O. No. 478-A/192-46, dated the 28th December, 1946.]

GOVERNMENT OF INDIA'S ORDERS

1. **Appointment/Promotion to ex-cadre posts.**—It is clarified that the provisions contained in this rule will also be applicable even in cases of promotion to ex-cadre posts, provided that the

Government servant is entitled to draw pay in the scale of pay attached to the higher ex-cadre post in accordance with the terms of deputation or transfer sanctioned for him. Where, however, according to the terms of deputation or transfer the Government servant is given his grade pay of the post held by him in his own-cadre plus a deputation allowance or special pay at a fixed rate or related to such grade pay, the question of applying the provisions of F.R. 22-C shall not arise.

[G.I., M.F. O.M. No. F.2(9)-Estt. III/61, dated the 15th May, 1961.]

2. **Appointment/promotion from one ex-cadre post to another ex-cadre post.**—(1) It is clarified that the order above applies only in cases of appointment of a Government servant from his parent department to an ex-cadre post. In cases of appointment/promotion from one ex-cadre post to another ex-cadre post where the official post to draw pay in the scale of the ex-cadre post, the pay in the second or subsequent ex-cadre posts should be fixed under the normal rules with reference to pay in the cadre post only. In respect of appointments to ex-cadre posts on time-scale of pay identical with the time-scale of pay of ex-cadre posts held on an earlier occasions the benefit of proviso 1 (iii) to F.R. 22 will, however, be admissible.

[G.I., M.F. No. O.M. No. F.2(9)-E.III/61, dated the 1st June, 1970.]

Clarification.—It is observed that in certain cases when a Government servant is appointed to a second or subsequent ex-cadre post in a higher scale of pay than that of the previous ex-cadre post and the pay is fixed with reference to the pay in the Cadre post, the pay so fixed turns out to be less than the pay drawn by him while holding the earlier ex-cadre post in a lower pay scale. This leads to an anomalous situation.

2. The matter has been carefully considered and it has been decided that an appointment to a second or subsequent ex-cadre post in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in future increases in pay. This is subject to the condition that on both the occasions the employee

should have opted to draw pay in the scale of pay attached to the ex-cadre post.

(3.) These orders take effect from the first of the month in which the O.M. is issued. In other words, the appointment to the second or subsequent ex-cadre post in a higher pay scale should have been effected on or after the first of the month in which the O.M. is issued. Old cases which have already been settled prior to issue of these orders need not be reopened.

[G.I., Ministry of Per. & Trg. O.M. No. 2(17)-Est. Pay-II/85, dated the 18th November, 1985.]

4. **No orders of efficiency bar crossing necessary while fixing pay in the promoted post.**—A question has been raised whether the increase by one increment in the lower scale as contemplated in F.R. 22-C should be given as a matter of course while fixing the pay in the higher post or that an order of the competent authority allowing the officer to cross the efficiency bar in the lower scale, if involved should be required before fixing pay in the higher post. It has been decided that no orders of crossing the efficiency bar in lower scale are necessary for the purpose of fixing the pay in the higher post.

[G.I., M.F. O.M. No. 2(24)-E.III(61), dated the 30th November, 1961.]

5. **Non-applicability to UPSC appointments.**—

(1) F.R. 22-C will not apply to cases of Government servants appointed to higher posts through the Union Public Service Commission and in whose cases the Commission have made a specific recommendation regarding the pay to be given.

(2) The intention behind the above provisions is that in a case where the Union Public Service Commission recommend a specific rate of pay to be given to the Government servant, the person concerned should be eligible for that rate of pay. If, on the contrary, the Commission recommended that the pay should be fixed "under the normal rules", then the pay may be fixed under F.R. 22-C, subject, of course, to the condition that the post is higher than the post previously held by the Government servant.

(3) In order to enable the Accounts/Audit authorities to see that the pay has been fixed in accordance with the above, it has been decided that in all cases of appointment of Government

servants to other posts through the Union Public Service Commission the recommendations of Commission in the matter of pay, i.e., whether it is a specific rate of pay or pay to be fixed "under the normal rules", as the case may be, should invariably be indicated in the order or notification appointing the Government servant concerned to the post.

[G.I., M.F., O.M. No. F.2(9)-III/61, dated the 20th March, 1961 and F.2(72)-E. III/62, dated the 6th December, 1962.]

6. **Applicability to State Government servants.**— It has been decided that,—

(i) When a State Government servant is appointed to a post under the Central Government and the post carried duties or responsibilities of greater importance than those attaching to the post held by him under the State Government, the initial pay of the official in the post may be fixed under F.R. 22-C.

(ii) Dearness allowance, if any, admissible under the State Government may be treated as basic pay for the purpose of fixation of pay in the post under the Government of India subject to the following conditions :—

(a) The maximum amount of dearness allowance to be taken into account will be Rs. 100 or the actual amount of dearness allowance that will be taken into account by the State Government concerned for fixation of pay in their revised scales, if revision has taken place, whichever is less.

(b) From the basic pay so arrived at, the dearness allowance at the revised rates admissible according to the Central Government rules on the pay due in the State should be deducted.

NOTE 1.—For assessing the relative degrees of responsibility of the posts under the State Government and the Central Government all relevant factors including the duties attached to the posts, etc., besides the scales of pay attached to the posts, will be taken into consideration. In a large majority of cases, such assessment should be easy to make. Doubtful cases may be referred to the Ministry of Finance as heretofore under Government of India's Order No. (2) and Auditor General's Decision No. (2) below F.R. 22.

[G.I., M.F., O.M. No. 2(55)-E. III/63, dated the 4th February, 1964.]

Note 2.—When a State Government servant drawing pay in the revised scale (after merging of dearness allowance) under the State Government is appointed to a post under the Central Government and the post carries duties of responsibilities of greater importance than those attaching to the post held by him under the State Government, the initial pay of the official in the Central Government post should be fixed under F.R. 22-C with reference to his basic pay only, and the provisions contained in Para (ii) (a) and (b) of decision above will not apply in such cases. It has been further clarified that the term 'basic pay only' would mean only the basic pay in the State scales after first revision on the pattern of the recommendations of the second Pay Commission for Central Government employees and not the basic pay after the second or subsequent revisions of the State scales, if any.

[G. I., M.F. O. M. N., F. 2(55)—E. III (A)/63 dated the 30th July, 1966 and O. M. N. F. 1(62)—E. III (A)/75, dated the 17th November, 1975.]

7. Application when a permanent Government servant promoted from an officiating post.—(1) It may sometimes happen that the pay of an employee, permanent in post A but officiating in post B and subsequently transferred/promoted to post C fixed with reference to the officiating pay in post B may work out to be less than the pay fixed with reference to the substantive pay in post A. In order to remove this anomaly, it has been decided that in such cases pay should be fixed under F.R. 22-C with reference to the substantive pay of the officiating pay whichever may be beneficial to the Government servant.

(2) These orders will take effect from the date of their issue and past cases already decided otherwise will not be re-opened.

[G.I., M.F., O.M. No. F.3(4)-E. III(B)/71, dated the 5th of February, 1972.]

8. Removal of anomaly by stepping up of pay of Senior on promotion drawing less pay than his junior.—(a) As a result of application of F.R. 22-C.—In order to remove the anomaly of a Government servant promoted or appointed to a higher post on or after 1-4-1961 drawing a lower rate of pay in that post than another Government servant junior to him in the lower grade and promoted or

appointed subsequently to another identical post, it has been decided that in such cases the pay of senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post. The stepping up should be done with effect from the date of promotion or appointment of the junior officer and will be subject to the following conditions, namely:—

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted or appointed should be identical and in the same cadre;
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical;
- (c) The anomaly should be directly as a result of the application of F.R. 22-C. For example, if even in the lower post the junior officer draws from time to time a higher rate of pay than the senior by virtue of grant of advance increments, the above provisions will not be invoked to step up the pay of the senior officer.

The orders refixing the pay of the senior officer in accordance with the above provisions shall be issued under F.R. 27. The next increment of the senior officer will be drawn on completion of the requisite qualifying service with effect from the date of re-fixation of pay.

[G.I., M.F., O.M. No. F.2(78)-E.III(A)/66, dated the 4th January, 1966.]

(b) As a result of F.R. 22-C application in the revised scales.—(i) CCS (RP) Rules, 1973 : In order to remove the anomaly, wherein a senior Government servant promoted to a higher post before 1-1-1973 draws less pay in the revised scales recommended by the Pay Commission than his junior who is promoted to the higher post after that crucial date, it has been decided that in such cases, the pay of the senior officer in the revised scale in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post promoted on or after 1-1-1973. The stepping up should be done with effect from the date of promotion of

junior officer and should be subject to the following conditions :—

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted should be identical in the same cadre.
- (b) The unrevised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) The anomaly should be directly as a result of the application of the provisions of F.R. 22-C in the revised scale. For example, if even in the lower post, the junior officer was drawing more pay in the unrevised scale than the senior by virtue of fixation of pay under the normal rules or any advance increments granted to him, the provisions contained in this decision need not be invoked to step up the pay of the senior officer.

(2) The orders re-fixing the pay of the senior officer in accordance with the provisions of this decision should be issued under F.R. 27 and the next increment of the senior officer will be drawn on completion of the required qualifying service with effect from the date of re-fixation of pay.

(3) These orders take effect from the date of issue. Cases of senior drawing less pay in the revised scale than the junior in respect of promotion, occurring on or after 1st January, 1973 may also be regulated under these orders, but the actual benefit would be available from the date of the issue of these orders.

[G.I. M.F., O.M. No. F.1(35)-E.III(A)/74, dated the 18th July, 1974.]

(ii) *CCS (RP) Rules, 1986.*—(1) In cases, where a Government servant promoted to a higher post before the 1st day of January, 1986 draws less pay in the revised scale than his junior who is promoted to the higher post on or after the 1st day of January, 1986, the pay of the senior Government servant should be stepped up to an amount equal to the pay as fixed for his junior in that higher post. The stepping up should be done with effect from the date of promotion of

the junior Government servant subject to the fulfilment of the following conditions, namely :—

- (a) both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted should be identical in the same scale,
- (b) the pre-revised and revised scales of pay of the lower and higher posts in which they are entitled to draw pay, should be identical, and
- (c) the anomaly should be directly as a result of the application of the provisions of Fundamental Rule 22-C or any other rule or order regulating pay fixation on such promotion in the revised scale. If even in the lower post, the junior officer was drawing more pay in the pre-revised scale than the senior by virtue of any advance increments granted to him, these provisions need not be invoked to step up the pay of the senior officer.

(2) The orders relating to re-fixation of the pay of the senior officer in accordance with the above provisions should be issued under F.R. 27 and the senior officer will be entitled to the next increment on completion of his required qualifying service with effect from the date of re-fixation of pay.

[Note 7 below Rule 7 of C.C.S.(R.P.), Rules, 1986.]

(c) *As a result of notional increment granted in the case of those stagnating at the maximum.*— It has been brought to the notice that the issue of the orders [permitting the fixation of pay under F.R. 22-C in respect of employees drawing maximum of the scale in the lower post on promotion to higher post with reference to notional pay arrived at after adding one increment above the maximum of the lower scale (equivalent to the amount of the last increment in that scale) with effect from 1st November, 1973 has resulted in an anomaly to the effect that seniors promoted before 1st November, 1973 are getting less pay than that of their juniors promoted to the same post on or after 1st November, 1973

(2) In order to remove the above anomaly, it has been decided that in such cases, the pay

of the senior officer should be stepped up to a figure equal to the pay as fixed for the junior officer promoted to the same post on or after 1-11-1973. The stepping up should be done with effect from the date of promotion of the junior officer and should be subject to the following conditions :—

- (a) Both the junior and senior officers should belong to the same cadre and the posts in which they have been promoted should be identical and in the same cadre.
- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) the anomaly should be directly as a result of application of orders referred to in paragraph 1 above.

(3) The orders re-fixing the pay of the senior officer in accordance with the aforesaid decision should be issued under F.R. 27 and the next increment of the senior officer will be drawn on completion of the required qualifying service with effect from the date of re-fixation of pay. The arrears of pay as a result of re-fixation of pay would be admissible from the date the pay of the senior person is stepped up.

[G.I., M.F., O.M. No. F. 747-E.III (A)/74, dated the 6th January, 1973]

(d) In the case of promotions/appointments to Group 'A' posts with starting pay up to Rs. 1,500*.—
(1) Referring to Government of India Order (12) below this Rule, cases have come to notice wherein a senior Group 'A' officer promoted to a higher post prior to 5-10-1981 draws less pay than his junior promoted to such higher post after that crucial date.

(2) After careful consideration, it has been decided that in order to remove the aforesaid anomaly, the pay of the senior officer in the higher post should be stepped up to a figure equal to the pay as fixed for the junior officer in that higher post, promoted on or after 5-10-1981. The stepping up may be done with effect from the date of promotion of the junior officer and will be subject to the following conditions :—

- (a) Both the senior and junior officers should belong to the same cadre and the posts

in which they have been promoted on regular basis should be identical in the same cadre;

- (b) The scales of pay of the lower and higher posts in which they are entitled to draw pay should be identical; and
- (c) The anomaly should be directly as a result of the application of the orders contained in G.I. Order (14). For example, if even in the lower post, the junior officer was in receipt of higher pay than the senior officer by virtue of fixation of pay under the normal rules or due to any advance increments granted to him; or fixation of pay of junior on promotion was regulated under different provisions other than O.M., dated 5-10-1981, then the provisions contained in this O.M., should not be invoked to step up the pay of the senior officer.

(3) The orders re-fixing the pay of the senior officer in accordance with the provisions of this order should be issued under F.R. 27 and the next increment of such senior officer will be drawn on completion of the required qualifying service with effect from the date of re-fixation of pay.

(4) These orders take effect from the date of issue. Cases of senior officer drawing less pay than the junior in respect of promotions on or after 5-10-1981 but prior to the date of issue of these orders, may also be regulated under these orders but the actual benefit would be available only from the date of issue of this O.M.

[G.I., D.P. & A.R., O.M. No. F. 11/3/82-Estt. P.L. dated the 25th September, 1982]

(e) In the case of senior promoted prior to 1-5-1981 vis-a-vis his junior promoted subsequently and opting para. (2)(b) of Order (15).—(1) Certain instances have been brought to notice, where a senior employee promoted prior to 1-5-1981 in whose case pay was to be fixed directly under F.R. 22-C will be drawing less pay than his junior

**Pre-revised pay.

promoted on or after the crucial date in whose case pay was fixed in terms of para. 2(b) of Order (15) below, viz., pay initially fixed in the manner as under F.R. 22(a)(i) and the same re-fixed under F.R. 22-C on the date of accrual of next increment in the lower post, from the date of such re-fixation of pay.

(2) After careful consideration it has been decided that in order to remove the aforesaid anomaly the pay of the senior person in the higher post should be stepped up to a figure equal to the pay as fixed in respect of the junior person in that higher post from the date of occurrence of the anomaly, viz., from the date the pay of the junior is re-fixed in the higher post, in terms para. 2(b) of Order (15). The stepping up of pay of the senior would be subject to the following conditions, namely:—

(a) Both the senior and junior employees should belong to the same cadre and the posts in which they have been promoted on a regular basis should be identical in the same cadre;

(b) The scales of pay attached to the lower and the higher posts in which they are entitled to draw pay should also be identical; and

(c) The anomaly should have arisen directly due to re-fixation of pay of the junior person (promoted on or after 1-5-1981) in the higher post, on his date of next increment in respect of the lower post, in terms of para. 2(b) of Order (15). In other words, it should be ensured that there could have been no anomaly, had the pay of the junior person on promotion, been fixed under the normal rules, viz., under F.R. 22-C direct. Also, the senior person should not have been in receipt of less pay than the junior even in the lower post from time to time.

(3) The orders re-fixing the pay of the senior person in accordance with the provisions of this order should be issued under F.R. 27 and the

next increment of such a senior will be drawn on completion of the required qualifying service from the date of re-fixation of pay under F.R. 26.

(4) These orders take effect from the date of their issue. Past cases may also be regulated in the light of the provisions contained in these orders. Arrears will be available only from the date of the anomaly or the date of issue of this O.M., whichever is later.

[G.I., M.G.A., Deptt. of Personnel & A.R., O.M. No. F. 4/4/82 Estt. (O.P.I.), dated the 25th May, 1983.]

9. Protection of last pay not actually drawn on his reversion and repromotion to the same post.—

(1) A question has been raised as to whether a Government servant can get protection of the last pay actually not drawn (being on leave) on his reversion and repromotion subsequent to the same post in which the previous service is to be counted. The concrete case which has given rise to the above question is as follows:—

“A Government servant was officiating as UDC and drew his pay at the stage of Rs. 404 during the period from 1-1-74 to 19-11-74. Thereafter he proceeded on leave up to 31-12-76 and it was certified by the competent authority that he would have continued to officiate as UDC up to 3-9-75. Excluding the total of all such periods as do not count for increment in the time-scale of UDC, the date of next increment was worked out as 13-6-75 and since he was on leave on this date and continued to remain on leave, the increment raising his pay to the stage of Rs. 416 in the officiating post of UDC was actually not drawn. He stood reverted to his substantive post of LDC with effect from 4-9-75. On his repromotion as UDC with effect from 3-1-77 his pay was fixed at the stage of Rs. 404 with reference to his substantive pay of Rs. 390 as LDC as on that date. The point for consideration is whether his pay may be fixed at the stage of Rs. 416 on

his repromotion with effect from 3-1-77 and whether he may be allowed to count the period during which he would have drawn that pay for increment in the stage of the time-scale equivalent to that pay."

(2) This has been examined carefully. The fourth proviso to F.R. 22-C as at present does not permit such a dispensation. On a somewhat analogous situation under F.R. 31(2) orders have been issued to the effect that in the case of a person proceeding on leave, if the period of leave counts for increment in the officiating post under F.R. 26(b)(ii) subject to the fulfilment of the conditions and production of the necessary certificates, his officiating pay may be refixed under F.R. 31(2) from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in his officiating pay can be had only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

(3) Accordingly, it has been decided that in the type of cases referred to in paragraph 1 above the pay may be fixed at the same stage (though not drawn) and the period during which it would have been drawn may also be counted for increment in the stage of the time-scale equivalent to that pay.

4. These orders take effect from the date of issue; but pending cases, if any, may be decided in accordance with these orders.

[G.I., M.F., O.M. No. F. 1 (18)-E. III(A)/77, dated the 5th November, 1977.]

10. No refixation in cases of short spells of extraordinary leave in officiating post.—After the introduction of F.R. 22-C which seeks to eliminate altogether the process of repeated refixation of officiating pay envisaged under the provision of F.R. 31(2), it will not be in accordance with the spirit of the Rules, to allow a refixation of pay again under F.R. 22-C in the same officiating post by treating short spells of extraordinary leave as effective breaks in the officiating appoint-

ment involving a notional reversion to the lower cadre post. It has accordingly been decided that so long as it is clear that but for the spell of extraordinary leave the individual would have continued to officiate in the same post, their should be no need for the refixation of pay in that post with reference to any increase in pay accruing in the lower post by annual increment, etc.

For refixation of officiating pay under the provisions of F.R. 31(2), see Government of India Order(4) below F.R. 31.

The above orders take effect from the 6th August, 1973 and the earlier cases should be decided in accordance with the rules prevailing at the relevant date.

[G.I., M.F., O.M. No. 1 (8)-E. III(A)/73, dated the 6th August, 1973.]

11. Treatment of special pay for purpose of fixation of pay on promotion.—(a) When the special pay is in lieu of a separate higher scale.—In cases where a Government servant is in receipt of a special pay in a post, his pay on promotion to a higher post may be fixed after taking into account the special pay drawn in the lower post subject to the conditions mentioned below :—

(i) The special pay in the lower post should have been granted in lieu of separate higher scale (e.g., special pay granted to steno-typist, clerk-in-charge, etc.

(ii) If the special pay has been drawn in the lower post continuously for a minimum period of three years on the date of promotion, the pay in the higher post will be fixed, under the normal rules, treating the special pay as part of basic pay. In other cases, the pay in the time-scale of the higher post will be fixed, under the normal rules, with reference to the basic pay drawn in the lower post (excluding the special pay); where this results in drop in emoluments the difference between the pay so fixed and the pay plus special pay drawn in the lower post will be allowed in the form of personal pay to be absorbed in future increases of pay;

(iii) In both the kinds of cases referred to it, clause(ii) above, it should be certified that but for the promotion, the Government servant would have continued to draw the special pay in the lower post.

(b) *When the special pay is not in lieu of a separate higher scale.*—In cases where the special pay drawn by a Government servant, in the lower post is not in lieu of a separate higher scale, the provisions of Government of India Order(2) below F.R. 9(23) will continue to apply. The following types of special pay will not be taken into account for fixation of pay in the higher post :—

(i) Special pay drawn in a tenure post;

(ii) Special pay granted for service in particular localities on account of remoteness, unhealthiness, severity of climate, etc., like Andamans Special Pay, Inner Line Special Pay, etc.

(iii) Deputation (duty) allowance or special pay drawn in lieu thereof.

[G.I., M.F., O.M. No. 6(1)E- III(B)/(65), dated the 25th February, 1965.]

NOTE 1.—The special pays shown in the schedules to the Central Civil Services (Revised pay) Rules, 1960 will be treated as in lieu of higher scale of pay.

Special pay of Cashiers, Comptists and Machine Operators will not, however, be treated as in lieu of a higher scale of pay even if such special pays are included in the schedules to the Central Civil Services (Revised Pay) Rules, 1960.

2. According to (a)(ii) above, the special pay in lieu of a higher scale should have been drawn continuously for a minimum period of three years on the date of promotion for it to be treated as part of basic pay. It is clarified that where such special pay has been drawn for a minimum period of three years without break in more than one post within the same cadre or department, the total period will be taken into account. In cases where the quantum of special pay varies in different posts, the least of the special pay drawn in different posts should be taken into account for the purpose of fixation of the pay in the higher post.

G.I., M.F., O.M. No. F. 6 (1)-E. II(B)/68, dated the 8th January, 1968.]

It has been decided that the special pay granted to the LSG SPMs supervising another LSG

official in the office and the LSG Head Sorters/Record Clerks and Sub-Record Clerks, who directly supervise another LSG official in the section or office, is in lieu of separate higher pay scale.

The special pay allowed to time-scale Sub-Postmasters and time-scale Head Sorters/Record Clerks/Sub-Record Clerks is not in lieu of separate higher pay scale and the fixation of pay in the higher post on promotion is to be done under the normal rules without taking the special pay into account but any drop in emoluments will be subject to the fulfilment of prescribed conditions, i.e., protected by the grant of special pay to be absorbed in the future increase of pay.

[D.G., P & T Letter No. 8/63/77-PAP, dated the 21st March, 1979.]

NOTE 2.—(a) The condition of special pay having been drawn continuously for a minimum period of three years as well as the certificate of continued drawal of special pay but for promotion should not be insisted upon in the case of a persons holding substantively the lower post carrying special pay in lieu of a separate higher scale. This exemption will not be available to officers with substantive position in a cadre and holding a post carrying a special pay in lieu of a separate higher scale in the cadre, as confirmation of officers in the cadre is not made against individual posts. The condition of drawal of special pay in such posts continuously for not less than three years should be applied in those cases.

(b) The certificate of continued drawal of special pay but for promotion in cases where special pay is in lieu of a higher scale of pay and has been drawn continuously for at least three years should be dispensed with. In other cases, such a certificate should be insisted upon.

(c) It may happen that a senior person promoted to the higher post before completing three years in the special pay post draws less pay than his junior who is promoted after completing three years in the special pay post. Where such cases occur, the pay of the senior should be stepped up to the level of pay of the junior from the date of promotion of the latter, provided the junior was not drawing a higher pay than the senior from time to time in the lower post and the

lower and higher posts held by the junior and the senior belong to the same cadre.

[G.I., M.F., O.M. No. F. 6(1)-E, III(B)/68, dated the 8th January, 1968.]

NOTE 3.—In partial modification of the provisions of para. (a)(ii) above, it has been decided that even in cases where the special pay in lieu of a higher scale of pay has been drawn in the same post for broken periods, the benefit of special pay being treated as part of basic pay on promotion to a higher post will be admissible provided the total of the broken periods put together is not less than three years.

[G.I., M.F., O.M. No. F. 6(1)-E, III(B)/68, dated the 27th February, 1971.]

NOTE 4.—In cases where the special pay in respect of the same post has been enhanced during the preceding three years of the date of promotion, the rate of special pay to be taken into account for purpose of fixation of pay in the higher post, should be the one drawn immediately before the date of promotion, subject to the fulfilment of other conditions governing fixation of pay in the higher post, as laid down in various orders issued from time to time.

[G.I., M.F., O.M. No. F. 6(1)-E, III(B)/68, dated the 12th December, 1974.]

(c) *Authority competent to fix pay.*—(1) In regard to fixation of pay on promotion under these orders, the following points have been raised :—

- (i) Who is the authority competent to fix pay on promotion to higher post after treating special pay in a lower post as part of basic pay.
- (ii) Whether Administrative Ministry is still required to issue sanction to the grant of personal pay under F.R. 9 (23) (b).

(2) The above points have been examined in consultation with the Ministry of Finance and it is hereby clarified that the authority competent to fix pay of an official on promotion will also be competent to fix pay and grant personal pay under the above orders. In such cases the sanction of the Administrative Ministry is not necessary for the grant of personal pay unless it is the competent authority to fix pay on promotion.

[D.G., P. & T., Letter No. 2/1/67-PAP, dated the 6th April, 1967.]

13. Option for choosing date for fixation of pay under F.R. 22-C on promotion.—(a)(1) A refer-

ence is invited to the existing provisions regarding the manner of fixation of pay of a Central Government employee on his promotion to the next higher grade/post under F.R. 22-C. A point was raised by the Staff Side in the 25th Ordinary Meeting of the National Council (JCM) that under the above provisions promotion of a junior person to the higher post, after accrual of his increment in the lower post, gives rise to an anomaly in pay of a person senior to him who though promoted earlier had not drawn at any time pay less than that of his junior in the lower post.

(2) The demand of the Staff Side has been considered by this Department in consultation with the Ministry of Finance and the matter was also discussed in the National Council (JCM). It has been decided that in order to remove the aforesaid anomaly the employee may be given an option for fixation of his pay on promotion as under :

- (a) either his initial pay may be fixed in the higher post on the basis of F.R. 22-C straightway without any further review on accrual of increment in the pay scale of the lower post, or
- (b) his pay on promotion, may be fixed initially in the manner as provided under F.R. 22 (a) (i) which may be refixed on the basis of the provisions of F.R. 22-C on the date of accrual of next increment in the scale of pay of the lower post.

If the pay is fixed under (b) above, the next date of increment will fall due on completion of 12 months qualifying service from the date pay is refixed on the second occasion.

Option may be given within one month of the date of promotion. Option once exercised shall be final.

In cases of employees who were promoted during the period from 1-5-1981 to 25-9-1981, the employees concerned should exercise the option on or before 31-3-1982.

(3) In the event of an officer refusing promotion even after the above concessions become available, he would be debarred from promotion for a period of one year instead of six months, as at present.

(4) These orders take effect from the 1st May, 1981.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. F. 7/1/80-Estt. P.L., dated the 26th September, 1981 and the 24th December, 1981.]

Clarifications.—(1) In the order promoting the Government servant, it may be mentioned that

he has to exercise the option within one month. On his promotion, the pay should first be fixed under F.R. 22-C and in case he exercises an option in terms of para 2 (b) of O.M., dated the 26th September, 1981 within the prescribed period of one month, his pay should be refixed under F.R. 22(a) (i) with effect from the date of his promotion and then under F.R. 22-C only with effect from the date of accrual of next increment in the feeder post.

(2) The option is to be allowed only in cases of promotion to higher posts in the normal line in a Cadre/Department. The O.M. will not be applicable in cases of appointment by transfer on deputation and the like.

(3) The option may be uniformly allowed in respect of all promotions effected on or after 1st May, 1981, where the fixation of pay is to be made under F.R. 22-C, irrespective of the fact whether there is an impending anomaly or not.

(4) The option is not admissible in respect of *ad hoc* promotions. However, in cases where such a promotion is followed by regular appointment to the higher post without break, the option may be allowed as from the date of initial appointment to the higher post, to be obtained within one month from the date of such regular appointment.

(5) The option may be allowed also in cases where the initial fixation of pay in the scale of the higher post in the manner provided under F.R. 22(a) (i) and the one under F.R.-22-C, both happens to be the same.

Past cases decided on the basis of the existing* clarification may be reopened and an option for pay fixation obtained from the employees concerned within a period of three months from the date of issue of O.M. (viz. 28-1-1985) and their pay refixed wherever necessary. Arrears of pay on account of such refixation of pay may also be allowed in such cases.

(*Earlier the option was not available.)

(6) The protection of officiating pay drawn during earlier occasion available under the fourth proviso to F.R. 22-C will not be applicable in cases regulated in terms of para 2 (b) of O.M. dated the 26th September, 1981.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. F. 13/26/82-Estt., P.I., dated the 8th February, 1983 and O.M. No. 13/21/82-Estt. P.I., dated the 28th January, 1985.]

Exercise of option under G.I.O. (13) above for a second time—See item (c) of G.I.O. (7) below F.R. 30.

(b) The Department of Personnel & Administrative Reforms O.M. No. 7/1/80-Estt. (Pay-I), dated 26-9-1981, provides that when a Central Government employee is promoted to the next higher grade or post where pay has to be fixed under the provisions of F.R. 22-C, he may be given an option for fixation of his pay on promotion as under:—

(a) either his initial pay may be fixed in the higher post on the basis of FR 22-C straightaway without any further review on accrual of increment in the pay scale of the lower post, or

(b) his pay on promotion may be fixed initially in the manner as provided under F.R. 22 (a) (i) which may be refixed on the basis of the provisions of F.R. 22-C on the date of accrual of next increment in the scale of pay of the lower post.

2. References have been received from various Ministries/Departments regarding applicability of the provisions of the O.M., dated 26-9-1981 in the cases of employees who had been promoted before 1-1-1986 and who had exercised option as at (b) above for fixation of their pay on promotion and in whose cases the dates of next increment in the lower scales (both pre-revised and revised) fall after 1-1-1986. The matter has been carefully examined and the President is pleased to decide as follows:—

(i) On 1-1-1986, the pay of such Government servants may be fixed in the promoted posts with reference to the pay that had been fixed at the time of promotion as provided under F.R. 22(a)(i). They will be allowed to draw that pay in the revised scales with effect from 1-1-1986.

(ii) Their notional pay in the lower posts in the revised scales may also be fixed as on 1-1-1986. With effect from the dates of accrual of their next increments in the revised scales in the lower posts, their pay in the

promoted posts may be re-fixed on the basis of the provisions of F.R. 22-C.

- (iii) In the promoted posts, they will draw their next increments on completion of one year from the dates their pay was re-fixed under (ii) Supra, Subject to the satisfaction of other conditions.

3. As the Ministry of Finance, etc. are aware, in this Department's O.M. No. 1/2/86-Estt. (Pay-I), dated 10-4-1987, it has been decided that with effect from 1-1-1986, where a Government servant is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, the provisions contained in F.R. 22-C shall apply without pay-limits for fixation of pay. The question whether the option contained in this Department's O.M., dated 26-9-1981 will be applicable in the case of promotions effected on or after 1-1-1986 has also been examined. The President is pleased to decide that in all cases of promotions to the next higher grades or posts taking place on or after 1-1-1986 where pay has to be fixed under F.R. 22-C, the Government servants may be given an option for fixation of their pay on such promotions as under :—

- (a) either their initial pay may be fixed in the higher grades or posts on the basis of F.R. 22-C straightaway without any further review on accrual of increment in the pay scale of the lower grades or posts, or
- (b) their pay on promotion may be fixed initially at the stage of the time scales of the promoted grades or posts above their pay in the lower grades or posts, which may be re-fixed on the basis of the provisions of F.R. 22-C on the dates of accrual of next increment in the scales of pay of the lower grades or posts.

All other existing conditions regarding such pay fixation will, however, continue to be applicable.

4. Option in terms of para 3 shall be exercised within a period of three months in case of officers who have been promoted on or after 1-1-1986 till

the date of issue of these orders. In case of promotions after the date of issue of these orders, option shall be given within one month of the date of promotion. Option once exercised shall be final.

[G.I., Deptt. of P & T O.M., No. 1/2/87-Estt. (Pay-1) dated 9-11-1987.]

14. Stepping up of pay of senior employee for a second time in order to remove an anomaly in his pay vis-a-vis same junior admissible.—(1) A reference is invited to the provisions contained in the Ministry of Finance's O.M. No. F.I. (35)-E.III (A)/74, dated the 18th July, 1974 [item (b) of G.I.O (10) above] and orders issued by the Government from time to time on the above subject. Doubts have been raised by various Ministries/Departments as to whether the aforesaid provisions may be invoked to step up the pay of a senior employee for a second time, in case he happens to draw less pay than his junior again, due to stepping up of pay of the latter with reference to pay of persons further junior to him by applying the above provisions.

(2) According to the clarification contained in the Comptroller and Auditor-General's letter No. 2117-NGE-1/3/68, I, dated the 11th September, 1968, while stepping up pay in accordance with the aforesaid general instructions, the benefit should be allowed only once with reference to the pay of the 'first junior' (not necessarily 'immediate Junior') on whose promotion an anomaly arose in pay of the senior incumbent. In cases where pay of such 'first junior' at par with whom the pay of a senior employee was initially stepped up, gets stepped up in the event of an anomaly arising on promotions of persons junior to him and thus give rise to a situation where the said senior employee again draws less pay than his 'first junior' the benefit is not admissible in terms of the aforesaid letter dated the 11th September 1968. The position has been reviewed and after careful consideration, the President has been pleased to decide that on the pay of the 'first junior' being stepped up with reference to that of his junior, the pay of such senior employee may be stepped up for a second time at par with the 'first junior' provided all the conditions laid down in the general orders, dated the 18th July, 1974 etc., are satisfied with reference to that junior at par with whom the pay of the aforesaid 'first junior' was stepped up. The principle to be followed in such cases is explained by way of a suitable illustration as follows :—

The situation is that the pay of senior 'A' is first stepped up with reference to the pay of his 'first junior' 'B' and at a later date pay of 'B' is stepped up with reference to another junior 'C'. Then the pay of 'A' may be stepped up for a second time at par with 'B' provided all the conditions under the general orders for stepping up of pay of 'A' *vis-a-vis* 'C' are fully satisfied.

(3) The provisions for stepping up of pay for a second time contained in these orders will take effect from the date of issue of this O.M. Past cases may be reviewed in the light of these instructions, but the effect of re-fixation of pay of the employees concerned under F.R. 27 and under the normal rules from time to time, will be only notional for periods prior to the date of issue of these orders.

[G.I., D.P. & A.R., O.M. No. F. 4/7/83-Estt. (P.I.), dated the 31st March, 1984.]

Clarification.—It is clarified that the benefits of stepping up of pay can be allowed to a senior official, second time, provided the anomaly has arisen with reference to the pay of the same junior, with reference to whom the pay of senior was stepped up first time. Type of cases quoted below can be examined and decided at their own merits in consultation with the Department as and when they occur.

Type of cases quoted.—After the first stepping up of "A" if it is noticed that there is anomaly directly between the senior "A" and the second junior "C" and the first junior "B" has, by then ceased to be in service (by resignation, retirement or death) and consequently the need for stepping up of his pay may not arise, it may be clarified whether the anomaly in the case of senior official "A" is rectifiable with respect to his junior "C" direct.

[G.I., Ministry of Per. & Trg., Deptt. of Pension and Pensioners' Welfare, U.O. No. 1427/85-Estt. Pay-I, dated the 22nd July, 1985 and C & AGU.O. No. 521-Audit. I/120-82, dated the 10th July, 1985.]

15. **Applicability of F.R. 22-C in all cases of promotions from 1-1-1986.**—Reference is invited to the recommendations of the Fourth Central Pay Commission, as contained in paras 23.15 and 9.25 of their report, relating to fixation of pay of Central Government employees on promotion/appointment from one post to another. After

careful consideration, the Government have decided to accept the recommendation contained in para 23.15 subject to the modification that there shall be no minimum benefit. The Government have not accepted the recommendations contained in para 9.25 and decided that in case of promotion of Central Secretariat Service Officers from Under Secretary to Deputy Secretary level also pay should be fixed under F.R. 22-C as in all other promotions.

(2) In supersession of all the various existing orders it has been decided that where a Government servant is promoted or appointed to another post carrying the duties and responsibilities of greater importance than those attached to the post held by him, the provision contained in F.R. 22-C shall apply without pay limits.

(3) Action is being taken separately to amend the rule.

(4) These orders shall take effect from 1-1-1986

[D.P. & T. O.M. No. 1/2/86-Estt. (Pay-I) dated the 10th April, 1987.]

16. The Government have further examined the recommendations contained in paragraphs 23.15 of the Report of the Fourth Central Pay Commission on a representation made by the Staff side of the JCM (National Council) and have decided to accept the same. Accordingly in supersession of all the various existing orders on the subject, the President is pleased to decide that when a Government servant is promoted or appointed to another post carrying duties and responsibilities of greater importance than those attached to the post held by him, the provisions contained in FR 22-C shall apply for fixing his pay, subject to the conditions that the amount to be added to pay in the lower post before fixing the pay in the higher post should not be less than Rs. 25 (Rupees twenty five only.)

[G.O.I., D/Pay & Trg. O.M. No. 1/2/86-Estt. (PI) dated 17-5-1986.]

17. **Dutry on appointment as Gestetner Operator.**—The question of fixation of pay of Dutries on appointment to the post of Junior Gestetner Operator has further been examined in consultation with the Department of Personnel and Administrative Reforms. It has been decided that pay in such cases may be fixed in accordance with the provisions of F.R. 22-C instead

of the provision of Audit Instruction No. (1) below F.R. 22. However, if under these orders a junior person happens to get his pay fixed at a stage higher than that of his senior, then the pay of the senior may be stepped up to the stage at which the pay of the junior has been fixed.

These orders will take effect from the date of issue and past cases will not be reopened.

[G.I., M.F., O.M. No. 1 (20)-E. III(A)/74, dated 15th May, 1974.]

D.G., P. & T.'s INSTRUCTIONS

1. **Stepping up only with reference to seniority list of lower cadre recruiting unit.**—It has been clarified in M.F., O.M. No. F.2 (10)-E. III (A)/62, dated the 20th July, 1965 that in cases where the seniority list for the lower cadre is maintained locally and for the higher post the same is maintained on all India basis, then the stepping up of pay of a senior, if all the other conditions are fulfilled, can be made only with reference to a junior of the same Circle to which the senior belongs. In the case of TES Group 'B' officers, the seniority list is maintained on all India basis, while for the lower post, viz. Junior Engineers, it is on Circle level. As such their cases are to be considered only with reference to juniors of the same Circle.

[D.G., P. & T.'s Letter No. 4/57/67-P. & T., dated the 16th January, 1968.]

2. **Fixation of Pay of Jamadars under F.R. 22-C.**—The Board of Arbitration (JCM) announced the following Award on 31-12-1981—

"The benefit of pay fixation under F.R. 22-C shall be given to the Jamadars who were promoted as such from Class IV posts prior to June, 1974 as claimed."

(1) Accordingly in continuation of this office Letter No. 31-34/74-PE-I/PAP, dated 23-6-1978, the P & T Board is pleased to extend the benefit of fixation of pay under F.R.22-C to Group D officials promoted as Jamadars before 1-6-1974. Thus the promotion of Class IV (Group D) officials in the scale of pay of Rs. 196-232 to the post of Jamadars, which took place before 1-6-1974 will be deemed to be one involving assumption of higher responsibilities and their pay will be refixed accordingly.

*Pre-revised pay.

(2) This issues with the concurrence of P&T Finance vide their I.D. No. 771-FA. I/82, dated 12-2-1982.

[D.G., P & T's Letter No 41-4/82-PEI, dated the 19th February, 1982.]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

1. The following guidelines have been laid down for stepping up of pay of the seniors in terms of Order (10) (b) above:—

- (i) Junior person should not draw more pay than his senior in the lower post from time to time in the unrevised scale as well as revised scale. The confinement of comparison of pay of senior and junior to the crucial date, i.e., 1-1-1973 would not be in Order.
- (ii) The stepping up of pay of a senior person with reference to the pay of first junior with reference to whose pay anomaly has arisen can be allowed only once.*
- (iii) The stepping up of pay in different cadres may be allowed only once with reference to the first junior in each cadre.

[C.A.G.'s Letter No. 1944-NGE-1/22-75-IV, dated the 3rd July, 1975 and No. 3086-NGE-1/22-75-IV, dated the 11th September, 1975.]

It has been clarified that in cases where a senior becomes entitled to the benefit of stepping up twice with reference to the pay of two of his juniors promoted later, the benefit of stepping up of pay in accordance with the above orders should be allowed only once with reference to the pay of the 'first junior' and not with reference to the 'second junior' promoted later than the 'first junior'.

[C.A.G.'s Letter No. 2117-NGE-1/3/68 I, dated the 11th September, 1968.]

*Stepping up of pay of senior for a second time now admissible— See G.I.O. (14) above.

GOVERNMENT OF INDIA'S ORDERS

1. **Restriction of officiating pay on appointments not involving higher responsibility.**—A necessity has arisen for clarifying the position as regards officiating pay admissible under Fundamental Rules 30 and 31 in cases where a Government servant is appointed to officiate in a post and the officiating appointment does not involve the

assumption of duties and responsibilities of greater importance than those attaching to the post on which he holds a lien or would hold a lien had his lien not been suspended. It has come to the notice that the practice in the matter followed in some outside offices is that the presumptive pay of the post as determined by F.R. 22(a)(ii), is allowed as a matter of course under F.R. 31. This is, however, not the intention behind F.R. 31 under which the title to presumptive pay is always subject to the provisions of Fundamental Rule 30. According to the latter rule, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance it is not permissible for the Government servant to draw pay higher than his substantive pay (if any) in respect of a permanent post. In other words, while the Fundamental Rules are not prohibitive in respect of officiating promotions in such circumstances, they undoubtedly restrict the officiating pay to the substantive pay, from time to time, of the Government servant concerned.

The case of a Government servant without a permanent post and, therefore, having no substantive pay in respect of such a post is, however, different. F.R. 30 being inapplicable in such cases, he is entitled to have his pay regulated exclusively under F.R. 31 read with F.R. 22(b), but to check extravagance in officiating pay in such cases it is always open to the competent authority to take resort to the provisions of F.R. 35.

[G.L. F.D., O.M. No. D/4109/Ex. I/38, dated the 4th October, 1938.]

[Restriction of officiating pay under F.R. 35 in respect of cadre promotions.— See G.I. Orders below F.R. 35.]

2. The 'Next below rule' and its exact scope.—

(1) Doubts have frequently been expressed regarding the exact scope of the various rulings issued in connection with the operation of the 'next below rule'. For avoidance of doubt, the extent decisions on this subject have been summarised below:—

(2) The working rule subjoined to this paragraph may be taken to express the convention which is commonly known as the "next below rule", as originally approved, and its provisos, the modifications made from time to time. The intension

underlying the "rule" is that an officer out of his regular line should not suffer by forfeiting the officiating promotion which he would otherwise have received had he remained in the original line. The so-called "rule" is not a rule of any independent application. It sets out only the guiding principles for application in any case in which it is proposed to regulate officiating pay by special orders under the second proviso to F.R. 30(1). The conditions precedent to the application of the 'next below rule' must, therefore, be fulfilled in each individual case before action may be taken under this proviso. It also follows that the benefit of officiating promotion is to be given only in respect of the period or periods during which the conditions of the 'next below rule' are satisfied.

"Rule.—When an officer in a post (whether the cadre of his service or not) is for any reason prevented from officiating in this turn in a post on higher scale or grade borne on the cadre of the service to which he belongs he may be authorised by special order of the appropriate authority *pro forma* officiating promotion into such scale or grade and thereupon be granted the pay of that scale or grade if that be more advantageous to him, on each occasion of which the office immediately junior to him in the cadre of his service (or if that officer has been passed over by reason of inefficiency or unsuitability or because he is on leave or serving outside the ordinary line or forgoes officiating promotion of his own volition to that scale or grade than the officer next junior to him not so passed over) draws officiating pay in that scale or grade :

Provided that all officers senior to the officer to whom the benefit under the substantive part of this rule is to be allowed are also drawing, unless they have been passed over for one or other of the reasons aforesaid, officiating pay in the said or some higher scale or grade within the cadre :

Provided further that, except in cases covered by any special orders, not more than one officer (either the seniormost fit officer in a series of adjacent officers outside the ordinary line, or if such an officer either foregoes the benefit of his own volition or does not require the benefit in virtue of his holding a post outside the ordinary line which secures him at least equivalent benefits in respect of pay and pension, then the next below in the series) may be authorised to draw the pay of the higher scale or grade in respect of any one officiating vacancy within the cadre filled by his junior under this rule."

(3) The 'next below rule' set out in the preceding paragraph, should be applied with due regard to the rulings or decisions mentioned hereunder:—

(i) A purely fortuitous officiating promotion given to an officer who is junior to an

officer outside the regular line does not in itself give rise to a claim under the next below rule.

(ii) The expression "outside the ordinary line" occurring in Fundamental Rule 30(1) is not intended to be rigidly interpreted as necessarily involving a post either "outside the cadre of a service" or "outside the ordinary time-scale".

(iii) If Government have approved in any department a list of officers in order of merit for promotion to administrative rank or a selection grade, then that order will prevail as the order of seniority of the officers in the ordinary gradation list of their cadre.

(4) It has been held that holders of a special (e.g., tenure) posts such as Secretaryships to a Governor or a State Government should be ready to accept loss of officiating promotion for short periods to posts on a higher scale or grade in the ordinary line in consequence of their incumbency and that, when the stage is reached at which their retention involves loss of substantive or lengthy officiating promotion, the proper course is to make arrangements to release them from the special posts rather than to compensate them for the loss of officiating promotion under the 'next below rule'. Short periods should be interpreted as "meaning periods" not exceeding three months.

If in such a case the conditions of the 'next below rule' are not satisfied and an officer is deprived of officiating promotion owing to its being impracticable for the time being to release him from the special post, he may be granted such compensation for loss of officiating promotion as would have been admissible under the 'next below rule' for the period in excess of first three months of his retention in the posts in the public interest. No specification or declaration in terms of the second proviso to Fundamental Rule 30(1) will be necessary in these cases and it will suffice if those authorities issue the requisite orders granting the officers concerned the compensation on that basis. As in the case of the 'next below rule' the periods for which compensation equivalent to the 'next below rule' benefit is allowed will count for increment in the higher scale or grade in which the officer would have officiated, had he not been doing the special posts in the public interest.

If, however, in such a case the condition of the 'next below rule' are satisfied, the officer concerned may be granted under the second proviso

to Fundamental Rule 30(1) the concession admissible under the 'next below rule', but save in exceptional circumstances, an officer should not be retained in the special post if the pay attached thereto is lower than that admissible to him under the 'next below rule' for more than six months beyond the date from which the 'next below rule' begins to operate.

[G.I., F.D., No. F. 2 (25)-Est. III/46, dated the 2nd April, 1947 and G.I., M.F. (C. Dn.), U.O. No. 5635-PT-I/622, dated the 3rd October, 1962.]

NOTE.—Government of India have under consideration for some time the question of protecting the seniority and chance of promotion under the 'next below rule' of Government servants who join the Territorial Army and are on deputation there either on annual training or for course of instruction or during an emergency, etc. It has been decided that the period of service rendered by them with the Territorial Army may be treated as service outside the ordinary line for the purpose of proviso 2 to F.R. 30(1); accordingly they will be entitled to *pro forma* promotion in their parent Departments, under the 'next below rule'. They will also get the seniority in the higher post to which they would otherwise be entitled if they had not been away for training etc., in the Territorial Army.

[G.I., M.H.A., Memo. No. 47/2/56-Est.(A), dated the 20th January, 1956.]

3. One for One Principle under 'next below rule'.—It has been noticed that in some instances claims have been supported for the protection of more than one officer in respect of a single officiating appointment in cases where a consecutive series of two or more officers in a cadre are on deputation to posts outside the regular line, and the officer next below them is promoted to officiate in a higher post in the cadre. In order to eliminate any doubt in the matter, it has been decided that one officer and one officer only, namely, the most senior fit officer who is not debarred by the conditions prescribed for the application of the rule should be allowed the benefit under the 'next below rule'.

It may happen that the seniormost officer serving outside the regular line does not require to be protected under the 'next below rule' by his belonging to one or other of the types indicated below:—

(i) An officer serving outside the ordinary line holds a post carrying a scale of pay identical with that of an administrative post in the ordinary line, and is, by virtue of a declaration in terms of the Exception below F.R. 22, eligible for the pay and incremental benefit of the higher post in the ordinary line and also for the benefit of

the additional pension by virtue of a declaration under Article 475-A of the Civil Service Regulations.

- (ii) An officer outside the regular line holds a post (generally temporary) carrying better pay than the 'identical' scale, and qualifying *per se* or by special declaration, for special additional pension as for the higher post in ordinary line.

In such cases, it has been decided that the promotion under the 'next below rule' in respect of any one vacancy occurring in the regular line may go to the next seniormost fit officer serving outside the cadre who is not independently protected in respect of pay, increment or pension by belonging to one or other of these types.

[G.L. M. F., No. F. 2 (2)-Ests. III/46, dated the 9th May, 1949.]

4. **Proforma promotion admissible against clear regular vacancy even when no eligible junior available for promotion.**—(1) In accordance with the instructions governing the 'Next Below Rule', envisaged in the second proviso to F.R. 30 (1), this benefit can be accorded to an officer working outside his regular line, subject to fulfilment of several conditions. One of the basic principles underlined in this regard is that all the seniors and at least one junior officer should have been regularly promoted in the cadre besides satisfaction of the 'one for one' condition. It has now come to notice that case may arise where all the seniors of the officer outside the line are promoted and there is no junior officer eligible for promotion within the cadre despite clear regular vacancies available for making promotions. In such cases, the benefit of 'Next Below Rule' is not admissible as per the relevant instructions and this causes undue financial hardship to the concerned Government servants.

- (2) The matter has been carefully considered in consultation with the Ministry of Finance. It has now been decided that to obviate the hardship caused in such type of cases, benefits envisaged under 'Next Below Rule' may henceforth be allowed to the officers working outside their regular line in dispensation of the requirements of 'one for one' and 'promotion of at least one junior'

subject to the fulfilment of the following further conditions:—

- (a) that a post within the cadre remains unfilled for want of an approved person junior to the officer; and
- (b) the vacancy caused in the cadre is not filled up by making promotion on *ad hoc* basis till the release of the next panel when some juniors become eligible for promotion.

[G.L. Min. of Personnel & Training, O.M. No. 8/4/84-Est. (Pay-I), dated the 15th July, 1985.]

5. **Restriction in the matter of application of 'Next Below Rule' to Government servants deputed abroad.**—(1) According to the provisions of F.R. 51-A, when a Government servant is, with proper sanction, deputed for duty out of India to hold a regularly constituted permanent or quasipermanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

- (2) The question as to what extent the benefit under the second proviso to F.R. 30 (1) (i.e., 'Next Below Rule') as clarified in Order (2) above could be given to Government servants deputed abroad was under consideration.

It has been decided that the benefits under the 'Next Below Rule' shall not be admissible to Government servants deputed to hold regularly constituted ex-cadre posts abroad. In such cases, however, on the reversion of the officer to the post which he would have held but for his deputation to an ex-cadre post abroad, that portion of the period of deputation during which the conditions precedent to the grant of benefit under the 'next below rule' are satisfied shall be taken into account in fixing the pay of the Government servant. For this purpose, the deemed date of promotion in the post which may fall during the tenure of deputation shall be arrived at by applying all the conditions of 'next below rule' and the pay on the date of actual appointment to that post immediately on reversion from deputation to an ex-cadre post abroad shall be fixed under F.R. 27 by assuming that the officer had been promoted from the deemed date of promotion.

- (3) In order to ensure that the benefit of promotion to a higher post is not unduly denied to the Government servants. It has been decided

that the administrative Ministries, etc., should screen the officers to be deputed abroad so that only such officers are sent abroad, as are not likely to be promoted to any higher grade or post in their parent department during the period of deputation.

[G.I., M.F., O.M. No. F. 2 (10)-E. III/60, dated the 17th October, 1960.]

6. Delegation of powers for grant of benefit under the 'next below rule.'—It has been decided to delegate to the Ministries of the Government of India and the Comptroller and Auditor General of India in respect of the staff of the Indian Audit and Accounts Department powers as shown below for issue of declaration under the second proviso to F.R. 30 (1) ('Next Below Rule') and protection of officiating pay while an officer is holding a post outside the ordinary line of his service:—

- (i) The benefit under 'next below rule' shall not be admissible to Government servants deputed to regularly constituted ex-cadre posts abroad, such cases will be regulated under order (5) above.
- (ii) The grant of benefit under the 'next below rule' is subject to the fulfilment of the conditions enumerated in Order (2) above.
- (iii) In case of Gazetted Officers, a notification relating to the proforma officiating promotion has to be issued as envisaged in Ministry of Home Affairs O.M. No. 13/2/57-Esr. (A), dated the 24th October, 1957.
- (iv) The Ministries may grant benefit of higher pay under the 'next below rule' for any period so long as the pay admissible under the same does not exceed the maximum of the time-scale of the post actually held by the Government servant concerned. Where it exceeds such maximum, the person concerned should be reverted to his present cadre within six months from the date from which the pay admissible under the 'next below rule', exceeds the maximum. In this connection attention is invited to the provisions contained in paras. 1 (iv) and (vii) of the Ministry of Finance, O.M. No. F. 10 (24)-E. III/60, dated the

4th May, 1961. (See para. 9 of Appendix 5 to this Compilation).

NOTE.—In the case of Officers of Central and State services appointed as Under and Deputy Secretaries to the Government of India, the grant of the benefit under the 'next below rule' continues to be governed by the orders contained in the Ministry of Finance O.M. No. F. 3 (26)-Estt. III/57, dated the 4th September, 1957, as amended from time to time.

- (v) The benefit of officiating promotion under the next below rule should be allowed, subject to the fulfilment of the conditions laid down thereunder; only against promotions in a cadre in vacancies of more than 90 days' duration. In other words, the initial vacancy as well as subsequent vacancies on the basis of which the ben. fit is to be continued should each be of more than 90 days' duration. The benefits should not be allowed in respect of promotions against a chain of vacancies which taken together extending beyond 90 days.

[G.I., M.F., O.M. No. F. 6 (23)-E. III/62, dated the 22nd June, 1962 and dated the 29th January, 1963, O.M. No. F. 1 (2)-E. III (A)-67, dated the 25th March, 1968 and O.M. No. F. 1 (6)-E. III (A)/71, dated the 16th August, 1971.]

7. Pay fixation on appointment to Selection Grade posts in Group 'C' and 'D' cadres with effect from 1st August, 1976, not involving higher responsibilities.—(a) *Manner of fixation.*—The pay on appointment to the Selection Grade shall be fixed at the same stage, at which the pay is drawn in the ordinary grade, if there is such a stage in the scale of pay of the Selection Grade, or at the next higher stage, if there is no such stage. If the pay in the Selection Grade is fixed at the same stage, the next increment should be granted from the same date on which it would have accrued in the ordinary grade. If, however, the pay is fixed at the next higher stage, the next increment should be granted after completion of normal incremental period of twelve months in the Selection Grade.

These orders do not apply to cases (a) where Selection Grades have already been sanctioned on terms more liberal than those contained herein and (b) cases where it has already been decided; not to have a Selection Grade.

[G.I., M.F., O.M. No. F. 7 (21)-E. III (A)/74, dated the 10th January, 1977—Paragraphs 1 (vii) and 4.]

In accordance with clarification contained in paragraph 1 (4) of Order (8) below, in cases where pay on appointment to Selection Grade is fixed under F.R. 22 (a) (ii), the provisions of Audit Instruction (1) below F.R. 22 will also apply. The said clarification would equally apply to cases where pay on appointment to Selection Grade is fixed in accordance with orders above. In other words, if there is a stage corresponding to the maximum of the ordinary grade in the Selection Grade, an officer who is promoted to the Selection Grade after he has served in the maximum of the ordinary grade for a year or more would be entitled to his pay in the Selection Grade fixed at the next higher stage.

[G.I., M.F., O.M. No. 7 (61)-E. III (A)/77, dated the 5th December, 1977.]

(b) *Stepping up for rectification of anomaly.*—As a result of these orders cases may arise where a senior person appointed earlier to the Selection Grade may get less pay than his junior appointed to Selection Grade later after earning one more increment in the ordinary grade. The question of rectification of such an anomaly has been considered and it has been decided that in such cases the pay of the senior person may be stepped up to make it equal to the pay of the junior person, subject to fulfilment of the following conditions :—

- (i) Both the senior and junior employees should belong to the same cadre and the Selection Grade to which they have been appointed should be identical and in the same cadre.
- (ii) The senior employee has drawn pay more or equal to pay of his junior in the ordinary grade from time to time before appointment to the Selection Grade.
- (iii) The anomaly should have been directly as a result of application of the pay fixation formula laid down as above.

The orders refixing the pay of the senior officer in accordance with the provision of this decision should be issued under F.R. 27 and the next increment of the senior employee will be drawn on completion of the required qualifying service with effect from the date of refixation of pay.

[G.I., M.F., O.M. NO. F. 7 (21)-E. III (A)/74-PT. II, dated the 8th August, 1979.]

For stepping up pay as a result of introduction of Selection Grade in Group "C" and "D" Cadres.—See para. (f) of Order 10 below F.R.22-C.

(c) *Option to come over to Selection Grade from the date of next increment in ordinary grade.*—It has been decided that employees considered fit for appointment to selection grade introduced in terms of orders above and modified from time to time or in relaxation thereof, may be allowed an option to draw pay in the selection grade from the date of their next increment in the ordinary grade. These orders would be deemed to have taken effect from 1st August, 1976.

The employees concerned should exercise option within one month of their appointment to selection grade. Those already holding selection grade on the date of issue of these orders would be required to give option before 30th August, 1983. The re-fixation of pay on the basis of their option would be done only on a notional basis and they would draw the benefit from the date of issue of these orders.

[G.I., M.F. O.M. No. F.7 (10)-E. III/83, dated the 28th July, 1983.]

Representations have been received from various sources about the inadequacy of the period, i.e., 30th August, 1983 up to which options were required to be exercised by those who were holding selection grade posts on 28th July, 1983 mainly for the reasons that the aforesaid O.M. was received late and that it would not give sufficient time to field offices spread all over the country and Indian Missions abroad to obtain options within the stipulated period. The matter has been considered carefully in this Ministry and it has been decided to extend the date by which option may be exercised by the concerned officials to 30th November, 1983.

A question has also been raised whether those who were holding selection grade posts during 1st August, 1976 and 27th July, 1983 and were not holding such a post on 28th July, 1983 on account of promotion etc. will also be allowed the benefit of option. This has been considered and it has been decided that such persons may also be allowed the benefit of option. Their pay in the post to which they may have been promoted may be refixed with reference to their notional pay in the selection grade post. This re-fixation will also be on notional basis and actual benefit will accrue to them from 28th July, 1983 only.

All Ministries/Departments etc. are requested to ensure that these orders are transmitted to their attached, subordinate/field offices etc. expeditiously so that the staff working there may

exercise their options within the period extended as above.

[G.I., M.F., O.M. No. F. 7 (10)/E. III/83, dated the 5th October, 1983.]

The orders above (O.M. dated 28th July, 1983) were given effect to from 1-8-1976 on a notional basis and actual benefits were agreed to from the date of issue of the above orders (i.e., 28-7-1983). Previously instructions were issued providing an option for fixation of pay under F.R. 22-C on promotion from the date of next increment in the lower scale *vide* O.M. No. F. 7/1/80-Estt. P.I., dated 26-9-1981 [G.I.O. (15) below F.R. 22-C] and the orders issued thereunder were made effective from 1-5-1981.

2. A question has been raised whether an employee promoted to a higher post subsequent to 1-5-1981 and who has opted once for pay fixation under the O.M. dated 26-9-1981 [G.I.O. (15) below F.R. 22-C], may be allowed another option under the said O.M., in case his pay in respect of the lower post was to be re-fixed in the light of the provisions for option in S.G. post contained in the orders above (O.M. dated 28-7-1983).

3. After careful consideration, it has been decided that one more chance for option under O.M. dated 26-9-1981 [G.I.O. (15) below F.R. 22-C] as also the option envisaged in the orders above (O.M. dated 28-7-1983), may be granted in cases where the pay of the employee concerned was to be re-fixed for past periods in the lower non-functional S.G. post in the light of the orders above (O.M. dated 28-7-1983), if that be more beneficial to the employee concerned.

4. These orders take effect from the date of their issue. Past cases may be regulated in the light of these orders; but actual benefits will be allowed only from the date of issue of this O.M. The revised option may be exercised within a period of three months from the date of this O.M. and such option once exercised shall be final.

5. Government have extended, as a very special case, the time-limit for exercising

option by another two months, i.e., up to 17-12-1984.

[G.I., M.H.A., (Dept. of Personnel & A.R.), O.M. No. 13/9/84-Esst. P.I., dated the 17th July, 1984, U.O. No. 2405/84/PU, dated the 14th November, 1984 and C. & A.G. Letter No. 897-Audit/114/-80 II, dated the 17th the November, 1984.]

Clarification.—(1) Several offices have been seeking clarification as to the manner of regulation of pay in cases where an official appointed to the selection grade opts for fixation of pay in terms of O.M. dated 28-7-1983 and before the date of his next increment in the ordinary grade gets promoted to the next higher grade. The view held so far was that in cases of this type, the official will have no scope for exercise of option in terms of the Ministry of Finance O.M., dated 28-7-1983, since the option to draw pay in selection grade is from a date subsequent to the date of promotion to the next higher grade. Such a view would seem to be untenable inasmuch as options are necessarily to be exercised with reference to the facts existing at a particular point of time and there are no rules or orders imposing formally any conditions under which the earlier option would lapse (for e.g., promotion to a higher grade before the date of accrual of next increment in the ordinary grade of the lower post).

(2) The matter has, therefore, been considered carefully and the decision reached is that in cases of the type referred to above, the notional pay which the official would have drawn in the selection grade on the date he opted for fixation of pay in that grade in terms of the Ministry of Finance, O.M., dated 28-7-1983 should necessarily be taken into account for fixation of pay on the higher post within the ambit of the provisions of para. 2(b) of O.M. No. F. 7/1/80-Estt. PI, dated 26-9-1981 [See *Order 15 below F.R. 22-C.*]

(3) The field offices are requested to review all the past cases and ensure correct regulation of pay in the manner outlined above.

[C. & A.G. of India, New Delhi, Letter No. 964-1/43-84-1 (Circular No. NGE/37/85), dated the 27th May, 1985.]

8. Relaxation in case of officiating appointments to Selection Grade posts.—Normally no pay

higher than the substantive pay is admissible on an officiating appointment to a selection grade post which does not involve assumption of duties or responsibilities of greater importance except where such a post has been included in the Schedule, to F.R. 30. It has been decided in relaxation of the provisions of F.R. 30, that—

- (1) officiating appointments to the Selection Grade may be permitted in such cases;
- (2) the pay in such cases may be fixed in the Selection Grade under the provisions of F.R. 22(a) (ii); and that
- (3) the benefit of the 'Next below rule' may be extended in such cases, subject to all the conditions of that rule being satisfied.
- (4) The provisions of Audit Instruction (1) below F.R. 22 will also apply in such cases.

As such Selection Grades have generally been introduced in cadres with very limited or no outlets of promotion to higher posts, the administrative Ministries concerned should lay down a suitable minimum length of service which has to be rendered by a Government servant before he is considered eligible for appointment to a Selection Grade.

[G.I., M.F. O.M. No. F. 2 (33)-Est. III/63, dated the 3rd October, 1963 and O.M. No. F. 2 (33)-E. III (A) 63, dated the 22nd August, 1967.]

9. Counting of service in Emergency Commission on return to civil employ—Application of 'Next below rule'.—(1) The Government of India have had under consideration the question whether the period spent in the Defence Services by a Government servant who holds substantively a permanent post in Civil employ, and has been granted an Emergency Commission, should on his appointment, on return from Military duty, to a higher post in which he would have officiated but for his absence on such duty, be allowed to count for increments in the time-scale of the higher Civil post. It has been decided that posts in the Defence Services held by permanent Civil officers who have been granted Emergency Commission shall be specified as post 'outside the ordinary line of a service' for the purpose of the second proviso to F.R. 30 (1). As a result of this decision service rendered by such an officer in the Defence Services will count for increments in a post on a higher scale if he would but for his appointment in the Defence Services, have officiated in the higher scale post in Civil employ, and provided also that the precedent conditions

for the application of the 'next below rule', as set forth in Order (2) above have been fulfilled.

[G.I., F.D., Endorsement No. F. 15 (18)-Ex. 1/42, dated the 7th November, 1942.]

(2) It has been decided that posts in the Defence Services held by permanent civil officers, who, being officers of the Army in India Reserve of Officers have been called out to Military Service, shall also be specified as posts "outside the ordinary line of a service" for the purpose of the second proviso to Fundamental Rule 30(1).

[G.I., F.D., Endorsement No. F. 15 (18)-Ex. 1/42, dated the 28th July, 1943.]

(3) The Government of India have extended to the Commissioned Officers of the Civil Pioneer Force the concession contained in paragraph 1 above.

[G.I., F.D., Endorsement No. 9890-WI/43, dated the 16th November, 1943.]

10. Proforma promotion while under training/instruction in India/abroad.—(1) F.R. 20 provides that in respect of any period treated as duty under F.R. 9 (6) (b), a Government servant may be granted such pay as Government may consider equitable, but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under F.R. 9 (6) (b).

(2) A question has been raised as to whether a Government servant who, while undergoing training or instruction in India, is treated as on duty under F.R. 9 (6) (b), can be promoted to the next higher grade during such training or instruction, if he is otherwise entitled to such promotion and if so, how to regulate his pay on such promotion. It has been decided that in such cases, there should be no objection to the promotion of the employee to the next higher grade with effect from the date he would have been so promoted had he not proceeded on training, if the conditions indicated below are fulfilled:

- (a) he has been approved for promotion to the next higher grade; and
- (b) all his seniors, except those regarded as unfit for promotion to the particular higher grade, available have been promoted to that grade.

He may also be allowed to draw such officiating pay in the next higher grade which he would have

drawn from time to time had he been on duty other than duty under F.R. 9 (6) (b).

(3) The above provisions will also apply *mutatis mutandis* to cases of officers deputed abroad for training under F.R. 51.

[G.L., M.F., O.M. No. F. 1 (7)-E. III (A)/78, dated the 14th March, 1978.]

(v) The period from 15-7-1966 to 15-9-1967 during which pay in the ordinary grade was drawn at Rs.300 would count for increment under A.I. (1) below F.R.22. Therefore increment would accrue immediately, i.e. on the 1st day of appointment, i.e., 16-9-1967 bringing the final fixation to the stage of Rs. 305 (and not Rs. 290 plus 10.).

(vi) Date of next increment. 16-9-1968.

[D.G., P. & T.'s Letter No. 2-10/71-PAP, dated the 8th September, 1972.]

D.G., P. & T.'S INSTRUCTIONS

1. Fixation of pay on appointment in the Selection Grade.—(1) It has come to notice that in some cases, where the officials had been stagnating at the maximum of the pay scale in the ordinary grade, the provisions of F.R. 22 (a) (ii) and Audit Instruction (1) below F.R. 22 have not been applied correctly while fixing their pay in Selection Grade as enjoined in Government of India Order (7) below F.R. 30.

(2) It is reiterated for the guidance of all concerned that if an official on the date of his officiating appointment in Selection Grade, has drawn pay at the maximum of the pay scale in the ordinary grade, for one year or more and if there be no stage in the Selection Grade equivalent to this maximum stage at which pay has been drawn in the ordinary grade, then the fixation of officiating pay in the Selection Grade should be made at the next higher stage (and not at the stage next below) in accordance with the provision of F.R. 22 (a) (ii) and Audit Instruction (1) below F.R. 22. An illustration is given in the annexure.

ANNEXURE

Pay fixation of a Stenographer 'A' Rs. 130-5-160-8-200-EB-8-280-10-300) on his appointment to the Selection Grade (Rs. 210-10-290-16-380-EB-15-425).

- (i) Date of appointment in Selection Grade 16-9-1967. (210-425).
- (ii) Pay on 16-9-1967 in the ordinary grade of Stenographer (130-300). Rs. 300.
- (iii) Date from which being drawn. 15-7-1966.
- (iv) Stage at which the pay should be fixed in the pay scale of Rs. 210-425 under F.R. 22(a) (ii) in the first instance. There being no equivalent stage, pay will be fixed at Rs. 290 plus Rs. 10 personal pay.

2. Protection of higher pay that would have been admissible in ordinary grade.—(1) Fixation of pay of a Government servant appointed to the Selection Grade post which does not involve assumption of higher responsibilities is regulated on the analogy of F.R. 22 (a)(ii) read with Audit Instruction (1) under F.R. 22. It has been brought to our notice that after appointment in the Selection Grade in the revised scale on or after 1-1-73, by accrual of an increment in the ordinary grade, the pay that would have been admissible to an official in the ordinary grade but for his appointment in the Selection Grade exceeds the pay actually drawn/admissible in the Selection Grade. The question of affording necessary protection in such cases has been under consideration for some time past in consultation with the Ministry of Finance.

(2) In order to mitigate the hardship caused to an official in the case of the nature mentioned above, it has been decided that where appointment to selection grade posts in the revised pay scale on or after 1-1-73 in a substantive or officiating capacity, pay fixation of which is regulated in the manner indicated in the above paragraph, if the pay that would have been admissible to the official in the ordinary grade but for his appointment in Selection Grade exceeds the Selection Grade pay drawn/admissible at any time, the difference may be granted as personal pay to be absorbed in future increment.

[D.G., P. & T.'s Letter No. 3-49/77-PAP, dated the 26th October, 1977.]

3. Fixation of pay on appointment in the Selection Grades of Junior Engineers, T.T.S. Group 'C', etc.—(1) Representations have been pouring from the individuals requesting to extend the benefit of fixation of pay on appointment to Selection Grades on Telecommunication Side viz., Selection

Grade posts in the cadres of Transmission Assistants/Phone Inspectors/Wireless Operators/Auto Exchange Assistants/Junior Engineers and Telegraph Traffic Service Group 'C', etc. in accordance with the provisions of Government of India's Order (7) above. The unions have also approached this Directorate from time to time for application of the provisions of aforesaid orders in the case of Selection Grades of Telecommunication Side. The demand has not been met with.

(2) ***

(3) The Selection Grades in the Posts & Telegraphs cadres mentioned in para. 1 above have been created on more liberal terms and conditions than those laid down in the O.M., dated 10th January, 1977 of the Ministry of Finance. It has been made amply clear in G.I.O. (7) above that the provisions would not apply where the Selection Grades have already been created on more liberal terms. As such the appointees to the Selection Grades in the cadres mentioned in para. 1 above are not entitled to the benefit of provisions of Government of India's Order (7) above. Their pay on appointment to the selection grades will continue to be fixed on the analogy of provisions of F.R. 22 (a) (ii).

(4) It is urged that the cases where the pay on appointment to the selection grade has been fixed in contravention of the above instructions may be reviewed and pay fixation done under F.R. 22(a)(ii). Any over-payment made to the officials on account of wrong pay fixation may be recovered after observing prescribed procedure, i.e., issue of show cause notice, etc.

[D.G., P. & T., New Delhi Letter No. 3-78/80-PAT, dated the 11th November, 1980.]

AUDIT INSTRUCTIONS

(i) It is not intended that the phrase 'outside the ordinary line of a service' in the second proviso to clause (1) of Fundamental Rule 30 should be rigidly interpreted either as 'outside the cadre of a service' or as 'outside the ordinary time-scale'. The form of words adopted was designed to allow the Government of India to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(ii) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

[Para. 9, Chap. IV, Sec. 1 of Audit Instructions (Reprint).]

Deleted vide Notification No. 1/10/89-Es:1/(Pay. I) dt. 30-8-89.

AUDIT RULING

(1) Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in India.

[Ruling (13), Sec. IV of Compilation of Audit Rulings.]

(2) A declaration by the Central Government that a particular post involves more important duties or duties of a different character justified the grant of officiating pay of a Government servant appointed to the post from another post in the same cadre.

[Ruling (14), Sec. IV of Compilation of Audit Rulings.]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

(1) The words "duties" and "responsibilities", in Fundamental Rule 30 are to be interpreted in a wide sense as including besides the works to be performed the general responsibilities and liabilities incidental to bring member of a particular service.

[C.A.G.'s No. 3971-E/676-23, dated the 13th September, 1923.]

(2) A doubt was felt as to whether the declaration of a post being outside the ordinary line of service as contemplated in the second proviso to F.R. 30(1) is to be issued by the administrative authority competent to order the promotion or the authority in the borrowing department under whom the Government servant may be serving.

The Comptroller and Auditor-General has decided that as F.R. 30 is clearly designed to protect the right of promotion of a person outside the ordinary line of service, the declaration has to be issued by the competent authority in the officer's parent department and not be the borrowing department. It has also been clarified that the declaration of a post being outside the ordinary line of service in terms of the second proviso to F.R. 30(1) is one of the conditions precedent to the grant of promotion under the 'Next Below Rule' and should be issued concurrently with the orders of *pro forma* promotion.

[C.A.G., C.R., O.M. No. GM/4-3/68-69/528, dated the 8th October, 1968.]

2. Application to officers of Established Central Services Group 'A'.—The following points were

raised in regard to the application of the amended F.R. 31 to officers of Established Central Services, Group 'A' :—

- (a) whether the provisions of the amended F.R. 31 were applicable to the officers promoted from lower substantive posts to posts included in the junior scale of an Established Central Services, Group 'A' in an officiating capacity; and
- (b) whether the officiating pay of an officer in the Senior Scale of Established Central Services, Group 'A', will be revised whenever his officiating pay in the junior scale of the service undergoes a change with reference to increase in his substantive pay in a lower post.

It has been clarified in consultation with the Comptroller and Auditor-General of India that the answers to both questions referred to in the preceding paragraph are in affirmative. It has been further clarified that the above principle of fixation of officiating pay in the senior scale will be applicable in those cases also where an officer is promoted direct from Group 'B' to the Senior Scale of an Established Central Services, Group 'A' and where his pay in the Senior Scale is fixed on the basis of his notional pay in the Junior Scale of that service.

[G.I., M.F., O.M. No. F. 2 (16)-Est. III/59, dated the 2nd May, 1959.]

4. Fixation when increment in substantive post falls due during leave.—A question has been raised in regard to the manner in which the officiating pay is to be regulated in a case where an increment in the substantive post falls due during a period of leave and the refixation of officiating pay is to the Government servant's advantage.

It has been decided that in the case of a person proceeding on leave, if the period of leave counts for increment in the officiating post under F.R. 26(b)(ii) subject to the production of the necessary certificates, his officiating pay may be refixed under F.R. 31 (2) from the very date of increment or increase in the substantive pay as if he was appointed to officiate in that post on that date. The benefit of the increase in officiating pay can be had by him only from the date of resumption of duties but his next increment in the officiating post will accrue to him from an earlier date in the next year calculated with reference to the date of refixation of pay.

If, however, the period of leave does not count for increment in the officiating post, the Government servant will be entitled to get his officiating pay refixed in case of any increase in the substantive pay occurring during the period of such leave, only from the date of his return from leave and in that case the next increment will fall due only on completion of prescribed period of duty for earning increments reckoned from the date of resuming charge, unless he becomes entitled to refixation of pay under F.R. 31 (2) once again from an earlier date.

For refixation of officiating pay under provisions of F.R. 22-C, see Government of India's Orders (12) below that rule.

[G.I., M.F., O.M. No. F2(9)-Est. III/60, dated the 28th April, 1960 and the 8th November, 1960 and O.M. No. 1 (8)-E. III (A)/73, dated the 6th August, 1973 modifying para. 3 with effect from 6-8-1973.]

5. Refixation of pay in a case coming under the purview of 'next below rule'.—A question was raised whether refixation of pay under F.R. 31(2) in respect of a post in which a Government servant was not actually officiating at the time of enhancement of his substantive pay but would have officiated under the 'next below rule' but for his deputation to a still higher post.

It is clarified that the provisions of sub-rule (2) of F.R. 31 shall be applicable in these cases also.

The pay of the Government servant concerned shall be refixed under F.R. 31(2) notionally in the post in which he would have continued to officiate but for his deputation to some other post or appointment in an officiating capacity to a still higher post. As and when the Government servant reverts to that post from deputation/higher post, the actual pay to be given to him on the date of reversion will be arrived at with reference to such notional pay.

[G.I., M.F., O.M. No. 2 (11)-E. III/61, dated the 12th July, 1961.]

6. Invoking F.R. 35 for denying automatic efficiency bar crossing.—(1) Doubts have been raised in the matter of fixation of pay under F.R. 31 in the following types of cases, namely :—

- (a) whether refixation of officiating pay under F.R. 31(2) will be permissible in a case where

the increment of a Government servant at a particular stage or the efficiency bar stage in the officiating post has been withheld for failure to pass a departmental examination ;

- (b) whether in cases where the refixation of pay under F.R. 31(2) takes the pay of Government servant above the efficiency bar stage, such refixation should be allowed automatically even if the competent authority feels that the Government servant is not fit to cross the efficiency bar, for reasons other than failure to pass a departmental examination.

(2) In respect of cases falling under paragraph 1(a) above, even under the existing provisions of F.R. 31, the refixation of pay can be denied by invoking provisions of F.R. 35. This is because of the fact that the refixation of pay under F.R. 31(2) is also subject to the provisions of F.R. 35. However, F.R. 31 has been amended in this regard.

(3) In regard to cases falling under paragraph 1(b) above, it has been clarified in Order (3) above, that the refixation of pay above the efficiency bar stage will be automatic. However, in cases where the competent authority feels that such refixation should not be allowed for the reason that the Government servant concerned is not actually fit to cross the efficiency bar, the refixation of pay can be denied by invoking the provisions of F.R. 35 by issue of special orders in respect of each such case.

In cases where no such special orders are issued the position would be as stated in Order (3) above.

[G.I., M.F., O.M. No. 2(49)-E. III/61, dated the 13th September, 1961.]

7. Invoking of provisions of F.R. 35 in cases of cadre promotion.—See Government of India's Orders (3) & (4) below F.R. 35.

AUDIT INSTRUCTIONS

(1) The pay of a Government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the

pay which he would, from time to time, receive if he held the post substantively.

[Para. 10 (i) Chap. IV, Sec. 1 of Manual of Audit Instructions (Reprint).]

(2) The pay of a Government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is the reduced pay.

[Para 10(ii), Chap. IV, Sec. 1 of Manual of Audit Instructions (Reprint).]

F.R. 22-A. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to post thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by Rule 22 provided, both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation or removal or dismissal from the public service, covered by clause (b), that if he either—

(1) has previously held substantively or officiated in—

(i) the same post prior to reduction of its time-scale, or

(ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or

(iii) a permanent post¹ [], or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, other than a tenure post, or

(2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties of responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 9 (21)(a) (iii), which he would have drawn under Rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he

shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

F.R. 22-B. (1) Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre—

- (a) during the period of probation he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be:

Provided that if the presumptive pay of the permanent post [] on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

- (b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:

²Provided that the pay of Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

(2) The provisions contained in sub-rule (1) shall apply *mutatis mutandis* to cases of Government servants appointed on probation with definite conditions against temporary posts in another service or cadre where recruitment to permanent posts of such service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in clause (b) of sub-rule (1) shall be done under Rule 31 of these Rules immediately on the expiry of the period of probation and on regular officiating appointment to a post, either permanent or temporary, in the service or cadre.

(3) Notwithstanding anything contained in these Rules, a Government servant appointed as an apprentice in another service or cadre shall draw—

- (a) during the period of apprenticeship, the stipend or pay prescribed for such period provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the stipend or pay fixed under this clause, he shall draw the presumptive pay of the permanent post.
- (b) on satisfactory completion of the apprenticeship and regular appointment to a post in the service or cadre, the pay as fixed in the time-scale of the service or post under Rule 22 or 22-C or 31, as the case may be, of these Rules.

³Provided that the pay of the Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

GOVERNMENT OF INDIA'S ORDER

(1) Officiating pay not protected.—Since a temporary Government servant does not have a lien on any post, at the time of completion of probation, it is hereby clarified that, on completion of probation, when such a Government servant is confirmed in the service or post, his pay will not be refixed under F.R. 22 or FR-22 C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he will continue to draw pay in the scale of pay of the service or post. Similarly, in case of a permanent Government servant holding a higher officiating post at the time of appointment as Probationer, the pay will not be refixed with reference to the pay that he would have drawn in the higher officiating post.

[G.I., M.F. O.M. No. F.1(37)-E III(A)/64, dated the 6th November, 1965.]

AUDIT INSTRUCTIONS

See Audit Instruction (1) below FR 9 (6).

¹ The words 'other than a tenure post' deleted *vide* G.I., Dept. Per. & Trg. Notification No. 13/5/84-Estt. (Pay-I), dated the 24th September, 1985 and takes effect from the 12th October, 1985, date of publication in the Gazette.

² Inserted by G.I., M.H.A., Deptt. of Personnel & A.R. Notification No. F. 1 (1)-P. U. 1/79, dated the 23rd November, 1979 and takes effect from the 5th December, 1979.

³ Inserted by G.I., M.H.A., Deptt. of Personnel & A.R. Notification No. F.1 (6)-P. U. 1/79, dated the 23rd November, 1979 and takes effect from the 8th December, 1979.

F.R. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

GOVERNMENT OF INDIA'S ORDERS

1. Meaning of expression "old pay".—In connection with the application of Fundamental Rule 23 and Audit Instruction (2) below it, a question was raised whether an official officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, could exercise under Fundamental Rule 23 the option of retaining his officiating pay on old higher scale when all the posts of the different categories were on the same new scale from that date and no higher responsibility was involved.

It has been decided with the concurrence of the Auditor-General that the words "his old pay" in the proviso of the rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option, however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of Fundamental Rule 23 and its proviso cannot be operative at one and the same time for the period during which the option exercised under the proviso operates, the substantive portion of the rule remains inoperative. Failure to exercise the option from whatever cause arising entails forfeiture of the benefit of the rule.

[G.I., F.D., Letter C. No. 246-Admn. I.T./142, dated 30th September, 1942.]

2. Fresh option not necessary when date of next increment revised.—A question was raised whether the option exercised by a person under F.R. 23 could remain operative if his date of next increment changes due to refixation of his pay under the orders issued by the competent authority subsequently. It has been decided that if a person permanent or otherwise earns increment earlier than or after the original date on which he was supposed to get it at the time of exercise of option under F.R. 23, due to revision of the date of increment, his pay should automatically be refixed with effect from the revised date of increment with reference to original option exercised by him under F.R. 23 and there will be no need for exercising a fresh option and issue of special orders for this.

[G.I., M.F. (C's) endorsement on the D.G., P. & T's Letter No. 7-40/57/P. & A., dated the 5th January, 1959.]

3. Applicability when status is also changed.—A question was raised whether F.R. 23 would also apply in a case in which the pay scale of a post is revised and such revision is accompanied by change in status. It has been decided that F.R. 23 will equally apply in cases where a revision of pay is accompanied by change in status of the post. In such cases, the post virtually continues as before. Where, however, a revision of pay is concurrent with a specific change in the duties and responsibilities attached to the post, the old post will be deemed to have been substituted by a different post. In such cases the individual will be treated as having been appointed to a higher or lower post, as the case may be, and pay will be fixed under the relevant rules, and not under F.R. 23.

[G.I., M.F., O.M. No. 1 (40)-E. III(A)/65 dated the 6th November, 1965.]

4. Option available for upward/equivalent/downward revision.—A question has been raised whether the option under F.R. 23 is available to the holder of a post, the time-scale of which is reduced or whether in such cases the Government servant should be brought on compulsorily to the reduced time-scale and his pay fixed thereon in accordance with F.R. 22-A. The matter has been carefully considered in consultation with the

Ministries of Home Affairs, Law and the Comptroller and Auditor-General and the following clarification is issued:—

(1) Under F.R. 23 the holder of a post, the pay of which is changed is entitled to the option to retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale.

(2) In view of these provisions, it is clarified that in the case of a Government servant holding a post at the time of revision of the time-scale of that post, the option under F.R. 23 as stated above shall be available to him irrespective of the fact whether the revision of pay scale is in the upward or equivalent or downward direction.

(3) The question of fixation of pay in the revised scale under F.R. 22-A in cases of reduction of time-scale of pay of a post will arise only when the Government servant does not opt under F.R. 23 to retain the old scale.

(4) In cases when a Government servant is not holding a post at the time of reduction of its time-scale, but has held the same post prior to the reduction of the time-scale, the question of giving option under F.R. 23 to retain the old scale, on reappointment to the same post after the reduction of the scale of pay does not arise. In such cases on reappointment after the date of reduction of the pay scale, the pay shall be fixed in accordance with the provisions of F.R. 22-A.

[G.I. M.F., O.M. No. 2 (62)-Estt. III/60, dated the 29th August, 1960.]

5. Date of next increment in case of fixation at the minimum.—(1) When the scale of pay of a post is revised upwards without involving assumption of duties and responsibilities of greater importance, the fixation of pay of the incumbents is regulated under F.R. 23 and F.R. 22 (a)(ii) read with Audit Instruction (1) below F.R. 22. In other words, the pay of the incumbent is fixed at the same stage, if any, in the new scale and if there

is no such stage, at the stage next below in the new scale and the difference allowed as personal pay to be absorbed in future increases in pay. In both the cases, the next increment will be drawn on the date of increment in the old scale or in the new scale, whichever is earlier.

(2) In cases where the minimum pay of the revised scale is higher than the pay drawn by the Government servant in the old scale, his pay will be fixed at the minimum of the revised scale. A question has been raised as to when the Government servant will be eligible to draw the next increment after such initial pay fixation at the minimum of the scale.

(3) The matter has been carefully considered. It is hereby clarified that the next increment in the cases of the kind mentioned in the preceding paragraph should be allowed in the revised scale, only after completion of full incremental period of 12 months/24 months, as the case may be, at the stage, from the date of fixation of initial pay in the revised scale, subject to the provisions of F.R. 26.

(4) Ministry of Finance, etc., may please see and bring the above clarification to the notice of all the offices under their control for necessary guidance.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. F. 13/14/83-Estt. P-I, dated the 9th January 1984.]

AUDIT INSTRUCTIONS

(1) See item (4) of the Audit Instructions below F.R. 22.

(2) This rule applies to an officiating as well as to substantive holder of a post.

The expression 'holder of a post' occurring in this rule applies also to a person who is not actually holding the post, the pay of which is changed provided he has a lien or a suspended lien on that post.

[Para. 4 (III), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The expression 'subsequent increment on the old scale' in the proviso to F.R. 23 should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay.

[Para. 4(iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The expression 'a post', occurring in this rule, includes a 'temporary' post.

[Para 4 (iv), Chap. IV, Sec I of Manual of Audit Instructions (Reprint).]

F. R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by the Central Government or by any authority to whom the Central Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing a future increments.

GOVERNMENT OF INDIA'S ORDERS

1. Distinction between withholding 'Next Increment' and 'One Increment'.—It is clarified that where an order of penalty purports to withhold the 'next increment' for a specified period, it implies that all the increments falling due during that period would be withheld, because without getting the next increment, an officer cannot get increments falling after the 'next increment'. Thus it is intended that only one increment should be withheld over a specified period it should not be stated in the order that the 'next increment' be withheld for a specified period. The proper course of action in such a case would be to specifically order that 'one increment' be withheld for a specified period instead of ordering that the 'next increment' be withheld for a specified period. Such an order will have the effect of withholding one increment only over a specified period and the official concerned will be able to draw the subsequent increments falling during the period of course, depressed by the 'one increment' which is withheld.

[D.G., P. & T.'s Letter No. 20/41/66-Disc. dated the 14th April, 1967.]

2. When a series of penalties of stoppage of increment is imposed.—Cases where a series of penalties of stoppage of increment are imposed on a Government servant, were being referred from time to time for classification as to how these orders will be implemented in practice. Such cases were under consideration for some time past and it has been decided that where the disciplinary authority imposes penalties of stoppage of increment one after the other in separate cases on the Government servant, the effect of the first punishment order of stoppage of increment will continue for the period specified in the punishment order. Thereafter the pay of the Government servant will be raised by giving him increments which, but for the imposi-

tion of the penalty, would have been admissible to him and only then the second order of stoppage of increment will be made effective which will continue for the period specified in the second punishment order for stoppage of increment and so on.

[D.G., P. & T.'s Letter No. 230/308 75-Disc. II, dated the 3rd May, 1976.]

(3) How to regulate advance increments when penalty of stoppage of increment is in operation.—

(1) A question has been raised whether the advance increment(s) which is/are granted to a Government servant on his qualifying in a departmental or other technical test and which accrue(s) to him after the penalty of stoppage of increment (s) has been imposed on him as a result of disciplinary proceedings, should be allowed during the period when the penalty is in operation and how the pay is to be regulated in such cases.

(2) Such cases can be divided into the following three categories:—

(a) Cases where the advance increments accrue to the individuals concerned from a date earlier than the date of order imposing the penalty of stoppage of increment(s) but the fact of accrual of such advance increments becomes known after the issue of the penalty order—(e.g., order stopping the next increment for one year is issued on 1-3-71. Normal date of next increment is 1-7-71. On the basis of results declared on 1-4-71 the individual concerned is declared to have passed the departmental examination held on 28th December, 1970 and becomes entitled to two advance increments with effect from 28-12-70).

(b) Cases where the advance increments accrue after the issue of the punishment order but before the said order becomes operative (e.g., date of order of punishment 1-3-71, normal date of next increment 1-7-71 and the individual becomes entitled to two advance increments with effect from 1-6-71 on his passing the departmental test).

(c) Cases where the advance increment accrues during the currency of the punishment (e.g., date of order of punishment 1-3-71, normal date of next increment 1-7-71 and the individual becomes eligible for two advance increments with effect from 1-9-71.)

(3) It has been decided that it is only the increment (s) accruing in the normal course in the time-scale of pay that should be withheld in terms of the penalty and that such an order should not interfere with the accrual of advance increment granted as an incentive for passing departmental tests, etc. Accordingly, the advance increments in the three types of cases mentioned above should be regulated as indicated below :—

(b) Since the advance increments accrue from a date earlier than the date of penalty order, no difficulty arises. The advance increments are to be allowed with effect from 28-12-70 and the normal increment accruing on or after 1-3-1971 (i.e., on 1-7-71) should be withheld.

(d) The advance increments may be released but the normal increment accruing thereafter withheld as illustrated below (taking the scale of pay to be Rs. 160-8-200).

Date	Pay	Description
1-3-71	160	Date of order imposing the penalty of stoppage of next increment for one year without cumulative effect.
1-6-71	176	Two advance increments. (Normal date of increment remains unaffected.)
1-7-71	176	Normal increment withheld as punishment starts operating.
1-7-72	192	Punishment period ends, hence the normal increment accruing on this date and the increment earlier withheld are released.

If the increment is withheld with cumulative effect the official will get Rs. 184 on 1-7-72.

NOTE.—If, in the above illustration, the next increment is to accrue only on completion of one year from the date of grant of advance increments (viz., on 1-6-72 only) then the normal increment accruing on 1-6-72 should be withheld for one year.

(c) 1-3-71	160	Date of punishment order.
1-7-71	160	Increment withheld.
1-9-71	176	Two advance increments on account of passing the departmental test.
1-7-72	192	(or Rs. 184 if the increment was withheld with cumulative effect).

NOTE.—If, in the above illustration, the next increment is to accrue after one year from the date of grant of advance increments, (i.e., on 1-9-72 only) then the regulation of pay will be as follows :—

1-3-71	160	
1-3-71	160	Punishment starts operating.
1-9-71	176	Two advance increments.
1-7-72	184	Punishment period is over (or Rs. 176 if the increment was withheld with cumulative effect).
1-9-72	192	(or Rs. 184 if the increment was withheld with cumulative effect).

(4) Similarly in cases where a penalty of reduction to a lower stage in the time-scale of pay for a specific period is imposed, the order of penalty should not interfere with the accrual of advance increments granted as an incentive for passing departmental tests.

[G.I., M.F., O. M. No. 1 (23)-E. III (A)/75, dated 18th June, 1975.]

F.R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments under Rule 24 or the relevant disciplinary rules is applicable to the Government servant or of any other authority whom the President may, by general or special order, authorise in this behalf.

ORDERS/INSTRUCTIONS

1. Effective application.—In order to ensure effective implementation of the aforesaid recommendation, the Third Central Pay Commission have indicated certain further steps in para 17 of Chapter 8 of their Report (Vol.I). These have been accepted by Government and the following decisions have been taken :—

- (1) Cases of Government servants for crossing the efficiency Bar in a time scale of pay shall be considered by a Committee which shall be the same as the Departmental Promotion Committee constituted for the purpose of considering cases of confirmation of the Government servants concerned.

Where, however, in a D.P.C. constituted for considering case of confirmation, a member of the Union Public Service Commission is associated, it shall not be necessary to associate the member of the Commission in the Committee for considering cases of Government servants for crossing of the Efficiency Bar. It is not essential for the Committee considering cases of Government servants for crossing the E.B. to sit in a meeting to consider such cases, but it may consider such cases by circulation of papers. The Committee shall make its recommendations to the authority competent to pass an order under FR 25 and the decision will be that of the competent authority.

(2) * * * * *

(3) Where a Government servant who has been held up at the Efficiency Bar stage on the due date on account of unfitness to cross the Efficiency Bar is allowed to cross the E.B. at a later date as a result of subsequent review which should also be done in accordance with the procedure mentioned in para 2(1) above, the increment next above the E.B. shall be allowed to him from the date of such order to cross the E.B. Where, it is proposed to fix his pay at a higher stage, taking into account the length of service from the due date for crossing the E.B., the case should be referred to the next higher authority for a decision.

(4) At regular intervals, which may be prescribed by the administrative Ministry/Department concerned, each administrative Ministry/Department should review the position obtaining in that Ministry/Department regarding sanction of increments above the E.B. stage in order to see whether the authorities concerned are being objective and not either too lenient or too strict in enforcing the Efficiency Bar.

[Deptt. of Personnel & A.R. O.M. No. 29014/2/75 Estt., (A), dated the 15th November, 1975.]

1-A. In partial modification of the O.M. dated 15-11-75 (para 2) referred to above, it has now been decided that in the event of the DPC being convened after a gap of time following the date on which the Government servant became due to cross the Efficiency Bar, the Committee should consider only those Confidential Reports which it would have considered had the DPC been

held as per the prescribed schedule. In the event of the Government servant who is found unfit to cross the Bar from the due date, the same DPC would be competent to consider the report for the subsequent year also, if available. Thus, the same DPC could examine whether the Government servant is fit to cross the Bar from the next successive year also.

[Deptt. of Personnel & A.R. O.M. No. 29014/3/84- Estt.(A) dated 4th September, 1984.]

2. Time Schedule.—(1) It has been brought to the notice of the Government that there have been a number of administrative delays in the clearance of efficiency bar cases. Even though in all such cases the Government servant concerned, where the delay is not attributable to the inefficiency of the Government servant, can be given the benefit of higher pay with retrospective effect, still the need for clearance of such cases promptly cannot be over-emphasised.

With a view to avoiding procedural delays and also with a view to reducing occasions on which files are circulated to the members of the DPC, it has been decided that the following time schedule may be adopted for the screening of efficiency bar cases :—

Month in which EB cases should be considered by the D.P.C.	Months during which the date of crossing the E.B. falls.
January	January to March
April	April to July
July	August to October
October	November and December

(2) According to the existing procedure the Annual Confidential Reports are written in the Secretariat according to the calendar year and in other offices according to the financial year. It would be seen from the time schedule prescribed above that efficiency bar cases falling during the months of January to March are cleared in January and cases falling during the months of April to July in the month of April. It would be necessary to get the confidential reports in respect of these persons written on priority basis during the first fortnight of January/April itself so that the consideration of these cases are not delayed beyond the months of January and April. In respect of cases of efficiency bar becoming due during the months of August to December, it would not be necessary to obtain special reports as a matter of course for the incomplete portion of the year for which regular confidential reports are not yet due.

[Department of Personnel & A.R.O.M. No. 29014/1/76- Estt.(A) dated the 18th October, 1976.]

3. **Clarifications.**—Clarifications on some of the points often raised by various Ministries/Departments in regard to the crossing of Efficiency Bar by Government servants are given below :—

S. No.	Point raised	Clarification
1	2	3
	When the next review regarding crossing of E. B. should be taken up after a decision is taken to stop a person at the E.B. stage	The review should be done annually in accordance with the time-schedule prescribed in the D/P & A.R. O. M. No. 29014/1/76-Ests. (A) dated 18-10-1976.
1	*	*
2	*	*
3	*	*
4	What action should be taken in a case where notwithstanding the E.B. in the time scale of pay, the increment above the E.B. stage is allowed as a matter of course and the mistake is discovered subsequently.	Increment(s) granted above the E.B. by mistake should be withheld at once. Simultaneously, his case for crossing the E.B. from the due date should be considered by the appropriate committee taking into account records of performance upto date. If he is found fit to cross the E.B. from the due date, the withheld increment (s) should be released to him with arrears if any, pertaining to the period from the date of withholding to the date of release of those increment(s). If, however, he is not found fit to cross the E.B. from the due date, the amount paid to him by way of increment(s) which were not due to him should be recovered in easy instalments.
5	What will be the effect of grant of advance increment(s) (absorbable in future increments) on the	While in such an event, the advance increment(s) should be granted, the next increment should be

1	2	3
	passing of a prescribed test or acquiring the prescribed proficiency in a prescribed subject when the grant of such advance increment(s) takes the Government servant above the E.B. stage.	granted to him only if and when he is found fit to cross the E.B., after consideration of his case.
6	When a Government servant officiating in a higher post becomes due for crossing E.B. in the scale attached to the higher post even before earning a single report regarding his performance in the higher post, how his case for crossing E.B. is to be regulated.	Consideration of his case for crossing the E.B. in the scale attached to the higher post in which he is officiating should be deferred till at least one report about his performance in that post becomes available and thereafter taken up for consideration which should be on the basis of the entire record of service. If he is found fit as a result of such consideration, he may be allowed to cross the E.B. retrospectively from the due date.
[Deptt. of Personnel & A.R. O.M. No. 29014/2/75 Estt. (A) dated 6th April, 1979.]		
	4. Applicability of sealed cover procedure. —	
	At present in cases where departmental proceedings etc. are in progress, the efficiency bar case of the official concerned is not cleared till the proceedings are completed. It has been decided that if on the date of the actual DPC, the concerned Government servant is under suspension or disciplinary/criminal court proceedings against him are contemplated or pending, the findings of the DPC in regard to his crossing the Efficiency Bar stage should be placed in a sealed cover. The sealed cover should be opened after conclusion of the proceedings. If he is fully exonerated, the recommendations in the sealed cover may be considered by the competent authority who may lift the bar retrospectively from the date recommended by the	

D.P.C. In that case, the Government servant will be entitled to the arrears of the increment(s). In case, however, the proceedings do not result in complete exoneration of the Government servant, he cannot be allowed to cross the bar with retrospective effect. His case will be considered by the next DPC which meets after the final orders on the basis of the proceedings have been passed, and the Committee will then consider him for crossing the bar from a prospective date. While doing so, the Committee will take into account the order passed on the conclusion of the disciplinary proceedings.

[Deptt. of Personnel & A.R. O.M. No. [29014/3/84-Estt. (A), dated 4-9-1984.]

5. Effect of penalty imposed in recent past.—
The fact that a punishment was imposed on a Government servant in the recent past should not by itself form the basis for deciding his suitability to cross the efficiency bar. The case of such Government servant has to be considered on merit by taking the totality of the record into consideration.

5-A. In the case of officials who are undergoing any of the punishments mentioned in the CCS (CCA) Rules, other than 'censure', at the time their case for crossing the Efficiency Bar is considered, while they may be cleared for crossing the bar if they are otherwise considered fit by the DPC, actual effect of crossing the Efficiency Bar may be given only after the period of punishment is over.

[Deptt. of Personnel & A.R. O.M. No. 29014/3/84 Estt. (A), dated 4th September, 1984.]

6. Communication of orders.—The cases of Government servants for crossing the Efficiency Bar in the time scale of pay should be considered at the appropriate time and in case the decision is to enforce the bar against the Government servant, he should be informed of the decision.

[Deptt. of Personnel & A.R. O.M. No. 40/1/73-Estt. (A), dated 31-12-73.]

F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

¹(a) All duty in a post on a time-scale counts for increments in that time-scale :

Provided that, for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale, shall be added to the normal date of increment.

(b) (i) Service in another post, other than a post carrying less pay refer to in clause (a) of Rule 15, whether in a substantive or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate shall count for increments in the time-scale applicable to the post on which the Government servant holds a lien as well as in the time scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India :

*Provided that the President may, in any case, in which he is satisfied that the extraordinary leave was taken for any cause beyond the Government servant's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under clause (i) or (ii).

(c) (i) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, or is appointed or

1. As substituted by G.I., M.F., Notification No. F.1 (1)-E. III(A)/67, dated the 29th November, 1967.

*See G.I.O. below.

re-appointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

¹(ii) If a Government servant on reversion from an ex-cadre post to the parent cadre is appointed to a post on a scale lower than that of the ex-cadre post but not on the same time-scale as the post held at the time of his transfer to the ex-cadre post, the service rendered on the higher scale in the ex-cadre post shall count for increments in the time scale applicable to the cadre post subject to the same conditions as are laid down for cases falling under proviso (1) (iii) to Rule 22.

(d) Foreign service counts for increments in the time-scale applicable to—

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended,

(ii) the post in Government service in which the Government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going on foreign service, and

¹(iii) any post in the parent cadre in a lower scale of pay to which the Government servant is appointed on reversion from the ex-cadre post subject to the fulfilment of the conditions mentioned in proviso (1) (iii) to Rule 22.

(e) Joining time counts for increment—

(i) If it is under clause (a) or clause (c) of Rule 105, in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government servant during the period; and

(ii) If it is under clause (b) of Rule 105, in the time-scale applicable to the post/posts on which the last day of leave before commencement of the joining time counts for increments.

EXPLANATION.—For the purposes of this rule, the period treated as duty under sub-clause (b) of clause (6) of Rule 9 shall be deemed to be duty in a post if the Government servant draws pay of that post during such period.

GOVERNMENT OF INDIA'S ORDERS

1. Authority competent to issue certificate.—Under F.R. 26(b) (ii), even in the case of a temporary/officiating Government servant, all kinds of leave excluding extraordinary leave taken otherwise than on medical certificate will count for increments in the post in which the Government servant was officiating at the time of proceeding on leave and would have continued to officiate but for his going on leave. For this purpose a certificate, that the Government servant concerned would have continued to officiate in that post but for his proceeding on leave, is necessary.

A question has arisen whether the certificate, as contemplated in this rule can be issued to more than one officer in respect of the same post and for the same period of leave, if the

condition laid down therein, namely, their continuance otherwise in the post in question is fulfilled in each case. It has been decided that the certificate envisaged may be furnished by the Competent Authority, if necessary, in respect of more than one person, subject, of course, to other conditions, namely, their continuance otherwise in the post in question.

For the purpose of counting leave for increments, quasi-permanent Government servants continue to stand equated with permanent Government servants in respect of the specified posts in which they have been declared quasi-permanent but in respect of other posts in which they may be officiating, the certificate of continued officiation as envisaged in clause (b) (ii) of F.R. 26 would be necessary as in the case of temporary Government servants. The certificate is not necessary in the case of quasi-permanent Government servants for the purpose of counting service in higher posts for increments in the lower posts, in which they have been declared quasi-permanent and that increments in such lower posts may be allowed automatically.

In the case of Government servant proceeding on leave, where no officiating arrangement is made in the leave vacancy and the Government servant concerned returns to the same post after the expiry of the leave, the certificate mentioned above may be issued by the leave sanctioning authority. In all other cases the certificate shall be issued by the appointing authority.

It has been decided that in respect of counting extraordinary leave for increments under the proviso to the amended F.R. 26 (b), the powers delegated under item 8-A of Appendix of this Compilation will continue to apply.

[G.I., M.F., O.M. No. D. 3199-E.III, A/57, dated the 25th June, 1957, O.M. No. 2 (10)-E. II/59, dated the 19th May, 1960, O.M. No. F. 2(27)-Est. III/61, dated the 25th December, 1961, O.M. No. F. 2 (37)-E. III/63, dated the 22nd October, 1963 and O.M. No. F. 1 (5)-E. III (A)/65, dated the 3rd July, 1965.]

In the case of non-gazetted Government servants a concise entry such as "Certificate under F.R. 26 (b) (ii) issued for the period from to" should be recorded, where necessary, after the entry regarding leave in the service book.

[G.I., M.F., O.M. No. F. 2 (35)-Est. III/53, dated the 27th August, 1958 and O.M. No. 2 (14)-E. III/62, dated the 12th April, 1962.]

A question has been raised whether the certificate required under F.R. 26(b) (ii) would be necessary in the case of Government servants engaged on contract who are governed by special leave terms. It has been decided that the certificate may be dispensed with in cases where officers are appointed on contract to specific posts and proceed on leave from those posts.

In the case of officers who are given indefinite contracts without specifying any particular post and other contract officers who, though appointed initially to specific posts, are transferred in an officiating capacity to other posts, and who proceed on leave thereafter, the certificate will be necessary to count the period of such leave for increments in the posts which they hold in an officiating capacity immediately prior to proceeding on leave.

[G.I., M.F., O.M. No. F. 2(43)-Est. III/53, dated the 23rd September, 1958.]

2. F.R. 26 (C) applicable to the Government servants on deputation with State Government.—

It has been decided that the benefits of F.R. 26 (c) may be extended to Central Government servants officiating in higher posts or holding higher temporary posts under a State Government also.

[G.I., M.F., O.M. No. F. 2(39)-Est. III/58, dated the 17th September, 1958.]

3. Automatic counting in cases coming under Proviso to F.R. 26 (b).—(1) F.R. 26 (b) and Rule 21 of the C.C.S. (Pension) Rules, 1972 provide that when Extraordinary Leave is granted to a Government servant due to his inability to join or re-join duty on account of civil commotion or for prosecuting higher scientific and technical studies, such period of leave can be treated as qualifying service for the purpose of pension and for increments. However, necessary orders in such cases have to be passed by an authority other than the leave sanctioning authority

(2) The question of simplifying the procedure in this regard has been examined and it has been decided that E.O.L. sanctioned for the following purposes shall automatically count as qualifying service for pension and for increments without any further sanctions :—

(i) E.O.L. granted due to inability of a Government servant to join or re-join duty on account of civil commotion.

(ii) E.O.L. granted to a Government servant for prosecuting higher technical and scientific studies.

[G.I. Ministry of Per., P.G. & Pension, O.M. No. 13017/20/85-Est. (L), dated the 18th February, 1986.]

4. Regulation of increments of Probationers.—
(a) *General* :—Doubts have been expressed whether the provisions of Audit Instruction (4) below this rule, would apply in cases, where the normal probationary period of a probationer is extended on account of his failure to pass the departmental examination within the time-limit prescribed for the purpose.

It is clarified that the provisions contained in the said Audit Instruction are applicable only to cases where the normal probationary period itself is more than twelve months and not to other cases where the probationary period is extended for failure to pass the departmental examinations. In other words, in cases where the normal probationary period is itself more than twelve months, on confirmation the officer may be given the increments which he would have drawn but for his probation and arrears in this regard may also be allowed to the officer. On the other hand, in cases where the period of probation is extended on account of failure to pass the departmental examination as stated in the previous paragraph, while there is no objection to regulate the pay and increments on confirmation at the end of the extended probationary period on the basis of what the officer would have drawn but for his probation, no arrears on this account should be allowed to him for the period prior to the date of confirmation. This would mean that the increment of the officer is withheld without cumulative effect for failure to pass the departmental examination and cannot be considered as a penalty within the meaning of Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, *vide* Explanation below that rule.

[G.I., M.F., O.M. No. F.2 (47)-Est. III/60, dated the 17th August, 1960.]

(b) *In the case of P & T Group 'A' probationers :*
(i) *When pay is fixed ? at the minimum.*—The question of grant of advance increments to the probationers of Telegraphs Engineering Service Group 'A', Indian Postal Service Group 'A', Post & Telegraphs Accounts and Finance Service Group 'A', and Posts & Telegraphs Civil Engineering Service, Group 'A' in the revised Junior Group 'A' scale of pay of Rs. 700-40-900-E.B.-40-1,100-50-1,300 has been under consideration of the Government for some time past. In supersession of all previous orders governing the grant of advance increments it has been decided that the grant of advance increments to the directly recruited Probationers to the aforesaid services, Group 'A' (Junior), shall be regulated as under :—

(i) The first increment raising the pay to Rs. 740 may be allowed from the last date of the first departmental examination in which the probationer passes. In the case of probationer, who has passed the departmental examination in his first attempt within the first year of probation, he may be allowed the second increment raising his pay to Rs. 780 on the first anniversary date of his joining the service.

(ii) If the probationer fails to pass the examination within the first year of probation, he will draw the first increment raising his pay to Rs. 740 on completion of one year of service, the probationer passes the departmental examination during the second year of probation, the next increment raising his pay to Rs. 780 will be allowed from the last date of the examination in which he passes. If the probationer fails to pass the examination within two years of probation he will draw the second increment raising his pay to Rs. 780 on completion of two years of service.

(iii) The increment raising his pay to Rs. 820 will not be drawn until he completes three years of service and has passed all the departmental examination and the Hindi test and also undergone the

Foundational Course in the Lal Bahadur Shastri National Academy of Administration, Mussoorie, and has completed the probation satisfactorily.

(2) These orders issue with the concurrence of P & T Finance *vide* their Dy. No. 4256-F.A. 1-78, dated 27th June, 1978 and take effect from 1st January, 1973 the date from which the revised pay scales came into force under the Central Civil Services (Revision of Pay) Rules, 1973.

[D.G., P. & T., Letter No. 2-57/78-P.A.P., dated the 1st July, 1978.]

Clarification.—It is clarified that for the purpose of granting the advance increment to the Probationers of the P & T Accounts and Finance Service, Group 'A' in whose case the Departmental Examination consists of two parts, passing of Part I of their Departmental Examination will be the criterion, the other conditions remaining the same.

2. This issues with the concurrence of P & T Finance *vide* their Dy. No. 5522-F.A- 1/78, dated the 26th August, 1978.

[D.G., P. & T., Letter No. 2-74/78-PAP, dated the 21st October, 1978.]

(ii) *When pay is fixed at more than the minimum.*—(1) The question of regulation of increments of officers on probation in services in Group 'G' of the Department where pay on appointment in Junior Time-Scale of Group 'A' is fixed at the stage of the scale above the minimum after taking into account the pay drawn by them in earlier employment has been under consideration for some time past. It has now been decided in consultation with the Ministry of Finance that after fixation of initial pay of such Probationers, subsequent increments be regulated in the usual course under the provisions of F.R. 26. In other words, they will not be eligible to draw advance increments on passing the departmental examinations as contemplated in (i) above.

(2) The increment to the fourth stage, from the initial pay fixed after giving benefit of past service in the time-scale of Rs. 700-1,300 may not be allowed unless the officer has passed all the departmental examinations and the Hindi test and also completed the probation satisfactorily.

ID.G., P. & T., Letter No. 4-3/75-PAT/PAP, dated the 2nd March, 1979 issued with the concurrence of P. T. & Finance *vide* their U.O. No. 900/F.A. 1/79, dated the 16th February, 1979.

(c) *In the case of other Group 'A' probationers.*—It has been brought to the notice of Home Ministry that in certain Departments, like the I.A. & A.D., where the drawal of first and second increments is subject to passing of the first and second departmental examinations to be held after every six months the orders referred to in (a) above will affect harshly on those probationers who pass the first and second departmental examinations consecutively, viz., after a gap of six months. In such cases, postponement of the first increment by one year from the date of its accrual will also result in the non-drawal of the second increment. In order to obviate such difficulties, it has been decided that in the case of C.S.S. Class I probationers who do not pass the 'end of the course' test at the National Academy of Administration, the increment will be postponed by one year from the date on which they would have drawn it or upto the date on which under their departmental regulations the second increment accrues to them whichever is earlier.

These orders will take effect from the date of issue and past cases decided otherwise need not be reopened.

[G.I., M.H.A., O.M. No. F. 44/9/62-Ests (A), dated 17th November, 1964.]

5. **Competent Authorities in cases of ex-cadre and foreign service.**—According to clauses (c) (ii) and (d) (iii) of F.R. 26 service rendered in an ex-cadre post counts for increment in the parent cadre in the post, on a scale lower than that of the ex-cadre post, to which a Government servant is appointed on reversion from the ex-cadre post subject to the conditions mentioned in the revised proviso 1 (iii) to F.R. 22. As the said conditions are, however, analogous to the conditions laid down under the "Next Below Rule" doubts have been expressed in some quarters whether the sanction under the revised clauses (c) (ii) and (d) (iii) of F.R. 26 certifying the fulfilment of the conditions mentioned in the proviso 1 (iii) to F.R. 22, will have to be issued by the authorities competent to issue declarations under the second proviso to F.R. 30(1), viz., the Ministries of the Government of India and the Comptroller and Auditor-General and not by all appointing authorities. It has been clarified that the same appointing authorities as were empowered to issue sanctions for counting the officiating service in a higher post for the purpose of increments in the lower post in terms of F.R. 26(c) as it stood prior to its amendment by the

Notification No. F. 1 (25)-E.III (A)/64, dated the 30th November, 1965, will continue to exercise the powers to issue necessary sanctions in terms of the revised clauses (c) (ii) and (d) (iii) of F.R. 26 also.

[G.I., M.F., U.O. No. 7971-Est. III-A/66, dated the 6th December, 1966, in reply to C.A.G.'s U.O. No. 1421-Audit/180-63, dated the 8th November, 1966 and C.A.G.'s O.M. No. 1603-Audit/100-3, dated the 17th December, 1966.]

6. S.A.S. Accountants working against the excluded posts of Assistants.—A question has been raised as to whether S.A.S. Accountants working against the excluded posts of Assistants would be allowed to count that service for purposes of increment in the S.A.S. Accountant's scale, on their reversion to their parent Departments.

It has been decided in consultation with Comptroller and Auditor-General that as the S.A.S. Accountants will be drawing the pay in the S.A.S. scale in terms of M.F., O.M. No. F. 6 (8)-E.III (B)/68, dated the 16th August, 1967 while holding the excluded posts of Assistants, the period of service rendered in the same will count towards increment in the S.A.S. Accounts' scale.

[G.I., M.F., O.M. No. 2(12)-E. III(B)/68, dated the 15th June, 1968.]

7. Counting leave for increments—crucial dates.—It has been decided that for the purpose of F.R. 26 (c), the officiating and temporary service in the higher post will also include periods of leave to the extent indicated below, provided it is certified by appointing authority that the Government servant concerned would have actually officiated in the lower post but for his proceeding on leave from the higher post :—

(1) From 19th April, 1952 :—Periods of leave on average pay for 4 months or earned leave up to a maximum of 120 days taken at a time;

(2) From 26th December, 1961 :—All kinds of leave excluding extraordinary leave;

(3) From 22nd October, 1963 :—All kinds of leave excluding extraordinary leave taken otherwise than on medical certificate.

[G.I., M.F., U.O. No. 827-E, III (A)/63, dated the 23rd December, 1963.]

8. Method of counting periods for increment.—Prior to the amendment to F.R. 26 (a), vide Notification, dated 29-11-67 where periods not qualifying for increment intervene, the date of next increment is to be arrived at by adding together each period of qualifying service expressed in terms of months and days up to a total of twelve months. Under the amended rule, for the purpose of arriving at the date of next increment in a time-scale, the total of such periods as do not count for increment in that time-scale will be added to the normal date of increment. An illustration explaining the methods of reckoning the date of increment under the amended rule is indicated below :—

(a) Date of last increment 23-4-1964

(b) Extraordinary leave taken which does not count for increment...

Days	From	To
3	29-5-64	31-5-64
6	15-7-64	20-7-64
9	7-10-64	15-10-64
4	18-12-64	21-12-64
3	26-1-65	28-1-65
4	16-3-65	19-3-65
29		

(c) Determination of the actual date of increment :

Date of last increment	23-4-64
Date of next increment (but for taking Extraordinary leave)	23-4-65
Total days of extraordinary leave	29
Date of next increment	23-4-65 plus 29 days. i.e., 22-5-1965.

[G.I., M.F., O.M. No. F. 1(1)-Est. III(A)/67, dated the 27th January, 1968.]

(2) Where the different spells and/or total of the periods not counting for increment exceeds 29 days, it is clarified in consultation with the Comptroller and Auditor-General of India that the periods as well as the total of periods not counting for increment should be converted in terms of months and days in accordance with provisions of Audit Instruction below F.R. 9 (18). The total period so converted into months and days shall be added to the date of normal

increment, to arrive at the actual date of increment as provided in proviso to F.R. 26 (a).

Illustrations explaining the method of reckoning the date of increment are given below :—

From	To	Particulars	Period		
			Y.	M.	D.
29-7-69	31-7-69	E.O.L. not counting	..	..	3
7-10-69	2-1-70	Suspension not counting	..	2	27
15-3-70	5-4-70	E.O.L. not counting	..	..	22
Total of the periods not counting for increment			..	3	22

c) Determination of the actual date of increment :

Date of increment

25-6-1969

Date of next increment in the normal course

25-6-1970

Total of the periods not counting for increment as shown at (b) above

3 m 22 d

Date of increment in accordance with proviso to F.R. 26(a)

17-10-1970

II. (a) Date of last increment

25-6-1969

(b) Periods of E.O.L., Suspension etc. not counting for increment :

From	To	Particulars	Period		
			Y.	M.	D.
7-8-69	10-8-69	E.O.L. not counting	..	..	4
19-10-69	5-11-69	Suspension not counting	..	..	18
20-2-70	11-3-70	E.O.L. not counting	..	..	20
Total of periods not counting for increment			..	1	12

(c) Determination of the actual date of increment :

Date of last increment

25-6-1969

Date of increment in the normal course

25-6-1970

Total of periods not counting for increment as shown at (b) above

1 m 12 d

Date of increment in accordance with proviso to F.R. 26 (a)

7-8-1970

[G.I., M.F., O.M. No. E. 1 (1)-E. III (A)/67, dated the 11th December, 1970 and O.M., dated the 20th October, 1971.]

(3) Proviso to F.R. 26 (a) does not make a specific mention as to how all the periods as do not count for increment which fall between the normal date of increment and the date arrived at under the above proviso may be treated. To cite a specific case an official was last granted increment with effect from 16-3-1970. His normal date of increment being 16th March, he was entitled to get the next increment from 16-3-1971. The official remained absent for an aggregate period of 59 days not counting for increment during the year from 16-3-1970 to 15-3-1971,

which is to be added to the normal date of increment, viz., 16-3-1971. According to the literal interpretation of the rule, the date of the next increment of the official should be fixed as 14-5-1971. However, between the dates 16-3-1971 and 14-5-1971, the official had further remained absent, periods not counting for increment.

The matter has been considered in consultation with Comptroller and Auditor-General of India and it has been held that in such cases the entire

period not counting for increment between 16-3-1971 and 14-5-1971 should be added to the normally extended date of next increment of 14-5-74 to arrive at the correct date of the next increment.

[G.I., M.F., I.O. No. 7743-E, III(A)/72, dated the 4th November, 1972, addressed to D.H., P. & T.]

9. Date of next increment to be determined first counting past officiating spells in a higher post.—A question has been raised as to how the date of next increment should be determined in the case of a Government servant who has officiated in a higher post in short spells on different occasions before he is regularly appointed in that post, i.e., whether the date of next increment should be reckoned in the manner laid down in the proviso to F.R. 26 (a). It is clarified that the benefit of past service rendered in the same or identical time-scale for the purpose of increment is given under the proviso to F.R. 22 which is distinct from proviso to F.R. 26 (a) and should precede the application of the latter. In other words, the pay and date of increment should first be determined by giving the benefit of past service under the proviso to F.R. 22; the proviso to F.R. 26 (a) does not come into the picture at this stage. The pay and date of increment having once been determined in terms of the proviso to F.R. 22, the proviso to F.R. 26 (a) will then have to be applied to postpone that date of increment by spells of non-qualifying periods, if any occurring thereafter, i.e., after regular appointment in the post.

[G.I., M.F., O.M. No. No. 1 (1)-E, III (A)/67, dated the 30th August, 1972.]

10. Regulation of increments on the 1st of month.—The sanction of the President is conveyed hereby to the increment of employees being admitted from the first of the month in which it would fall due under the operation of the normal rules and orders regulating increments.

These orders shall take effect from 1st November, 1973.

[G.I., M.F., O.M. No. F. 1 (22)-E, III (A)/73, dated the 7th January, 1974 and O.M. of even number, dated the 27th May, 1974.]

This order is applicable to work-charged and industrial employees also who are not engaged on a casual basis.

[G.I., M.F., O.M. No. 1 (22)-E, III (A)/73, dated the 5th April, 1974.]

Clarifications.—The following statement indicates the points of doubt and the clarifications thereof, about the application of the above orders.

S. No.	Point of doubt	Clarification
1.	How the increment will be regulated if the employee happens to be on leave on the first of the month.	An employee during leave draws leave salary and not duty pay. An increment accruing during leave cannot, therefore, be drawn during leave. The increment in such cases will be drawn from the date of resumption of duty on return from leave.
2.	How the increment will be regulated in cases in which there is postponement due to employee's proceeding on leave without pay which is not counted for increment.	The postponement of normal increment will be worked out as per extant rules and orders. If the postponed increment falls on any date of a month it will be granted from the first of that month.
3.	When the date of appointment of an employee is 19-12-1972, can he be given increment on 1-12-1973 before completing 12 months' service? Similarly, when he is promoted to a higher grade on 19-12-1972, can he get increment on 1-12-1973 before completing 12 months in the officiating grade?	In the case of initial appointment promotion accruing after 1-11-1973, it is inherent in the orders that the first increment will be drawn earlier before completing the normal incremental period of 12 months.
4.	Periods of service at the same stage count for increment. If by counting those broken periods the date of next increment falls on a date later than 1st of the month whether the increment is to be allowed on the specific date when the employee completes one year service at the same stage or on the first of the month if the broken periods together become less than one complete year.	Increment will be payable from the first of the month in which the next increment falls due after counting the broken periods equal to one year, provided the Government servant has also been holding the post from the first of that month to the date it falls due. In case he is not holding the post on the first of the month, the increment will be granted from the date it falls due.

S. No.	Point of doubt	Clarification	S. No.	Point of Doubt	Clarification
5.	How to regulate the grant of increment when the normal increment is withheld for specified period and the period of such penalty expires after 1st of the month.	These orders will not apply to cases where increments are withheld as a measure of penalty. Increments in such cases, will be granted/restored from the date the penalty ceases.	10.	Whether due date of increment may be fixed on the first of the month in which it falls due.	Yes. The date of next increment falling on or after 1st November, 1973 may be fixed on first of the month with a condition 'if otherwise admissible.'

[D.G., P. & T. Letters No. 3-1/75-PAT, dated the 1st October, 1975 and 25th November, 1975 issued with the concurrence of P. & T. Finance.]

6.	Advance/enhanced increments are allowed on the date of passing certain examination. Will these increments be allowed from the 1st of the month in which these become due.	These orders relate to only drawal of normal increments in the prescribed scale and are not applicable to advance/enhanced increment due to passing of certain examinations. Such increments if permissible will be governed by the relevant rules and orders.
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11. The Ministry of Finance has since clarified that all increments falling after 1st November, 1973 will be drawn prematurely from the first of the month and will be reckoned for all purposes as the normal date of increment. If promotion occurs on the first of the month, the pay may be fixed under the normal rules after adding the normal increment on that date if it is admissible under the orders relating to regulation of increments from the first of the month and subsequent clarification issued thereto.

[A.G., P. & T. Letter No. Audit III-110/25 (NCP) 73-VII, dated the 19th April 1975.]

[G.I., M.F., O.M. No. E. 1 (22)-E. III (A)/73, dated the 24th August, 1974 and M. P./ (22-E) III (A)/74, dated the 15th November, 1974]

7.	Whether the provisions can be applied even in cases where the date of increment is postponed due to treatment of certain period of service as "dies non".	"Dies non" would have as much effect as extraordinary leave without pay and the increment would be regulated accordingly.
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8.	How to regulate the increment in cases where a Government servant is not allowed to cross efficiency bar on normal date but the efficiency bar is subsequently lifted from a date other than the first of a month.	The increased pay due to lifting of efficiency bar may be admitted only from the date of decision of the competent authority. However, if the efficiency bar is lifted by the competent authority from the due date retrospectively the increment may be allowed from the first of the month.
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9.	Whether the benefit of next increment may be granted in terms of these orders in case promotion to a higher post takes effect from a date after first of a month but before the actual date on which increment above efficiency bar in lower post falls due.	Under operation of these orders the increment above efficiency bar would shift to first of the month unless the competent authority to remove bar intends to enforce the bar against him. In the absence of any such intention the officer is to be allowed increment on the first of the month and increased rate of pay taken into account for purposes of fixation of pay in the higher post.
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11. Grant of increments to Lower Division Clerk in attached and Subordinate offices who have not passed Typing Test.—The question of grant of increments, declaration of quasi-permanency and confirmation of Lower Division Clerks in Attached and Subordinate offices not participating in Central Secretariat Clerical Service, who have not passed the typing test has been considered by Personnel Department and it has now been decided that :—

(a) All the Lower Division Clerks in the Attached and Subordinate Offices not participating in Central Secretariat Clerical Service who had completed 10 years or more of service on 22nd October, 1971 but had not passed the typing test may be exempted from that date from passing the test for purposes of increment quasi-permanency and confirmation in L.D.C. grade.

(b) The L.D.Cs. in the Attached and Subordinate Offices, referred to above, who have not completed 10 years service on 22nd October, 1971, will be considered for exemption from passing the typing test on their completing 10 years of service as L.D.C. provided that they have made two genuine attempts, including attempt already made.

(c) On such exemption granted, the increments of the affected persons may be released from the date from which such exemption is granted to them without any arrears for the period prior to the date of exemption, subject to the normal annual date of increment being retained. They would also be eligible for quasi-permanency/confirmation in L.D.C. Grade from a date not earlier than the date of exemption.

(iii) Those who were above 40 years of age on the crucial date may be exempted on attaining the the age of 45 years or the date of issue of these orders whichever is latter, irrespective of any attempt to pass the test; and

(iv) All those who have already crossed 45 years of age may be exempted from passing the typewriting test from the date of issue of these orders.

[G.I., Cabinet Secretariat, (D.O.P. & A.R.), O.M. No. 14020/1/75-Est. (D), dated the 23rd May, 1975.]

NOTE.—As stated in paragraph 2 of G.I. M.H.A. (now D.O.P. & A.R.), O.M. No. 15/1/68-Est. (D), dated the 10th January, 1968, the genuine attempt would be determined by the Head of Department/Office in his discretion.

[G.I., Cabinet Secretariat (Personnel Department) O.M. No 15/2/72-Est. (D), dated the 7th October, 1972.]

12. Grant of exemption from passing typing test to L.D.Cs. promoted from Group 'D' grade in subordinate offices.—The question of grant of exemption from passing the typing test in case of Class IV (Group D) Employees who are appointed as L.D.Cs. in the attached and subordinate offices not participating the Central Secretariat Clerical Service Scheme against 10% vacancies reserved for them has been considered by the Department of Personnel & Administrative Reforms and it has been decided that :—

(i) Such Class IV (Group D) Employees, who were below 35 years of age on the crucial date prescribed in the examination rules for reckoning the age-limit for appearing in the examination in which they qualified should not be given any concession. They will be governed by the existing rules according to which they will be exempted from the test on completing ten year of service as L.D.C. provided they have made two genuine attempts to pass the test.

(ii) Those who succeeded in departmental examination held for Class IV (Group D) Staff between the ages of 35 and 40 years on the crucial date referred to at (i) above, may be given exemption on attaining the age of 45 years provided they have made one genuine attempt;

13. Grant of exemption from passing typing test to L.D.Cs. in Attached and Subordinate offices—further liberalisation.—(1) Reference is invited to Order (11) and (12) above and O.M. No. 14020/1/70 Est. (D), dated the 23-11-1978 (not printed) regarding typewriting test—grant of exemption from passing for purposes of drawal of increments/quasi-permanency, confirmation of L.D.Cs. in non-Secretariat offices.

(2) In the light of the decision taken in the Departmental Council of Department of Personnel & Administrative Reforms vide O.M. No. 14/11/78 CS. II, dated the 31st October 1980 in respect of Lower Division Clerks in the Secretariat Offices, the following decisions have taken in respect of L.D.Cs. in non-Secretariat offices :—

(a) L.D.Cs. appointed through Employment exchange and those L.D.Cs. appointed on compassionate grounds and who were below 35 years of age on the date of their appointment may be exempted from passing the typewriting test on completion of 8 years of service provided they had made two genuine attempts to pass the test.

(b) Group 'D' employees who were below 35 years of age on the crucial date of examination through which they were promoted as L.D.Cs. may also be exempted from passing the type-writing test on completion of 8 years of service provided they had made two genuine attempts to pass the test;

(c) Group 'D' employees who were between the ages of 35 and 40 on the crucial date refer to above and those appointed on compassionate grounds and were within

the ages of 35 and 40 at the time of appointment may be given exemption on attaining the age of 45 years or completion of 8 years of service whichever is earlier provided they have made one genuine attempt to pass the test.

increment in certain circumstances. The matter has been considered and the position is clarified as under :—

These orders take effect from 31 October, 1980.

[G.I., H.M.A., (D.O.P. & A.R.) O.M. No. 14020/2/80 Est. (D), dated the 15th January, 1981].

14. Grant of stagnation increment to Group 'B', 'C' and 'D' employees stagnating at the maximum of their pay scales.—(1) The Staff Side in the National Council (JCM) had made a demand in the 18th Ordinary Meeting of the National Council relating to the grant of Stagnation Increment. The matter had been under consideration of the Government for quite some time. It has been decided that all Central Government employees (both non-industrial and industrial) in Group 'B' Group 'C' and Group 'D' Services/posts (whether working in the Secretariat or other offices) carrying pay scales, the maximum of which does not exceed Rs. 1,200 p.m. and who have been stagnating or may hereafter stagnate at the maximum of their pay scales for two years or more, i.e. who remained/will remain at the maximum of their pay scales for two years or more, should be granted a 'Personal Pay' equivalent to the rate of the increment last drawn by them in their pay scales. Employees against whom disciplinary cases are pending will, however, have to await the result of the pending disciplinary proceedings before being considered for the grant of this benefit.

(2) The above element of 'Personal Pay' shall be taken into account for all purposes as admissible under the normal rules including that of determining the class of railway travel whether on duty/transfer or for Leave Travel Concession.

(3) These orders take effect from 1st July, 1983.

[G.I., M.F., O.M. No. 7 (22)/E. III/76, dated the 27th July, 1983 and 2nd September, 1983.]

Classification.—(a) Certain doubts have been expressed by several Ministries/Departments in the matter of grant of the benefit of stagnation

S. No.	Point of Doubt	Clarification
1.	Whether stagnation increment will be taken into account for the purpose of fixation of pay on promotion to higher post.	No. However, if pay fixed in the higher post under the normal rules happens to be less than the pay plus stagnation increment in the lower post, the difference may be allowed as personal pay to be absorbed in future increases in pay.

- | | | |
|----|---|---|
| 2. | Whether the period of officiating in the higher post on an <i>ad hoc</i> basis will be taken into account for counting the two years stagnation at the maximum of the scale of the lower post and on reversion the employee will be granted the benefit of stagnation increment if the period of stagnation is two years or more. | Yes. This will, however, be subject to the condition that the Administrative Ministry/Department, etc. issue a certificate that but for employee's promotion to the higher post, he would have continued to hold the lower post, in cases where the person is officiating in the lower post. This certificate is not necessary if the person is holding the lower post in a substantive capacity. |
| 3. | Whether the period of two years will count from the date the employee reaches the maximum of the scale after the grant of last increment or one year thereafter. | The period of two years will count from the date the employee reaches the maximum of the scale after the grant of last increment. |
| 4. | Whether the benefit of stagnation increment will be admissible in the Selection Grade (Non-functional). | Yes. |

The Ministry of Home Affairs, etc., are requested to follow these instructions in dealing with cases of stagnation increment in terms of order above.

[G.I., M.F., O.M. No. 7 (22)/E. III/76, dated the 22nd October, 1983.]

5. Whether the provisions of the aforesaid O.M. will also be applicable in the case of re-employed pensioners?

It has been decided that these orders may also be made applicable in the case of re-employed pensioners whose pay is regulated in term of this Minis.

try's O.M., dated 25-11-1958, as amended from time to time.

[G.I., M.F., O.M. No. 7 (22)/E. III/76, dated the 27th March, 1984.]

The following points are classified :—

S. No.	Point of Doubt	Clarification
1.	The date from which the period of two years should be calculated.	The two years' period should be calculated from the date of reaching the maximum of the pay scale e.g., if 'A' reaches the maximum of his scale w.e.f. 1-5-68, he will be entitled to the personal pay w.e.f. 1-5-1970.
2.	How the personal pay is to be regulated if the Government servant is on leave on the date he becomes eligible for the personal pay?	As in the case of increment, the personal pay will be effective from the date of return to duty.
3.	Whether the period(s) of leave, overstay of leave/joining time, etc., which would not have counted for increments as also period of suspension not allowed to count for increments should be taken into account or ignored for computation of the two years' period.	This personal pay being of the nature of an <i>ad hoc</i> benefit and having regard to need for simplifying calculations it has been decided that all such periods of leave including extraordinary leave, joining time and period of suspension could also be included while computing the two years' period from the date of reaching the maximum of the scale.
4.	Whether the personal pay for passing the Hindi Examination will be admissible in addition to the above personal pay.	As the two personal pays are allowed for different considerations, both should be admissible simultaneously.
5.	How the two years' period should be regulated in the case of a Government servant on deputation who has reached the maximum in the parent scale but who is drawing	The two years' period should be reckoned from the date of reaching the maximum in the parent scale but the personal pay should be available only
6.	How is the personal pay, during deputation, to be regulated in the case of a Government servant sent on deputation who has reached the maximum of the parent scale of pay (or reaches the maximum while on deputation), and who has opted or drawing grade pay plus deputation allowance?	During deputation, he should be entitled to : (i) grade pay. (ii) personal pay where eligible as per the above orders. (iii) Deputation allowance at 20% or 10% as the case may be, admissible on the basic grade pay only, (i.e. exclusive of the personal pay) subject to the other usual restrictions governing grant of deputation (duty) allowance.
7.	Whether the personal pay can be taken as part of the basic pay for the purpose of fixation of pay in higher grade or the pay plus personal pay drawn in the lower grade should only be protected on promotion to the higher grade?	The personal pay admissible should not be taken into account for purposes of pay fixation under the rules. However, the pay drawn in the lower grade plus personal pay can be protected while fixing pay in the higher grade by grant of the difference, if any, as personal pay to be absorbed in future increments in the scale of the higher post, i.e., in the case of an L.D.C. drawing the maximum of Rs.

S. No.

Point of Doubt

Clarification

pay in the scale of pay of the deputation post.

from the date the Government servant ceases to draw pay in the scale of pay of the deputation post. For the purpose of computation of the two year's period cited above, the period of officiation in higher post (whether in normal line or ex-cadre) will be taken into accounts provided either the official is substantive in the lower post or a certificate of continued officiation in the lower post is issued under F.R. 26 (c)(i) by the Competent Authority as the case may be.

S. No.	Point of Doubt	Clarification	S. No.	Point of Doubt	Clarification
		180 plus Rs. 5 as above personal pay can, on promotion as U.D.C. have his pay plus personal pay protected by allowing a pay of Rs. 184 p.m. in the U.D.C.'s scale plus a personal pay of Re. 1 to be absorbed in subsequent increments. In case of Government servants who become eligible for stagnation personal pay in the lower post while Officiating on the higher post they will get benefit of protection of pay in the manner indicated above, if his officiating pay in the higher post happens to be less than the pay plus stagnation personal pay in the lower post.			emoluments by the grant of rising with the annual increments. [G.I., M.F., O.M. No. 7 (43)-III (A)/70, dated the 15th February, 1971.]
	8. Whether the cases of employees who have reached the maximum of the scale not in the normal course but by virtue of the grant of advance increments or premature increments as incentive for any reason would also come within the purview of the above orders if they satisfy the other conditions for the grant of the benefit of personal pay.	Yes.			10. Whether the official who has been stagnating at the maximum of the pay scale for two years or more and is also in receipt of special pay would be eligible for <i>ad hoc</i> increment. If the special pays were granted under F.R.9 (25) i.e., not in lieu of separate higher scale of pay, the Government servant would be entitled to stagnation personal pay. Where the special pay sanctioned was <i>in lieu</i> of higher scale of pay, the benefit of <i>ad hoc</i> increment would be admissible only after stagnation at the maximum of the scale for two years along with such special pay. In a case where Government servant is already drawing the 'stagnation personal pay', the personal pay should be withdrawn from the date of special pay <i>in lieu</i> of a separate higher scale is attached to the post subsequently and the personal pay revived after completion of two years of service at the maximum along with the special pay. [G.I., M.F., O.M. No. F. 7 (43)-III (A)/71, dated the 4th December, 1971.]
					11. Whether the benefit of <i>ad hoc</i> increment for stagnation would be available also to those employees who after officiating in promotion, posts for short periods are reverted to their original posts in which they had stagnated for more than two years in all. Yes subject to its being ensured that the official concerned is substantive in the lower post or otherwise would have continued to officiate in the lower post but for promotion to the higher post. [G.I., M.F., O.M. No. F. 7 (8)-E, III (A) /70 dated the 1st March, 1972].
	9. Whether the benefit of personal pay may be refused by the employees who are eligible for the same but who will be put to hardship because of reduction in their total	An employee on being eligible for this benefit of personal pay cannot refuse it. A hardship as the one envisaged can arise even in the normal cases of pay			1. An official who has declined promotion permanently and as such continued The official would be entitled to an <i>ad hoc</i> increase in terms of decision above

S. No.	Point of Doubt	Clarification	S. No.	Point of Doubt	Clarification
	to draw the maximum of Rs. 240 in the scale of Rs. 110-240 for more than two years.	irrespective of the fact that they have declined promotion to next higher post temporarily or permanently.		scale. The posts of Record suppliers were down graded in July, 1963 to those of Daftries in the scale of Rs. 75/95 and the Officials were allowed fixation at the stage of Rs. 95 plus Personal pay of Rs. 12 or Rs. 9 with effect from 30-7-63. Whether these officials are entitled to stagnation increment as they are drawing the maximum of the scale for more than two years.	in terms of Government of India's Order (1) above then the difference would be allowed as stagnation Personal pay.
2.	An official who has declined promotion to the L.S.G. post is now officiating in a post carrying special pay.	Same remarks as at (1) above in case the official (L.D.C.) has declined promotion as L.D.C. (S.G.) But in the case of his officiating in a post carrying special pay, he would not be entitled to <i>ad hoc</i> increment if the special pay is attached to the post <i>in lieu</i> of a separate higher scale of pay.	5.	Whether the benefit of <i>ad hoc</i> increment is admissible to a person seeking reversion from a higher post in which he is substantive to a lower post. (A Line man confirmed from 10-7-52 was promoted to higher post of Sub-Inspector with effect from 4-6-68 and confirmed as Sub-Inspector with effect from 1-3-70. He was allowed reversion to lineman at his own request with effect from 24-4-64).	Yes, the <i>ad hoc</i> increment may be given in terms of Government of India Order (1) above subject to the fulfilment of the conditions laid down therein.
3.	Increment to the stage of Rs. 233 was drawn by an official with effect from 13-1-68 in the scale of Rs. 110-240. Consequent on passing the Hindi Examination he was allowed to draw a personal pay of Rs. 7 to be absorbed in future increment w.e.f. the same date i.e., 13-1-68 and as such he is drawing the maximum from 13-1-68. Whether he will be eligible for the benefit of <i>ad hoc</i> increment w.e.f. 1-3-70 because the orders take effect from 1-3-70.	The official's stagnation at the maximum of the scale would start from the date he reaches the maximum in normal course and not by getting advance increment for passing Hindi Examination which is to be absorbed in future increments in pay.	6.	Whether the benefit of <i>ad hoc</i> increment may be given to a Government servant who is debarred for further promotion due to bad record of service.	The benefit of <i>ad hoc</i> increment may also be allowed in such type of cases on the analogy of cases wherein the benefit of <i>ad hoc</i> increment is granted to official who have refused promotion to higher posts.
	[D.G., P. & T. Letter No. 2-89/70-PAP, dated the 24th May, 1971.]		7.	Whether the Personal pay due to <i>ad hoc</i> increment can be taken as part of basic pay for calculating the average emoluments, D.C.R.G. and Family pension.	7. & 8 The Personal pay in question is covered by the definition of pay under F.R.9 (21). Therefore, it will be taken into account for pension/D.C.R.G./family pension.
4.	Record suppliers of Government of India Forms Store in the scale of Rs. 40/60 were transferred to Postal Stock Depot, Calcutta in 1962 and were absorbed in the scale of Rs. 40/60. The scale of pay of Rs. 40/60 was revised to Rs. 80-1-85-2-95-EB-3-110 and pay of these officials was refixed in the revised	Stagnation Personal pay would be absorbed in the Personal pay. If any, enjoyed by an official above the maximum of the scale of pay of the post to which he has been absorbed But if the personal pay above the maximum of the scale is less than the stagnation Personal pay to which he becomes entitled	8.	Whether the personal pay granted will count for calculation of average emoluments under Article 486-C of C.S.Rs and whe-	

S. No.	Point of Doubt	Clarification
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Whether the Personal pay will count for the calculation of D.C.R.G. or not.

S. No.	Point of Doubt	Clarification
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completed two years period in drawing the maximum after completion of the punishment period.

[D.G., P. & T.'s Letter No. 2-85/70-PAP, dated the 13th January, 1971.]

9. Whether the pay of Ex-CTT staff after absorption drawing pay as line-man Rs. 95 plus Rs. 165 as personal pay should be fixed at Rs. 97 plus Rs. 163 as personal pay.

Where the personal pay drawn by an absorbed employee happens to be less than the quantum of one *ad hoc* increment admissible under the Government of India's Order (1) above, the difference may be allowed to him so that Personal pay drawn by such an employee over and above the maximum of the Central scale is equal to one *ad hoc* increment subject to other conditions for eligibility of *ad hoc* increment being satisfied.

[D.G., P. & T. Letter No. 2-2/71-PAP, dated the 1st November, 1972.]

10. (i) Whether the *ad hoc* increment will be admissible to an official on reversion from a higher post, who would have been entitled to it, but for his temporary officiating arrangement.

The official will be entitled to the benefit of one *ad hoc* increment admissible under the G.I. Order (1) above on reversion from higher officiating post if he is substantive on the post to which he is reverted and has stagnated on that post at the maximum of the scale for more than two years. The period of officiating on higher post will be taken into account for calculating the period of two years of stagnation.

11. How the period of two years should be computed for the purpose of stagnation at the maximum of the scale when the increment is postponed without cumulative effect?

It has been observed by the Ministry of Finance and the D.O.P. & A.R. that when the increment of an official is postponed without cumulative effect, his pay will be restored to what it should have been had the penalty been not imposed after the period of punishment is over and there will be no change in the normal date of increment. The official is therefore, entitled to stagnation increment (i) the form of personal pay on the date when he would have normally got it.

[Dept. of Posts Letter No. 1/16/78, PAP Vol. II Part dated the 22nd May, 1985.]

(ii) Whether *ad hoc* increment is to be given in cases where officials were drawing the maximum of their pay scales for more than two years and were reduced afterwards by one stage for some time as a penalty without cumulative effect and are now drawing the maximum of their pay scale, but have not

The period of punishment will not be taken into account for calculating the period of two years. If the official was stagnating at the maximum of the scale for more than two years before he was reduced by one stage in the scale, but the punishment was current as on 1-3-70, he would get the benefit after completion of the period of punishment.

Grant of *ad hoc* increment to employees stagnating at the maximum of their scales of pay to Group A, B, C, and D.—

(1) In supersession of all previous orders on the subject, the President is pleased to decide that all Central Government employees who have opted for CCS (RP) Rules, 1986 the maximum of whose pay scale does not exceede

Rs. 6700/- and who may reach the maximum of their revised scale of pay shall be granted one stagnation increment on completion of every 2 years at the maximum of the respective scales. The Stagnation Increment shall be equivalent to the rate of the increment last drawn by them in their pay scales and shall be treated as Personal Pay. A maximum of three such increments shall be allowed. "The pay plus stagnation increment shall in no case exceed Rs. 7300/-"

(2) The employees against whom disciplinary cases are pending will however, have to await the result of the pending disciplinary proceedings before being considered for the grant of this benefit.

(3) These orders will take effect from 1-1-1986.

[G.I.M./Finance(D)/Expenditure] O.M. 7/20/C III/87 dated 3-7-87.]

15. Special powers under F.R. 26 (b).—In the matter of increments, also, according to F.R. 26 (b) extraordinary leave taken on account of illness covered by a medical certificate already counts for increments. Further powers have been delegated to authorities competent to make substantive appointment to a post to allow at their discretion the counting of extraordinary leave in cases where extraordinary leave is taken for any cause beyond the Government servant's control.

[Extract from G.I., M.F., O.M. No F. 7 (2)-E. III(A) 72, dated the 28th January, 1972.]

D.G. P. & T's INSTRUCTIONS

1. Authorities ordering local officiating arrangements are competent to issue certificate under F.R. 26 (b) (ii).—In the P & T Department, in respect of various categories of employees, power has been delegated to authorities subordinate to the appointing authorities to grant leave not exceeding four months and to make officiating arrangements in the resultant vacancies. It has now been decided in consultation with the Ministry of Finance, that the authorities empowered to make local officiating promotions in leave vacancies will be competent to issue the required certificate provided the total period of leave does not exceed the period up to which the power to make officiating arrangement has been vested in the concerned authority and the incumbent of the post granted leave has been appointed to the post on a regular

basis. In respect of periods exceeding four months, or other cases not falling under the above category, the certificate may continue to be issued by the appointing authorities.

[D.G., P. & T.'s Letter No. 33/3/69-S.P.B. II, dated the 27th May, 1970 read with letter of even number, dated the 11th May, 1971.]

2. L.D.Cs. promoted from lower grades who could not pass typewriting test may be exempted after 5 years of service.—(1) Under the existing instructions the Lower Division Clerks whether belonging to the category of direct recruits or those promoted on the basis of the departmental promotion examination are required to pass the typewriting test within the period of one year from the date of their appointment to the L.D.Cs. posts failing which their increments/quasi-permanency or confirmation are withheld. The above officials are, however, exempted from passing the typewriting test after putting in 10 years of service in the cadre. The Staff Side of the P. & T. Departmental Council (J.C.M.) had raised this issue and after discussion with them, it has now been decided that only in the case of departmentally promoted L.D.Cs. the period of 10 years required for granting exemption from typewriting test should be reduced to 5 years. Further action in the matter may now be taken accordingly.

(2) These orders will be effective from the date of issue only.

[D.G., P. & T. New Delhi, Memo. No. 56-2/73 SPB-I, dated the 27th July, 1978.]

3. Exemption from typewriting test to departmentally promoted L.D.Cs. after 5 years of service if only two genuine attempts are made.—In accordance with instruction (2) above, departmentally promoted L.D.Cs. will be exempted from passing the typewriting test after completion of 5 years of service as L.D.Cs. P.M.G., Lucknow, has sought clarification whether the departmentally promoted L.D.Cs. before completing 5 years of service as L.D.Cs. will have to make two genuine attempts as prescribed in this office letter No. 57-10/66 SPB-I, dated 6th January, 1969 (not printed). The matter has been examined and it has been decided that the departmentally promoted L.D.Cs. will be exempted from passing the typewriting test if they make two genuine attempts during the period of 5 years and provided

they are also considered suitable for confirmation before being exempted from passing the typewriting test. The genuineness of the attempts will be decided by the appointing authority.

[D.G., P. & T., New Delhi, Memo. No. 56-9/78 SPB I, dated 15th January, 1979.]

4. Exemption from typewriting test in case of widows appointed as L.D.Cs. on compassionate grounds.—(1) The Lower Division Clerks whether belonging to the category of direct recruits or those promoted on the basis of departmental promotion examination are required to pass the prescribed typewriting test within one year from the date of their appointment to L.D.Cs. cadre failing which their increments/quasi-permanency or confirmation are withheld. The directly recruited officials are however, exempted from the passing of typewriting test after completion of 10 years of service while the departmentally promoted officials to L.D.Cs. cadre are exempted from the same after putting 5 years of service provided two genuine attempts have been made by them.

(2) The question of granting exemption from the condition of passing the typewriting test in the case of widows appointed as L.D.Cs. on compassionate grounds in relaxation of normal recruitment rules has been under consideration for some time past. It has now been decided that widows appointed on compassionate grounds in relaxation of normal recruitment rules to the cadre of L.D.Cs. may be exempted from passing the typewriting test as soon as they complete 35 years of age or 5 years of service provided they had made two genuine attempts to pass the test.

(3) These orders would be effective from the date of issue.

[D.G., P. & T. New Delhi, Memo. No. 56-2/80 SPB-I, dated 10th June, 1980.]

AUDIT INSTRUCTIONS

(1) See item (3) of Audit Instructions below F.R. 9 (6).

(2) A period of overstay of leave does not count for increments in a time-scale unless under F.R. 85 (b) [c.f. Rule 25 of C.C.S. (Leave) Rules, 1972] it is commuted into extraordinary

leave and under the proviso to F.R. 26 (b) the extraordinary leave is specially allowed to count for increments.

[Para 6 (iv), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) (i) In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period, and will count for increment in the same post under Fundamental Rule 26 (a). If however, the rate of pay admissible in both the posts happens to be the same, the period of joining time spent in proceeding from one post to the other should be treated as duty in the lower of two posts and will count for increment in the lower post under F.R. 26 (c).

(ii) In the case of a Government servant who, while officiating in a post proceeds on training or to attend a course of instruction, and who is treated as on duty while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

[Para. 6, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) Except whether the terms of probation or any general or special orders of Government relating to a class of service provide otherwise, if a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

[Para. 7, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(5) (i) The intention of F.R. 26 (c) is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

(ii) The concession under this rule is admissible even in a case where the Government servant concerned, while officiating in the higher post, receives merely a paper promotion (substantive,

or provisionally substantive) but is not actually reappointed to the lower post.

[Para. 8, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(6) See item (5) of the Audit Instructions below F.R. 22.

(7) The period of joining time under proviso (i) to F.R. 107, during which a Government servant on transfer is not entitled to be paid should be treated as *dies non* for purpose of leave, increment or pension.

[Para 6 (vi) Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

It has been decided by the Comptroller and Auditor-General that the increments of a State Government servant, governed by the leave rules of the State, who is serving under the Central Government and is in receipt of Central Government scales of pay, are to be regulated under the Fundamental Rules, unless there is any provision to the contrary in the orders of transfer.

[Comptroller and Auditor-General's Letter No. 1541-A/425-55, dated the 2nd November, 1955 to the A.G., C.R.]

F.R. 27. Subject to any general or special orders that may be made by the President in this behalf, an authority may grant a premature increment to a Government servant on a time-scale of pay it has power to create a post in the same cadre in the same scale of Pay.

GOVERNMENT OF INDIA'S ORDERS

1. Future increments after premature increment to be regulated in the ordinary course.—In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

[G.I., F.D., No. 752, CSR, dated the 6th July, 1919.]

2. Reason for grant of premature increment not to be indicated.—It has been decided that the Government are not prepared to state the reasons for their action under any of the Fundamental Rules when the said rules themselves contain no such conditions or stipulation.

[G.I., F.D. Letter No. F. 69, R.I./28, dated the 22nd May, 1928.]

3. Delegation of powers and conditions for grant of higher initial pay.—Under the existing rules and orders the Ministries of the Government of India and other authorities concerned have full discretion of granting advance increments under the provisions of Fundamental Rule 27, in respect of appointments to these posts, whether temporary or permanent, which they are empowered to create. But, in respect of the posts which are created with the concurrence of the Ministry of Finance, advance increments can be allowed to the incumbents of the posts only with previous approval of the Ministry of Finance.

As a result of a review of the financial powers delegated to the Ministries of the Government of India and with a view to speeding up disposal of work it has been decided that in the case of initial appointments to Government service made after the date of issue of these orders to a post created with the concurrence of the Ministry of Finance, the Administrative Ministry concerned may, subject to their conditions mentioned below, grant at their discretion a higher initial pay not exceeding five stages increments in the scale of pay applicable to the post :—

- (a) The stage of higher initial pay, where, considered justifiable, should be fixed having regard to the candidate's age, previous experience, qualifications and emoluments last drawn, etc.
- (b) The reasons for the grant of higher initial pay should be recorded fully on the file at the time of its sanction.
- (c) Where initial appointment is to be made in consultation with the Union Public Service Commission, the grant of higher initial pay should be based on their recommendations.
- (d) Ministries concerned will issue suitable orders to ensure that the power now granted is exercised by an officer of appropriate seniority.

1. Substituted by G.I., M.F., Notification No. 2 (46)-F III (A)/60, Pt. II of 1966, dated the 30th September, 1967

These orders do not apply to transfers or promotions of Government servants from one post to another, or to cases of re-employed pensioners which will be regulated as heretofore.

[G.I., M.F., O.M. No. F. 10(2)-Est. III/55, dated the 15th February, 1955.]

4. Authority Competent to grant advance increments.—The position in regard to the authorities competent to grant advance increments under this rule to persons holding permanent and temporary posts is clarified in the following paragraphs :—

- (i) Authorities who are competent to create a post (permanent or temporary) may grant a premature increment not only to the incumbent of the post created under their own powers but also to those appointed to other posts in the same cadre on the same scale of pay, created with the concurrence of the higher administrative authorities or the Ministry of Finance.
- (ii) The pay of a Government servant promoted from one post to another or initially appointed to a post is fixed under the provisions of F.R. 22 and 31. Although this is the normal position, even in these cases it is open to the Ministries or other competent authorities to fix the pay of the Government servant at any stage of the time-scale of the higher post under the provisions of F.R. 27 subject of course to the condition that the Ministries and the authorities concerned are competent to create a post in the same cadre on the same scale of pay. The power to disregard the provisions of F.R. 22 in such cases must be exercised with discrimination and the provisions of F.R. 27 should not be invoked so often as to reduce F.R. 22 to a mere nullity.
- (iii) Pay in the case of Government servants appointed in competition with outsiders in open recruitment should be fixed under the relevant rules regarding pay fixation.
- (iv) A convention has been established that the recommendations of the Union Public Service Commission for the appointment of a candidate on a higher initial pay than the minimum pay of the post

should, where the requisition sent to the Commission admits of such higher initial pay, ordinarily be accepted by the appointing authorities. In view of this convention it is not desirable that initial pay under F.R. 27 higher than that recommended by the Union Public Service Commission should be granted in any case. If it is felt that a higher initial pay than the one recommended by the Commission should be given in any case, the question of giving such higher initial pay should again be referred to the Commission and their final advice accepted.

- (v) In respect of posts in which the Ministries are not empowered to grant advance increments under F.R. 27 as explained above the powers already delegated to the Ministries under Order (3) above will continue to be in force except that in cases where recruitment is made through the U.P.S.C. and where initial pay in excess of five advance increments is recommended by the U.P.S.C. in respect of persons not already in Government service the Ministries may give such advance increments without reference to the Ministry of Finance.
- (vi) The above provisions do not apply to cases of fixation of pay of re-employed pensioners, war service recruits, etc., which are governed by separate orders.

[G.I., M.F., O.M. No. F. 2 (46)-E. III/60, dated the 5th August, 1960.]

5. Delegation of additional Powers.—The Ministries of the Government of India and the Comptroller and Auditor-General of India in respect of the staff of the Indian Audit and Accounts Department have been delegated with the powers as shown in the Annexure (See Table) in regard to the following types of cases :—

- (1) Fixation of pay of Government servants promoted/transferred from one officiating post to another or re-appointed after retrenchment, including fixation of pay of temporary Government servants on transfer from higher to a lower post or from a lower to higher post or from one post to another equivalent post.

- (2) Fixation of pay of *quasi*-permanent Government servants appointed to officiate in other posts and the grant of arrears consequent upon such fixation.

Full powers are delegated in the matter of allowing arrears of pay as a result of fixation of pay of *quasi*-permanent Government servants appointed to officiate in other posts *vide* item 2 (b) of the Annexure. As regards other items, arrears from fixation of pay thereunder may be allowed in respect of cases which are not more than three years old on the date of issue of orders of re-fixation of pay, but in cases which present very special circumstances, Ministries will have the power to allow full arrears provided for in Rule 42, General Finance Rules.

[G.I. M.F., O.M. No. 6 (23)-E. III/62, dated the 22nd June, 1962.]

6. Cases where powers under F.R. 27 not to be invoked.—The exercise of powers under F.R. 27 has been further reviewed and it has been decided that these powers shall not be used by the Ministries or other competent authorities to grant premature increments :—

(i) as reward for meritorious work;

(ii) in disregard of the advice given by the Ministry of Finance in any individual case of fixation of pay;

(iii) in disregard of the normal rules governing fixation of pay except in cases of hardship or where the circumstances are unusual;

(iv) to take into account the monetary equivalent of certain perquisites allowed, special pay drawn, or deputation allowance granted in a previous post, for the purpose of fixing the initial pay on appointment to another post where such monetary benefits are not permissible.

ANNEXURE

(See G. I. O. below F. R. 27)

No.	Powers delegated	Principles to be observed in exercising the powers	Remarks
(1)	(2)	(3)	(4)
1.	Fixation of pay of Government servants promoted/transferred from one officiating post to another or re-appointed after re-trenchment, including fixation of pay of temporary Government servants on transfer from a higher to a lower post and from a lower to a higher post, etc. (including transfer from one post to another post.)	<p>(a) <i>Temporary Government Servants transferred from a higher to a lower post:—</i></p> <p>Completed years of service in the higher post will count for purposes of advance increments in the lower post to which he is appointed or reverted. But initial pay should not exceed pay last drawn in the higher post.</p> <p>(b) <i>Temporary Government Servant transferred from one post to another equivalent post:—</i></p> <p>Benefit similar to (a) above completed years of service should be given.</p> <p>(c) <i>Temporary Government Servant transferred from one post to another post carrying identical scale of pay :—</i></p> <p>Benefit as admissible under proviso 1 (iii) to F.R. 22 should be given.</p> <p>(d) <i>Promotion/Transfer from one officiating post to another:—</i></p> <p>In the case of promotion/transfers from an officiating post to another but higher officiating post, pay in the higher post should be fixed on the analogy of F.R.22 (a)(i) at the stage next higher than pay in lower post if the following conditions are fulfilled :—</p> <p>(i) Promotion should be in direct line of appointment;</p>	<p>Pay will be fixed under F.R. 27 and personal pay, if any, will be allowed under F.R. 9 (23) (b).</p>

No.	Powers delegated	Principles to be observed in exercising the powers	Remarks
(1)	(2)	(3)	(4)
		(ii) the Government servant should have worked in the lower post for more than 3 years (including any period of interruption on account of leave, deputation or foreign service or appointments to higher or equivalent posts during which he would have continued in that post);	
		(iii) The lower post or cadre continues to exist on a long term basis; and	
		(iv) the Government servant would have continued to work in the lower post or cadre but for his promotion to the higher post.	
		If the Government servant has held the lower post for less than 3 years but the other conditions are fulfilled or if the promotion is not in the direct line but the other conditions are fulfilled, his pay may be fixed on the analogy of F.R. 22 (a)(ii).	
		In the case of promotions made on or after 1-4-61 up to Class I level, the pay will be fixed under F.R. 22-C.	
2.	(a) Fixation of pay of quasi-permanent Government servants appointed to officiate in other posts.	Pay to be regulated under F.R. 22, F.R. 22-A, and F.R. 31 as if pay drawn in the quasi-permanent post is substantive pay. In the case of promotions made on or after 1-4-61 upto Class I level, the pay will be fixed under F.R. 22-C.	Sanction to fixation of pay to be issued under F.R. 27 and personal pay, if any to be allowed under F.R. 9 (23) (b).
	(b) Allowing arrears of pay as a result of (a) above.	Full powers.	

These orders do not affect the use of F.R. 27 where specifically allowed under special Government orders already in existence.

[G.I., M.F., O.M. No. F-2 (46)-E. III (A)/60, Pt. II of 1966, dated the 7th February, 1968.]

7. Benefit of National fixation of pay in seniority revision case.—(1) It has been decided that the pay of those Government employees who have been promoted after 4th January, 1972 pursuant to the instructions contained in this Department's O.M. No. 9/3/72-Estt.(D), dated the 22nd July, 1972 (determining seniority on length of service basis instead of with reference to date of confirmation in respect of those appointed prior to 22-12-1959), may be notionally fixed with effect from 4th January, 1972 and their day on the

date of actual promotion, fixed accordingly under F.R. 27, provided the administrative Ministries/Departments satisfy themselves that the Government employee in question would have been considered for promotion at the appropriate time, had they been assigned their rightful seniority *ab initio*. This benefit will, however, not be admissible if the Government employee concerned was not found suitable when he was considered for promotion on the first occasion after 4th January, 1972 but was promoted on consideration of his case on the second or subsequent occasions. The arrears arising out of such national fixation of pay with effect from 4th January, 1972 would, however, be admissible from the actual date of promotion only. The benefit of this pay fixation will not entitle the employee to any further benefits such as seniority in the grade to which he is promoted, etc.

(2) It is hereby clarified that in respect of such of the employees as had been promoted after 1st January, 1973, in pursuance of the instructions contained in O.M. referred to, the pay on the actual date of promotion shall be determined as if they had been promoted from 4th January, 1972 and by further applying the C.C.S.(R.P.) Rules, 1973, with effect from the 1st January, 1973.

[G.I., M.H.A., O.M. No. 20011/1/77-Est. (D), dated the 19th April, 1978.]

8. Advance increments to stenographers in subordinate offices for acquiring higher speed in shorthand.—(1) The Third Pay Commission, has recommended in para 50 in chapter 10 of its Report that Stenographers (Ordinary Grade) in Subordinate Offices in the pay scale of Rs. 330-560 may be granted one and two advance increments respectively on their qualifying at 100 or 120 words per minute in shorthand both at the recruitment stage and while in service. This recommendation of the Pay Commission has been accepted by the Government.

(2) It has been decided that Administrative Ministries/Departments may grant such advance increments to Stenographers (Ordinary Grade) in accordance with the following guidelines :—

(i) The recommendation of the Pay Commission would be applicable to Subordinate Offices having Stenographers (O.G.) in the revised scale of Rs. 330-560 irrespective of whether the minimum recruitment speed is 80 words per minute or 100 words per minute. In offices where the minimum recruitment speed is itself 100 words per minute, one advance increment will be admissible on qualifying in the test at the time of recruitment.

(ii) The benefit of advance increments will be admissible to the existing Stenographers (O.G.) in the scale of Rs. 330-560 as well as future recruits to the grade.

(iii) In respect of existing Stenographers, the Administrative Department will hold special tests and grant one or two advance increments according to whether they qualify at 100/120 words per minute. They will be given three chances to qualify at a higher speed. Stenographers who were recruited on the basis of minimum speed of 100 words per minute, will have to pass the test at this speed again for the purpose

of getting the benefit of advance increment. But only one chance will be given to them for passing the test at this speed again.

(iv) In respect of future recruits, test at the time of recruitment should be held at the speed of 80/100/120 words per minute and advance increment(s) granted at the recruitment stage according to the minimum speed at which they qualify. After they enter service, they will have three chances to qualify at a higher speed for purposes of earning advance increment(s) at 100 or 120 words per minute, as the case may be.

(v) The advance increments are not to be absorbed in future increments.

(vi) The date of next increment after the grant of advance increments should remain the same.

(3) These orders would take effect from 1-1-1973 but cases which have already been decided otherwise will not be reopened.

(4) These orders will also apply to the Stenographers in the Indian Audit and Accounts Departments. In so far as they are concerned, these orders issue after consultation with the Comptroller and Auditor-General of India.

[G.I., M.F., O.M. No. 7 (31)-E. III (A)/75, dated the 4th October, 1975.]

Clarifications.—1. It is clarified that the orders above would also apply to Hindi Stenographers (O.G.) in Subordinate Offices in the pay scale of Rs. 330-560 on their qualifying at 100/120 words per minute respectively in Hindi Shorthand.

[G.I., M.F., O.M. No. 7 (31)-E. III (A)/74, Vol. II, dated the 14th October, 1976.]

2. It is clarified that in aggregate two advance increments are admissible, viz., one after passing the speed of 100 words per minute and second after passing the speed at 120 words per minute. This is clear from the orders issued by Ministry of Finance.

[D.G., P. & T., ND. Letter No. 13-2/80-PAP, dated the 22nd March, 1980, addressed to G.M. Telecom, Tamil Nadu Circle.]

9. Advance increment under Order (8) extended to Stenographers (Selection Grade).—It is observed

that the post of Stenographer (Selection Grade) in the scale of Rs. 425-640 introduced among the cadre of Stenographer (Ordinary Grade) in the subordinate offices, is only non-functional and does not involve appointment to a different post other than the one held by the Stenographer (Ordinary Grade) concerned. In the circumstances, it has been decided that the provisions contained in Government of India's Order (9) above for grant of one or two advance increments to Stenographers who qualify speed tests at 100/120 words per minute will also be extended to the cases of Stenographers (Selection Grade) in the subordinate offices in the scale of Rs. 425-640, as a special case.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. F. 13/29/82-Est. (P-1), dated the 4th February, 1983.]

10. Special increment for undergoing sterilisation operation.—(A) *Effective up to 16-12-1985 : After two/three surviving children.*—(a) The question of providing incentive to promote the small family norm among the Central Government servants has been under the consideration of the Government for some time past. It has been decided that Central Government employees who undergo sterilisation after having two or three surviving children may be granted a special increment in the form of personal pay not be absorbed in future increases in pay either in the same post or on promotion to higher posts. The rate of personal pay would be equal to the amount of the next increment due at the time of grant of the concession and will remain fixed during the entire service. In the case of persons drawing pay at the maximum the rate of personal pay would be equal to the amount of the increment last drawn. The grant of the concession will be subject to the following conditions :—

(i) The employee must be within the reproductive age group. In the case of a male Central Government employee, this would mean that he should not be over 50 years and his wife should be between 25 to 45 years of age. In the case of a female Government employee, she must not be above 45 years and her husband must not be over 50 years of age.

(ii) The employee should have two or three living children.

(iii) The sterilisation operation should be conducted in and the sterilisation certificate issued by a Central Government Hospital/C.G.H.S./State Government Hospital/Clinic.

Where this may not be possible, such a certificate from a Voluntary Institution getting grants from the Government of India/State Governments for conducting sterilisation operations or any other institution approved/recognised by the Central/State Governments for the purpose, will also be acceptable. A list of such Voluntary Organisation/Institutions receiving grants from the Government of India/State Governments for conducting sterilisation operation is being compiled by the Ministry of Health and Family Welfare (O.S. Division) and will be circulated to all Ministries/Departments, etc. Until the list is circulated, certificates issued by the Voluntary Organisations/Institutions duly countersigned by a Civil Surgeon or District Medical Officer would be acceptable for availing the benefits in question. (List since circulated—*Not printed*—See O.M. dated 16-12-1985 below).

NOTE.—In so far as civilian employees paid from the Defence Estimates are concerned, it has been clarified that the term 'Central Government Hospital's appearing in clause (iii) as amended shall include hospitals maintained by the Defence Services.

Since some queries were received as to whether the sterilisation certificates issued by a private doctor/clinic and countersigned by a Government doctor would be acceptable under the orders, the matter was considered in detail and it was decided that a sterilisation operation undergone in a private hospital, even though the sterilisation certificate is countersigned by an authorised medical attendant or even by a Government doctor, cannot be considered for the grant of incentives under the orders.

[G.I., M.H. & F.W., O.M. No. V-11011/1/81-US(P), dated the 18th January, 1983.]

(iv) The sterilisation operation can be undergone either by the Central Government employee or his/her spouse provided the conditions at Sl. No. (i) to (iii) above are fulfilled.

- (v) The concession will be admissible only to the employees who undergo the sterilisation operation on or after the date of issue of these orders.

[G.I., M.F., O.M. No. 7 (39)-E. III/79, dated the 4th December, 1979, and the 30th September, 1980, C. & A.G. Letter No. 1222-NGE-1/25 80, dated the 20th April, 1982.]

(b) It has been decided that in the overall interest of the family welfare programme, a Central Government employee who or whose spouse has undergone sterilisation in a private nursing home or private hospital after two or three surviving children, may also be allowed incentives for promoting small family norms, provided he or she produces a certificate from the private medical practitioner/private hospital duly countersigned by a Civil Surgeon/District Medical Officer/Authorised Medical Attendant (under M.A. Rules)/Medical Officers of C.G.H.S./Central Government Hospital, who would, before countersigning the certificate, satisfy himself that the concerned Government employee or his/her spouse has actually undergone the sterilisation on the date mentioned in the certificate. The other conditions for the grant of the incentive as mentioned above remain unaltered.

These instructions take effect from the date of issue of these orders. In other words, the employees would be eligible to draw the special increment on the basis of the above decision from the first of the month following the date of issue of these orders. There is no objection to the extension of benefits of these orders to past cases where the sterilisation operations have been performed after 4th December, 1979 and subject to the employees being otherwise eligible for the same. In such cases also the special incentive increment would be payable to the employee from the first of the month following the date of issue of these orders at the rate admissible to the employee on the date of sterilisation operation. No arrears would be admissible in such cases.

[G.I., M.F., O.M. No. 7 (51)-E. III/85, dated the 16th December, 1985.]

(B) *Effective from 17-12-1985 : Even after one child.*—The question of allowing special increment to Government servants who or whose spouse has undergone sterilisation operation after

one child has been considered at length and it has been decided that Central Government employees or their spouse who undergo sterilisation operation after having one surviving child may also be granted special incentive increment. The other conditions laid down will remain unchanged.

The concession will be admissible only to those employees who or whose spouses undergo the sterilisation operation on or after the date of issue of these orders.

[G.I., Min. of Health & Family Welfare, O.M. No. N-23011/9/85-PLY, dated the 17th December, 1985.]

(C) *Rate of personal pay under C.C.S. (R.P.) Rules, 1986, in respect of old cases.*—(1) Central Government employees who undergo sterilisation are granted a special increment in the form of personal pay not to be absorbed in future increases in pay. The rate of personal pay is equal to the amount of the next increment due at the time of grant of the concession and remains fixed during the entire service.

(2) Consequent on the revision of pay scales from 1-1-1986 on the recommendations of the Fourth Pay Commission, the matter relating to the revision of rate of personal pay in respect of those Central Government employees who had already undergone sterilisation and were in receipt of personal pay prior to 1-1-1986 has been under the consideration of the Government. It has been decided that the rate of personal pay in respect of those Central Government employees who were already in receipt of personal pay prior to 1-1-1986 in terms of the provision contained in the aforesaid O.M. will be an amount equivalent to the lowest rate of increment in the revised scale corresponding to the pay scale of the post against which the individual had earned the personal pay in the pre-revised scales of pay.

(3) These orders would take effect from the date an employee draws pay in the revised scale of pay applicable in accordance with the Central Civil Services (Revised Pay) Rules, 1986.

[G.I., M.F., O.M. No. 7 (6)-E.III/86, dated the 9th February, 1987.]

Regulation of Family Planning Personal Pay in various circumstances

For the implementation of the above orders the following points are clarified :

(a) *While serving outside the cadre on deputation/foreign service.*—When an official qualifies for the special increment while serving outside the cadre on deputation/foreign service or transfer, the rate of special increment to be given in the form of personal pay would be determined with reference to employee's parent grade only, whether he draws his grade pay plus deputation allowance or pay in the scale of the deputation post. No deputation allowance would be admissible on the personal pay. The special increment will be admissible in addition to the 'next below rule' benefit.

(b) *On reversion from a deputation post/higher post.*—The employee would continue to draw the special increment at the same quantum on his reversion from a deputation post, or on reversion from a higher official appointment.

(c) *Significance of the term 'not to be absorbed in future increases'.*—The special increment to be granted in the shape of personal pay is not to be taken into account for fixation of pay on promotion. The idea is that the benefit of personal pay should continue to be available at the same rate even after promotion.

(d) *When held up at E.B. stage/under reduction.*—The benefit of special increment would be allowed even if the employee is held up at the efficiency bar stage of his time-scale. Since the benefit is to be allowed in the shape of personal pay, the grant of the same should not amount to the crossing of efficiency bar by the employee concerned.

Once the employee gets the benefit of special increment at a particular rate, he would continue to draw the same even if he is reduced to a lower stage in his time-scale of pay or reduced to a lower service, grade or post, by way of penalty under C.C.S.(C.C.A.) Rules, 1965.

(e) *While under suspension.*—During suspension the Government servant draws subsistence allowance only. There would, therefore, be no question to grant him the benefit of special increment if he becomes entitled to that when he is placed under suspension. However, if he qualifies for the benefit before he is placed under suspension, the personal pay would be taken into account in the computation of subsistence allowance.

(f) *During leave.*—During regular leave, the Government servant draws leave salary. Therefore, he would not be given the benefit of special increment during the leave period. However,

if he qualifies for the benefit before he proceeds on leave, the special increment would be taken into account in the computation of leave salary.

(g) *While under training.*—If a training for which a Government servant is deputed is in the public interest and he gets pay and allowances of the post from which he is sent on training, the benefit of personal pay would be admissible.

(h) *Effect on cash incentives.*—The personal pay would be admissible over and above the other cash incentives.

(i) *Date from which the special increment is admissible.*—For administrative convenience, the benefit should be allowed from the first of the month following the date of sterilisation.

(j) *When both husband and wife are Government employees.*—The personal pay can be drawn by either the husband or the wife and there is no objection to the choice being left to them so that they can choose the higher of the two increments available to them.

(k) *Sanctioning authority.*—The personal pay can be sanctioned by the head of the Office by issue of a suitable office order after satisfying himself that the conditions prescribed are satisfied.

(l) *In case of family with one or more than three children.*—A family consisting of two or three children has been taken to be an ideal family and therefore, the benefit of special increment for undergoing sterilisation operation would not be admissible to those Government servants who have one child or more than three children irrespective of their being within the reproductive age group.

[G.I., M.F., O.M. No. 7 (39)-E. III/79, dated the 19th July, 1980.]

(m) *Hysterectomy.*—As hysterectomy is a purely health measure, it cannot be brought under the purview of these orders.

(n) *Birth of twins.*—The special increment may be allowed in all cases of sterilisation where the couple had twins after the birth of their first two children although the number of children becomes four.

(o) *Undergoing second sterilisation after date of effect.*—Persons who have undergone sterilisation before the date of issue of the orders and have undergone sterilisation again after the date of issue of the orders because the earlier operation turned out to be a failure will not

be eligible for the incentive, as the action for sterilisation was initiated prior to the issue of the orders.

(p) *Undertaking from official.*—There is a need to prescribe a standard form of undertaking/certificate that a person claiming the incentive should furnish to exclude case of person having three children but wife pregnant at the time of the vasectomy operation.

(q) *Certificate from medical authority.*—The authorities issuing the sterilisation certificate are expected to satisfy themselves about the complete absence of sperms before issue of the certificate.

(r) *In case of recanalisation.*—In case of recanalisation the special increment may be withdrawn from the date of recanalisation.

In order to make the decisions taken above effective and to secure an undertaking from the Central Government employees claiming the incentives, standard formats (printed below) have been prescribed.

[G.I., M.F., G.M. No. 7 (39)-E, III/79, dated the 25th April, 1981.]

STERILISATION CERTIFICATE

I, Dr. hereby certify that I have conducted *Vasectomy/Tubectomy operation on Shri/Smt. husband/wife of Shri/Smt. employed as in at on

2. A sperm count was undertaken on and on the basis thereof it is certified that the Vasectomy Operation has been completely successful.

(Para. 2 in the case of Vasectomy operations only)

Signature.....

UNDERTAKING TO BE GIVEN BY ALL GOVERNMENT EMPLOYEES

I/My spouse have/has undergone Vasectomy/Tubectomy operation at on Necessary sterilisation certificate issued by is enclosed. In case I/my spouse

have to take resort to recanalisation for any reason whatsoever I undertake to report this fact forthwith to the Government.

2. I also certify that my wife Smt. is not pregnant on this date.

(Para. 2 for male Government employees only)

Signature.....

(s) *Minilap operation.*—A doubt has been raised whether the Government servant whose wife undergoes 'Minilap' operation could be granted the special increment. It has been clarified by M.F., U.O. No. 8735/- Estt./83, dated 18-1-1984, that 'Minilap' operation is a form of female sterilisation (Tubectomy) and as such the incumbent is eligible for grant of increment as per rules.

[C. & A. G.'s Circular Letter No. 126-Audit/119-81, dated the 15th February, 1984.]

11. How to regulate advance increments when penalty of stoppage of increment is in operation.—See Government of India's Order (3) below F.R. 24.

12. Wrong fixation under F.R. 27—Initial pay fixed not to be reduced.—Once fixation was done by competent authority in exercise of the discretion vested in it under F.R. 27 that authority was not competent under the law to reduce initial pay originally fixed even when such pay was based on some data which subsequently turned to be incorrect.

[G.I., Ministry of Law (Dept. of Legal Affairs) U.O. No. 22057/72-Adv. (P), dated the 8th August, 1962.]

13. Incentive increment to Sportsmen/women achieving excellence in National/International events.—The Government of India have had under consideration for some time past the question of granting some further incentives/facilities to sportsmen and sportswomen and it has been decided as follows:

(a) The number of increments to be awarded for achieving excellence in National events should be laid down at a scale lower

- than for excellence in International events, say one increment for National events and two increments for International events.
- (b) The total number of increments to be awarded to an individual should not exceed five in his/her entire career.
- (c) The increments so granted would continue to be drawn at the same rate till retirement and would count for the purpose of retirement benefits but not for pay fixation on promotion on the analogy of incentive increments awarded for promoting small family norms.

The above provisions cannot be applied to in the case of Managers, Coaches, Leaders, Referess, etc., and they would continue to be governed by the existing orders.

[G.I., Dept. of Personnel & Training, O.M. No. 6/1/85-Est. (Pay-I), dated the 16th July, 1985—Para. 3(iii) and O.M. No. 6/2/85-Est. (Pay-I), dated the 29th November, 1985.]

14. Advance Increments to probationers of Group A services in Departments of Posts and Telecommunications.—See G.I.O. (4) below F.R. 26.

AUDIT INSTRUCTIONS

The expression 'a post' in this rule includes 'temporary' post.

[Comptroller and Auditor-General's Endorsement No. 1495-A/336-54, dated the 18th October, 1955.]

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

(1) In drafting the Fundamental Rules it was clearly recognised that Fundamental Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Fundamental Rule 22.

[Ar. G.'s D.O. No. 2-A/408-23, dated the 3rd January, 1924 to A.H., P. & T.]

(2) The expression "scale of pay" represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

[Letter No. 145-A/23, from Auditor, Government of India Sanctions.]

(3) When the Auditor-General sanctions advance increments in future, he will definitely state if it is intended that a full year's benefit should be given, whenever this is not stated in an order, the recipient must serve for a full year on the new rate before he can earn another increment.

[Ar. G.'s Letter No. 730-N.G.E./721-29, dated the 4th April, 1930.]

(4) It was held by the Auditor-General, after consultation with the Government of India, that the Auditor-General's Decision (3) above was an administrative instruction in respect of his own sanctions and that it was in accordance with and expresses the intention of the Government of India's Order (1) above.

[Comptroller and Auditor-General's Letter No. 1206-A/373/52, dated the 22nd December, 1952 to the A.G., Madras]

(5) In cases covered by clause (iii) of the Order (4) above, it is not open to authorities to grant premature increments even though they may otherwise be competent to do so. But with the insertion of Government of India's Order (5), the position stated above has undergone a change to the extent that in types of cases covered by the above clause, it is permissible to fix the pay of a Government servant under F.R. 27, if the conditions laid down in the Government of India's Order (5) are satisfied. In other words, for such of temporary Government servants as satisfy the conditions envisaged in the Government of India's Order (5), the provisions thereof will themselves be treated as normal pay fixation of rules.

[C. & A.G.'s Letter No. 151-Audit/16-65, dated the 20th January, 1965.]

F.R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper:

Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of Rule 22 read with clause (b) or clause (c), as the case may be, of Rule 26.

GOVERNMENT OF INDIA'S ORDERS

Regulation of increments after reduction by grade or post.—Once the pay is fixed in the lower post in the manner indicated in F.R. 28, the

regulation of increments in the lower post will be made under the normal rules unless the increment in the lower post is also withheld.

[G.I., M.F., O.M. No. F. 2(47)-E. III/60, dated the 16th August, 1960.]

F.R. 29. (1) If a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Government servant is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale, the authority ordering the reduction may or may not specify the period for which the reduction shall be effective; but where the period is specified, that authority shall also state whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

GOVERNMENT OF INDIA'S ORDERS

1. Scope of the Rule.—Sub-rule (1) of this rule covers cases of restoration after a period of reduction to a lower stage in the time-scale and sub-rule (2) relates to cases of restoration after a specified period of reduction to a lower grade or post. Under this rule, reduction to a lower stage in time-scale can be ordered only for a specified period. Hence the authority ordering such reduction is required to specify the period in the order of reduction. Reduction to a lower post or grade can be either for any specified period in which case the period has to be indicated in the order of reduction for an unspecified or indefinite period. In the latter case, on re-appointment to the higher post or grade, the pay of the Government servant will be regulated under the normal rules and not under F.R. 29.

[G.I., M.F., O.M. No. F. 2(1)-Est. III/57, dated the 21st February, 1957.]

2. Reduction to a lower stage in time-scale.—Doubts have been expressed in regard to the exact interpretation of sub-rule (1) of F.R. 29. The same are clarified as follows :—

(a) Every order passed by a competent authority imposing on a Government servant the penalty of reduction to a lower stage in a time-scale should indicate :—

(i) the date from which it will take effect and the period (in terms of years and months) for which the penalty shall be operated;

(ii) the stage in the time-scale (in terms of rupees) to which the Government servant is reduced; and

(iii) the extent (in terms of years and months), if any, to which the period referred to at (i) above should operate to postpone future increments.

It should be noted that reduction to a lower stage in a time-scale is not permissible under the rules either for an unspecified period or as a permanent measure. Also when a Government servant is reduced to a particular stage, his pay will remain constant at that state for the entire period of reduction. The period to be specified under (iii) should in no case exceed the period specified under (i).

(b) The question as to what should be the pay of a Government servant on the expiry of the period of reduction should be decided as follows :—

(i) if the original order of reduction lays down that the period of reduction shall not operate to postpone future increments or is silent on this point, the Government servant should be allowed the pay which he would have drawn in the normal course but for the reduction. If, however, the pay drawn by him immediately before reduction was below the efficiency bar, he should not be allowed to cross the bar except in accordance with the provisions of of F.R. 25;

(ii) if the original order specifies that the period of reduction was to operate to postpone future increments for any specified period, the pay of the Government servant shall be fixed in accordance with (i) above but after treating the period for which the increments were to be postponed as not counting for increments.

[G.I., M.F., O.M., No. F. 2 (34)-E. III/59, dated the 17th August, 1959 and the 9th June, 1960.]

NOTE—It has been decided that in future while imposing a penalty of reduction to a

lower stage in the time-scale of pay, the operative portion of the punishment order should be worded as in the form given below :

"It is therefore ordered that the pay of Shri be reduced by..... stages from Rs.....to Rs.....in the time-scale of pay for a period of..... years/months with effect from..... It is further directed that Shri..... will/will not earn increments of pay during the period of reduction and that on the expiry of this period, the reduction will/will not have the effect of postponing his future increments of pay."

[D.G., P. & T., Letter No. 6/8/79-Disc. I, dated the 16th December, 1970.]

3. Reduction to a lower service, grade or post, or a lower time-scale.—(1) Every order passed by a Competent Authority under sub-rule (2) of F.R. 29 imposing on a Government servant the penalty of reduction to a lower service, grade or post, or to a lower time-scale should indicate —

(i) the date from which it will take effect and in cases where the reduction is proposed to be imposed for a specified period, the period (in terms of years and months) for which the penalty shall be operative. It should be noted that the reduction may be for an unspecified or an indefinite period and in cases where no period has been specified in the order of penalty, the conclusion is that the penalty is for an unspecified period.

(ii) the extent (in terms of years and months) if any, to which the period referred to at (i) above shall operate to postpone future increments on restoration after the specified period. The period specified under this sub-clause shall in no case exceed the period specified under sub-clause (i) above.

(2) When the Government servant is reduced to a lower service, grade or post, or to a lower time-scale whether for a specified or unspecified period, the pay in the lower services, grade or post on lower time-scale, should be regulated in accordance with F.R. 28.

(3) Where the period of reduction is specified in the order of penalty the Government servant concerned shall be automatically restored to his old post after the expiry of the specified period.

(4) The question as to what should be the pay of the Government servant on restoration to the higher post/grade, in cases where the period of reduction is specified, shall be decided as follows:—

(i) if the order of reduction lays down that the period shall not operate to postpone future increments the Government servant shall be allowed the pay which he would have drawn in the normal course but for his reduction to the lower post. If the pay drawn by him immediately before the reduction was below the efficiency bar, he shall not be allowed to cross the bar except in accordance with the provisions of F.R. 25;

(ii) if the order lays down that the period of reduction shall operate to postpone his future increments, for any specified period which shall not exceed the period of reduction to the lower post/grade, the pay of the Government servant on restoration shall be fixed in accordance with (i) above but after treating the period for which increments are to be postponed as not counting for increment.

(5) In cases where the reduction to the lower post/grade is for an unspecified period, if and when the Government servant is re-appointed to the higher post in normal course, the pay in the higher post will be regulated only in accordance with the normal rule relating to pay fixation.

[G.I., M.F., O.M. No. F. 2 (47)-E. III/60, dated the 16th August, 1960 and O.M. No. F. 2 (18)-E. III/61, dated the 17th May, 1961.]

D.G., P. & T.'S INSTRUCTIONS

(1) Drawal of increments accruing immediately.—The general intention of F.R. 29 (1) is no doubt that during the period of reduction no increment should be allowed to be drawn. It is with this end in view that a specific form of order of reduction has been stipulated [vide Note below G.I. Order (2)]. In cases, where, however, the disciplinary authority had specifically ordered that the official should be reduced by so many stages for so many year without particularly specifying that the official stands reduced to a particular stage, it has been decided that the official should be allowed to draw the increment on the due date during the period of reduction provided that the reduced pay from time to time is less, by the number of stages

stipulated in the order of punishment than the pay that would be admissible but for the penalty of reduction imposed without cumulative effect. Whether the increments may be drawn or not depends thus on the language used in the order itself.

Illustration.—If a Post Office clerk drawing Rs. 150 in the scale of Rs. 110-4-150-5-175-EB-7-240 is reduced by two stages for two years on 1-4-64 then he will be entitled to draw Rs. 146 on 1-1-65 and Rs. 150 on 1-1-66. On the other hand, if he is reduced to the stage of Rs. 142 for two years, he will not be allowed to draw Rs. 146 on 1-1-1965.

[D.G., P. & T.'s Letter No. 6/49/61-Disc., dated the 15th June, 1964.]

(2) **Implementation of Second penalty imposed during the currency of first penalty.**—A question has been raised as to how the penalties imposed on a Government servant are to be implemented when the punishment awarded to him against the earlier proceedings is already current. In other words, when the first penalty imposed against the Government servant is of a lower grade and the second penalty of higher grade is imposed against him during the currency of the first penalty, the normal procedure should be that when any disciplinary case crops up during the currency of an earlier penalty, the disciplinary authority should clearly indicate in the punishment order whether the two penalties should run concurrently or the subsequent penalty should be implemented only after the expiry of the first penalty. It has been decided that where, however, such a specific mention has not been made, the two punishments should run concurrently and the higher penalty, even though ordered later, should be implemented immediately and after the expiry of its period, if the currency of the period of earlier punishment, i.e., lower punishment, still continues, then the same may be implemented for the balance period. In this context an example may bring the point home.

Supposing an official was punished *vide* order, dated 1st December, 1977 with reduction to the minimum of the stage of Rs. 425 in the scale of pay of Rs. 425-640 for a period of four years with effect from 1st January, 1978. Another punishment order against him was issued on 28th June, 1978 inflicting the penalty of reduction from L.S.G. scale (Rs. 425-640) to time-scale (Rs. 260-480) at the stage of Rs. 396 for a period of three years with effect from

1st July, 1978. In this case, it would be observed that the currency of the first penalty is from 1-1-1978 to 31-12-1981 and that of the second penalty (higher one) from 1-7-1978 to 30-6-1981. With the imposition of higher penalty during the currency of the first punishment, the second punishment, i.e., higher one would become effective from 1-7-1978 and would last up to 30-6-1981. For the balance period, i.e., from 1-7-1981 to 31-12-1981, the first penalty which is deemed to be running concurrently would be implemented.

[D.G., P. & T.'s Letter No. 154/5/78-Disc. II, dated the 30th July, 1981.]

ADMINISTRATIVE INSTRUCTIONS

Certain doubts have arisen regarding the consequence of an order of reduction to a lower service, grade or post or to a lower time-scale and it has also been found that there has been no uniformity in determining the consequence of such reduction. Where such an order is passed two questions often arise for consideration, namely:—

- (i) when should the Government servant so punished be considered eligible for re-promotion; and
- (ii) how should the seniority of such a Government servant be determined on re-promotion.

2. The order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale may or may not specify the period of reduction. Where the order does not specify the period of reduction and there is coupled with it an order declaring the Government servant permanently unfit for promotion, the question of re-promotion will, obviously, not arise. In other cases where the period of reduction is not specified, the Government servant should be deemed to be reduced for an indefinite period, i.e., till such date as, on the basis of his performance subsequent to the order of reduction, he may be considered fit for promotion. On re-promotion, the seniority of such a Government servant should be determined by the date of re-promotion. In all such cases, the person loses his original seniority in the higher service, grade or post entirely. On re-promotion, the seniority of such a Government servant should be determined by the date of re-promotion without regard to the service rendered by him in such service, grade or post prior to his reduction.

3. The more common course is to specify the period of reduction and except when it is intended

to debar a Government servant from promotion permanently, it is the preferable course.

Accordingly, it has been decided in consultation with the Ministries of Law and Finance that in future, an order imposing the penalty of reduction to a lower service, grade or post or to a lower time-scale should invariably specify—

- (i) the period of reduction, unless the clear intention is that the reduction should be permanent or for an indefinite period;
- (ii) whether on such re-promotion, the Government servant will regain his original seniority in the higher service, grade or post or higher time-scale which has been assigned to him prior to the imposition of the penalty.

In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Government servant may, unless the terms of the order of punishment provide otherwise be fixed in the higher service, grade or post or the higher time-scale at what it would have been but for its reduction.

Where the reduction is for a specified period and is to operate to postpone future increments, the seniority of the Government servant on re-promotion may, unless the terms of the order of punishment provide otherwise, be fixed by giving credit for the period of service rendered by him in the higher service, grade or post or higher time-scale.

4. If the order of reduction is intended for an indefinite period the order should be framed as follows :—

“A is reduced to the lower post/grade/service of X until he is found fit by the competent authority to be restored to the higher post/grade/service of Y.”

In cases where it is intended that the fitness of the Government servant for re-promotion or restoration to his original position will be considered only after a specified period, the order should be made in the following form :—

“A is reduced to the lower post/grade/service of X until he is found fit, after a period of . . . years from the date of his order, to be restored to the higher post of Y.”

[G.I., M.H.A., O.M. No. 9/13/62-Est. (D), dated the 10th October, 1962 and No. 9/30/63, Est. (D), dated the 7th February, 1964.]

F.R. 29-A. Where an order of penalty of withholding of increment of Government servant or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a competent authority on appeal or review, the pay of the Government servant shall, notwithstanding any thing contained in these rules, be regulated in the following manner :—

- (a) If the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he would have been entitled had that order not been made and the pay he had actually drawn;
- (b) If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

EXPLANATION.—If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the competent authority under this rule is revised, the leave salary and allowances (other than travelling allowance) if any, admissible to him during that period shall be revised on the basis of the revised pay.

GOVERNMENT OF INDIA'S ORDERS

1. Counting of service for increments.—It is clarified that in respect of cases falling under sub-rule (a) of this Rule, service rendered by the Government servant in the lower service, grade or post or lower time scale or lower stage in the time-scale or at the stage the increment was withheld, from the date of imposition of such penalty by the disciplinary authority to the date on which the order of penalty is set aside by the competent appellate or reviewing authority, shall count for increment or for other purposes in the post which he was holding immediately before the imposition of the penalty provided that he would have continued to hold that post but for the order of penalty.

In respect of cases falling under sub-rule (b) of this Rule, such service from the date of imposition of the penalty by the disciplinary authority to the date on which the order is modified by the appellate or reviewing authority, shall be counted for the purpose of increment or for other purposes in the post which he was holding immediately before the imposition of

the penalty or any other post which he would have held but for the order of penalty, to the extent the modified order permits of such counting.

For example, if an Officer of a Group 'A' Service in the senior scale (Rs. 700-1,250) is reduced to a Group 'B' Service (Rs. 350-900) for a period of say, two years, and if after six months, the order is modified by the appellate authority as reduction to the Group 'A' Service in the Junior scale (Rs. 400-950), the period of six months will count for increment in the junior scale.

If, on the the other hand, the order of penalty is modified as reduction to a lower stage in the time-scale (Rs. 700-1,250) for a specified period or withholding of increment in that scale for a specified period, the period that has already elapsed since the date of imposition of the original penalty shall be taken into account only for the purpose of computing the specified period of penalty under the modified order.

[G.I., M.F., O.M. No. F. 2 (1)-Est. III/60, dated the 9th March, 1962.]

ADMINISTRATIVE INSTRUCTIONS

A permanent post vacated by reduction of a Government servant of a lower service, grade or post or to a lower time-scale should not be filled substantively until the expiry of a period of one year from the date of such reduction.

Where, on the expiry of the period of one year the permanent post is filled and the original incumbent of the post is reinstated thereafter, he should be accommodated against any post which may be substantively vacant in the grade to which his previous substantive post belonged.

If there is no such vacant post, he should be accommodated against a supernumerary post which should be created in this grade with proper sanction and with the stipulation that it would be terminated on the occurrence of the first substantive vacancy in that grade.

[G.I., M.F., O.M. No. F. 2 (1)-Est. III/60, dated the 9th March, 1962.]

SCHEDULE

- (1) District and Sessions Judges, 1st Grade.
- (2) Accountants General, Class I.
- (3) Selection posts of Collectors of Customs on pay of Rs. 3,000.

(4) The following grades in the Telegraph Department :—

- (a) Deputy Assistant Engineers, Grade A.
- (b) Deputy Assistant Electricians, Grade A.

(5) Category 'B' post of the Central Secretariat Service in the Government of India Secretariat when held by Grade II officers of that service.

¹(6) In the Central Information Service :—

- (a) Category of posts mentioned in Schedule V to the Central Information Service Rules, 1959, when held by Junior Administrative Grade (Senior Scale) officers of that Service;
- (b) Category of posts mentioned in Schedules II and III to the Central Information Rules, 1959, when held by Grade II officers of that service.

²(7) Selection Grade of Labour officers.

³(8) Posts of H.S.G. I Postmasters, in the P & T Department, when held by Assistant Supdt. of P.Os.

F.R. 31-A. Notwithstanding the provisions contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the President in this behalf.

GOVERNMENT OF INDIA'S ORDERS

1. **Refixation of pay on de-confirmation.**—(1) It has been decided that the following provisions shall govern the pay and increments of a Government servant whose promotion or appointment in a substantive or officiating capacity to a post is later found to be erroneous on the basis of facts.

(2) The orders or notification of promotion or appointment of a Government servant should be cancelled as soon as it is brought to the notice of the appointing authority that such a promotion or appointment has resulted from a factual error and the Government servant concerned should, immediately on such cancellation, be brought to the position which he would have held but for the incorrect order of promotion or appointment.

Deleted vide G-of Notification No. 1-10-89 P. y I dated 30-8-89.]

1. Inserted by G.I., M.F., Notification No. 1 (1)-E.III (A)/65, dated the 20th February, 1965.
2. Inserted by G.I., M.F., Notification No. 1 (6)-E. III (A)/68, dated the 26th April, 1968.
3. Inserted by G.I., M.F., O.M. No. F. 19(16)E. III (A)/75, dated the 5th April 1976.

In the case, however, of a Government servant who has been erroneously promoted and appointed to a post in a substantive capacity the procedure prescribed in the Ministry of Home Affairs Office Memo. No. 32/5/54-Ests. (A), dated the 24th November, 1954 (*not printed*) superseded by O.M. No. 12/2/67-Estt.(D), dated the 21st March, 1968 (extract given below) for de-confirming the Government servant in that post should be followed and only thereafter the Government servant concerned should be brought down to the position which he would have held but for the erroneous promotion/appointment by the issue of orders as mentioned above. Service rendered by the Government servant concerned in the post to which he was wrongly promoted/appointed as a result of the error should not be reckoned for the purpose of increments or for any other purpose in that grade/post to which he would not normally be entitled but for the erroneous promotion/appointment.

(3) Any consequential promotions or appointments of other Government servants made on the basis of the incorrect promotion or appointment of a particular Government servant will also be regarded as erroneous and such cases also will be regulated on the lines indicated in the preceding paragraph.

(4) Except where the appointing authority is the President, the question whether promotion/appointment of a particular Government servant to a post was erroneous or not should be decided by an authority next higher than the appointing authority in accordance with the established principles governing promotions/appointments. Where the appointing authority is the President the decision should rest with the President and should be final. The Ministry of Home Affairs should be consulted in respect of promotions/appointments in the Service administratively controlled by that Ministry. In other cases also, the Ministry of Home Affairs may be consulted if any point is doubtful.

(5) Cases of erroneous promotion/appointment in a substantive or officiating capacity should be viewed with serious concern and suitable disciplinary action should be taken against the officers and staff responsible for such erroneous promotion. The orders refixing the pay should be issued expressly under F.R. 31-A, and a copy thereof should be endorsed to the Ministry of Finance (Department of Expenditure).

[G.I., M.F., O.M. F. 1 (2)-Est. III/59, dated the 14th March, 1963.]

EXTRACT OF G.I., M.H.A., O.M. No. 12/2/67-Estt.(D); DATED THE 21ST MARCH, 1968

Subject:—*Erroneous Confirmation of Government servants—Procedure for cancellation.*

It has been decided, in supersession of the instructions contained in this Ministry's O.M. No. 32/5/54-Ests. (A), dated the 24th November, 1954, on the above subject that the following procedure should be followed while cancelling orders relating to confirmation of Government servants which are later on found to be erroneous:—

- (1) Confirmation can be cancelled if the order of confirmation was clearly contrary to the statutory rules, and there is no power or discretion to relax the rules.
- (2) If the order of confirmation was made when there was no substantive vacancy and the confirming authority had no power to create post to which the officer was confirmed.
- (3) If the order of confirmation was made in error, e.g., naming wrong person—mistake in identity.

Orders of confirmation in the abovementioned cases are void *ab initio* and the officer does not acquire any right to hold the post in which the order purported to confirm him. Provisions of Article 311(2) of the Constitution are not, therefore, attracted and the procedure of "show cause notice" is not required to be followed before cancelling the order of confirmation.

(2) If the order of confirmation was made in contravention of executive or administrative instructions, it cannot be set aside. Cancellation of confirmation in such cases would amount to reduction in rank without any fault on the part of the officer concerned.

§ §

2. Retrospective creation of permanent post to accommodate senior official.—(1) A question has been raised as to how the case of an officer who is deprived of his legitimate confirmation because of an order of confirmation issued erroneously in respect of his junior in contravention of executive or administrative instructions should be dealt with. The matter has been considered in consultation with the Ministry of Finance and the

Ministry of Law and it has been decided that in such cases, i.e., cases where juniors are confirmed erroneously in contravention of executive or administrative instructions and whose confirmation cannot be set aside [vide para. 2 of the extract of letter below order above] the administrative Ministries/Departments may create with retrospective effect, i.e., from the date the junior was erroneously confirmed a permanent post, in consultation with their Associate Finance in accordance with the orders contained in the Government of India's Decision (5) below Rule 11 of the Delegation of Financial Powers Rules, 1978. The senior officer referred to may, after creation of such a permanent post, be confirmed against the post so created from the date of its creation, if he is otherwise considered fit for confirmation.

(2) If a junior officer is erroneously confirmed from a date earlier than the date of confirmation of his senior, a permanent post may be created in the manner indicated in the preceding paragraph for the purpose of antedating the confirmation of the senior officer.

[G.I., M.F., O.M. No. 12/3/69-Estt. (D), dated the 8th July, 1970.]

F.R. 32. Deleted.

F.R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, the Central Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

F.R. 34. Deleted.

F.R. 35. The Central Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

GOVERNMENT OF INDIA'S ORDERS

1. Scope of F.R. 35.—In a case in which it was proposed to issue orders of a general nature under F.R. 35, restricting the officiating pay of Government servants to an increase equal only to a certain percentage of the minimum pay of the higher post, the Government of India pointed out that reading this rule, with the rules substantively regulating the rate of officiating pay and

in particular with F.R. 31, it is clear that the power conferred by F.R. 35 is not exercisable save by a special order passed in an individual case and on a consideration of the facts of that case. A general order purporting to oust universally the operation of F.R. 31 would be *ultra vires* of F.R. 35. It was also held that although the practice of passing ostensibly special orders on every individual case would not be *ultra vires* of F.R. 35, it would constitute the grossest possible fraud thereon.

[G.I., F.D., Letter No. F. 9 (5)-R. 1/33, dated the 28th March, 1933.]

2. Restriction on initial pay fixation on deputation removed.—An employee on deputation elect to draw either the pay in the scale of pay of deputation post or his basic pay in the present cadre plus personal pay, if any, plus deputation (draw) allowance. In no case will the pay so fixed be less than the minimum of the scale of the cadre post. (see decision No. 11 (g) below F.R. 22-C)

[GOI, Deptt. P & T O.M. No. 2/12/87-Estt. (Pay-II) dated 29th April, 1988.]

3. No restriction of officiating pay in cases of regular cadre promotions.—Under the existing orders provisions of F.R. 35 operate only in respect of appointments by transfer on deputation. Recently a question was raised as to whether the said provisions of F.R. 35 would also apply to cases of promotions within the cadre.

The matter has been considered. It has been decided that the restrictions of officiating pay under F.R. 35 should not be invoked in respect of regular cadre promotions where the employee becomes due for promotion falls within the zone of consideration and fulfils all qualifications prescribed for promotion.

[G.I., M.H.A., Deptt. of Personnel & A.R. O.M. No. F. 1/23/80-Estt. (Pay)-10, dated the 5th August, 1981.]

4. Restriction of officiating pay under F.R. 35 in cases of cadre promotions not on regular basis.—

(1) In order (3) above it was decided that the restrictions of officiating pay under F.R. 35 should not be invoked in respect of regular cadre promotion where the employee who becomes due for promotion, falls within the zone of consideration and fulfils all the qualifications prescribed for promotion.

(2) It has been decided that in cases of appointments on promotion in the normal line within the cadre but which are not on regular basis, the pay may be restricted under F.R. 35 so as not to exceed the basic pay by more than the amounts shown below:—

RATES APPLICABLE TILL PAY DRAWN IN THE PRE-REVISED SCALE OF PAY

- (a) For employees in receipt of basic pay above Rs. 750. 25% of basic pay or Rs. 225 whichever is more.
- (b) For employees in receipt of basic pay above Rs. 300 up to Rs. 750. 30% of basic pay or Rs. 100 whichever is more.
- (c) For employees in receipt of basic pay of and below Rs. 300. 33% of basic pay.

***RATES APPLICABLE WITH EFFECT FROM THE DATE WHEN PAY DRAWN IN THE REVISED SCALES OF PAY**

- (a) For employees in receipt of basic pay above Rs. 2,200. 12% of basic pay or Rs. 330, whichever is more.
- (b) For employees in receipt of basic pay above Rs. 1,000 up to Rs. 2,200. 15% of basic pay or Rs. 200, whichever is more.
- (c) For employees in receipt of basic pay of and below Rs. 1,000. 20% of basic pay.

(3) It has also been decided that in the cases where pay in the manner indicated above comes to more than the minimum or at the minimum of the promotional posts, the employee concerned will be allowed pay at the minimum of the scale.

[G.I., Dept. of Per. & Trg., O.M. No. 18/12/85-Estt. (Pay-I), dated the 18th July, 1986—*Rates as revised vide O.M. No. 18/26/86 Estt. (Pay-I) date 29-7-87

AUDIT INSTRUCTIONS

(1) One class of case falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

[Para. 12 (i), Chap. IV, Sec. 1 of Manual of Audit Instructions (Reprint).]

(2) See item (6) of the Audit Instructions below F.R. 22.

F.R. 36. The Central Government may issue general or special orders allowing acting promo-

tions to be made in the place of Government servants who are treated as on duty under Rule 9(6)(b).

GOVERNMENT OF INDIA'S ORDERS

1. The Government of India have delegated to the Comptroller and Auditor-General the power to authorise non-gazetted Government servants in his office, or in the offices under his control, to undergo a course of training or instructions in any office, whether in the Audit Department or outside it. They are also pleased, under Fundamental Rule 36, to allow officiating arrangements to be made in place of Government servants authorised to undergo a course of training under these orders.

[G.I., F.D., No. 3379-F.E., dated the 29th November, 1924.]

2. Heads of Circles and Administrative Officers declared as Heads of Departments under S.R. 2 (10) are authorised under F.R. 36, to sanction acting promotions in place of officials appointed by them or by authorities subordinate to them who are deputed for training and are treated as on duty under F.R. 9(6)(b)(i).

[D.G., P. & T.'s Letter No. 99/5/59-S.P.B., dated the 30th March, 1959 and Letter No. 99/1/60-S.P.B., dated the 12th April, 1960.]

NOTE.—It has been decided that the expression "acting promotion" occurring in the above orders covers cases of "acting arrangements" including employment of substitutes from amongst outsiders in place of officials treated as on duty under F.R. 9(6)(b).

[G.I., M.F., (C's) Endst. No. STB-345-41/52/TE on D.G., P. & T. Memo. of even No., dated the 28th July, 1953.]

3. Acting promotions may be made in the place of Government servants undergoing training in the Army in India Reserve of Officers and the India Territorial Force, who are treated during the period of training as on duty for the purpose of civil leave and for increments of civil pay.

[G.I., F.D., Memo. No. F. 60-R. 1/28, dated the 30th April, 1928 and G.I., F.D., No. F. III-R 1/30, dated the 16th August, 1930.]

4. A doubt has been raised whether formal creation of a new post is necessary in cases

where such acting promotions are made, for allowing pay to a Government servant who is sent on a course of instruction or training in India which is treated as duty under F.R. 9 (6) (b) (i). It has been decided that in the case of a Government servant sent for training or a course of instruction in India, it is not necessary to create a new post in order to accommodate him during such training or course of instruction, since the very order posting him for training, etc. would be considered a sanction in this behalf.

[G.I., M.F., O.M. No. 1 (22)-E.III (A)/64, dated the 17th June, 1964.]

F.R. 37. Personal Pay.—Except when the authority sanctioning it orders otherwise personal pay shall be reduced by any amounts by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

See G.I.Os. below F.R. 9(23).

F.R. 38. Deleted.

F.R. 39. Pay of temporary posts.—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum, that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F.R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the Central Government with due regard to—

- (a) the character and responsibility of the works to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

GOVERNMENT OF INDIA'S ORDERS

1. Guiding Principles for observation.—(1) The tendency has gradually grown up of sanctioning enhanced pay for all posts temporarily created outside the ordinary line with scant regard to the provisions of Fundamental Rule 40, it has accordingly been ordered that the following principles should strictly be observed in fixing pay of such posts:—

- (i) A Government servant placed on "special duty" or "on deputation" should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

NOTE.—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special duty" or "deputation" begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

- (ii) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable Fundamental Rule 40 may be followed.

- (iii) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of the Finance Department, one-fifth of substantive pay or Rs. 10 a day, whichever is less.

(4) Government servants deputed to post substantially parallel in work and responsibility to the post which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. An excellent example of this type will be found in the personnel deputed to Committees and Commissions. Government servants, deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would

have performed had they remained in the ordinary line of their service; and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

[G.I.F.D. Memo. No. F. 13-XIX-Ex. 1/31, dated the 7th January, 1932.]

(3) As the fixation of a consolidated rate of pay of temporary post has on some occasions led not to economy but to extravagance, the orders above are amplified and re-stated as follows:—

Temporary posts may be divided into two categories—posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and isolated posts created for the performance of special tasks unconnected with the ordinary work which a service is called upon to perform. An example of the last type of post would be a post on a commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in applying the distinction in individual cases. The former class of post should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post. The power of authorities to create such a post will, therefore, depend on the provisions of the Civil Services (Classification, Control and Appeal) Rules read with the provisions contained in the Book of Financial Powers. The latter class of temporary posts should be considered as unclasi-

fied and isolated ex-cadre posts the power to create which will depend upon the provisions contained in the Book of Financial Powers.

(4) Temporary posts which by this criterion should be considered as temporary additions to the cadre of a service should be created in the time-scale of the service ordinarily without extra remuneration. Incumbents of these posts will, therefore, draw their ordinary time-scale pay. If the posts involve decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition.

(5) For isolated ex-cadre posts it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a service it will ordinarily be preferable also to create the post in the time-scale of the holder's service.

[G.I.F.D., O.M. No. F. 27 (34)-Ex. 1/36, dated the 5th December, 1936.]

AUDIT INSTRUCTION

Under the Fundamental Rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then F.Rs. 40 and 49 will apply.

[Para. 14 Chap. IV, Sec. 1 of Manual of Audit Instructions (Reprint).]

F.R. 41. Cancelled.

F.R. 42. Cancelled.

F.R. 43. Cancelled.

CHAPTER V ADDITIONS TO PAY

F.R. 44. Compensatory allowance.—Subject to the general rule that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Central Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[For rules made under Fundamental Rule 44 see Supplementary Rules 5-8 and 17-195.]

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

The Comptroller and Auditor-General has ruled that in accordance with F.R. 44 the Government of India (in the case of the Central Government Officers) may first specify rates and conditions and then permit subordinate authorities to grant compensatory allowances subject to the maximum rates and to those conditions.

[A.G. P & T's Letter No. Mis. 358/H-33 (a), dated the 16th May, 1927,]

F.R. 45. The Central Government may make rules or issue orders laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Central Government may make available for the purpose. Such rules or orders may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

[For rules made under this rule, see Supplementary rules 311 to 317.]

GOVERNMENT OF INDIA'S ORDERS

1. Arrangements with State Governments.—(1) The Government of India and the Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Kerala, Nagaland, Maharashtra, Karnataka, Orissa, Punjab, Rajasthan, Jammu and

Kashmir, Madhya Pradesh, Tamil Nadu and Uttar Pradesh have mutually agreed that when residential accommodation owned by the Government of India is provided by that Government to the officers of any of the abovementioned State Governments by official arrangements or vice versa, the licence fee for such accommodation shall be charged at the rate of 10 per cent of their emoluments or the standard licence fee of the building adopted by either Government for their own employees, whichever is less, except that, in case of quarters occupied by employees of the Central Government in the State of Orissa licence fee will be charged at the rate of 10 per cent of their emoluments or 10 per cent of the maximum of the pay range fixed for that quarter by the State Government, whichever is less.

(2) The Government of West Bengal have expressed their inability to accept a corresponding convention.

[G. I.M.F. O.M. No. 8(6)/60-Estates, dated the 21st February, 1966 and their U.O. of even number dated the 15th June, 1966 and dated the 20th June, 1967, O.M. of even number, dated the 19th March, 1969, and O.M. No. 11(23)/74-W. & E. dated the 18th March, 1975.]

NOTE.—This arrangement, however, is not applicable to the bulk allotment of Central Government accommodation to the employees of the Governments of Punjab and Haryana at Chandigarh.

[Para. 2 of G.I. M.F., O.M. No. 8(6)/60-Estates, dated the 19th March, 1969.]

2. Arrangements with West Bengal.—(1) The Government of India have entered into a convention [Vide Government of India's Order (1) above] with the Governments of Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Kerala, Nagaland, Maharashtra, Karnataka, Orissa, Punjab, Rajasthan, Jammu and Kashmir, Madhya Pradesh, Tamil Nadu and Uttar Pradesh by virtue of which when residential accommodation owned by the State Government is provided by that Government by official arrangement to an officer of the Government of India, licence fee for such accommodation shall be charged at the rate of 10 per cent of the officer's emoluments or the standard licence fee adopted by the State Government for their own employees, whichever is less.

1. Substituted by G.I.M.F., Notification No. 18 (13)-E-IV (A)/70, dated the 29th January, 1971 and takes effect from the 6th February, 1971.

(2) The Government of West Bengal have expressed their inability to accept a corresponding convention. So, when an officer of the Government of India occupies, by official arrangement, a residence provided by the Government of West Bengal, the State Government will claim from the Government of India licence fee according to rules of the State Government, the Government of India recovering from its officers licence fee (in accordance with its rules) at the rate of 10 per cent of the officers emoluments or the standard licence fee for the accommodation adopted under F.R. 45-A III (a)(i), whichever is less.

(3) In cases where accommodation is provided to a Government of India officer by the State Government which is leased or requisitioned or which is provided at the officer's own request, and not by official arrangement, the entire licence fee charged by the State Government will be payable by the officer. Such accommodation will be treated to have been provided by the State Government under reciprocal arrangements, since State Governments will provide their accommodation to Central Government officers on the above licence fee only after taking into consideration the status of officers as Central Government employees. In all such cases, Central Government employees shall not be entitled to claim any house rent allowance in respect of such accommodation.

(4) Residential accommodation will be deemed to have been procured by official arrangement, only if it is done under order of an authority competent to assume on behalf of Government responsibility to provide residential accommodation. Powers in this behalf will be exercised by the Ministries of the Government of India and the Comptroller and Auditor-General, in so far as the personnel of the Indian Audit and Accounts Department are concerned, provided the arrangement does not involve extra cost to Government. In computing extra cost recoverable from the officer plus, house rent allowance saved by Government if any, will be taken to be the normal expenditure.

[G.I., M.F., O.M. No. 5(27)/62-Estates, dated the 11th, March, 1966, read with G.I., M.F., U.O., No. 8/6/60-Estates dated the 20th August, 1966 and dated the 20th June, 1967, O.M. No. F. 11 (30)-W. & E., dated the 5th October, 1968, and O.M. No. 11(23)/74-W. & E., dated the 18th March, 1975.]

3. Arrangements with Himachal Pradesh, Meghalaya and Tripura.—The Governments of

Himachal Pradesh and Meghalaya have also since agreed to enter into reciprocal arrangement with the Central Government in the matter of allotment of residential accommodation to the employees of the Central and State Governments. This arrangement will not be applicable to bulk allotment of Central Government accommodation at Simla made to Himachal Pradesh employees before 25-1-71 when Himachal Pradesh became a State.

The Government of Tripura has expressed inability to enter into similar arrangement with the Central Government.

[G.I., M.F., O.M. No. 8(6)/60-Estates, dated the 28th August, 1973.]

4. Reciprocal arrangement with public undertakings for stay in guest houses.—The question of charging concessional licence fee from the officers of the public undertakings for their stay in the Government guest houses on reciprocal basis has been under consideration of the Government of India. The Ministry of Works, Housing and Urban Development have decided to enter in to reciprocal arrangement on the lines of those with State Governments with such public undertakings as have guest houses of their own. Where such arrangement is agreed upon, the Central Government or the public undertaking providing the use of its guest houses to an officer of the other will claim from him only that licence fee which would be recoverable if he were serving under its administrative control.

[G.I., M.F., O.M. No. F. 1 (8)-PG/65, dated the 2nd November, 1965.]

5. Accounting procedure for receipt and payment of licence fee.—The question of laying down accounting procedure for receipt of licence fee from Central Government staff and Payment of licence fee to the State Governments providing accommodation under official arrangements has been under consideration. It has been decided, in consultation with the Comptroller and Auditor-General, that recoveries made from Central Government employees occupying accommodation provided by the State Government who have not agreed to enter into reciprocal arrangements, may be classified as revenue receipts of the Department concerned while the amount paid as licence fee to such State Governments may be debited to the contingencies of that Department, after making suitable budget provision therefor. Where accommodation is provided to Central Government officers by official arrangements, by the state Governments who have agree with the

Government of India to reciprocal arrangements in this behalf, the licence fee will be recovered direct from the allottee officers by such Governments.

[G.I., M.F., O.M. No. 5/27/26-Estates, dated the 16th August, 1966.]

AUDIT INSTRUCTIONS

(1) 1. With effect from the 1st April, 1932, non-military Government servants paid from Central (Civil) Revenues when occupying military buildings, the property of the Defence Department, will pay the assessed licence fee under paragraph 48(p) of the Regulations for the Military Engineer Services (1929 edition) subject to a maximum of ten per cent of their emoluments as defined in F.R. 45-C.

2. Military Engineer Services will forgo any difference between the actual assessed licence fee of the building and the licence fee recovered from the occupier.

3. No recovery will, however, be made by the Defence Department from the Central (Civil) Revenues on account of accommodation provided under official arrangements to an individual entitled to free quarters under Civil rules.

[Para 2 (i), Chap. V, Sec. I of Manual of Audit Instructions. (Reprint).]

(2) Recovery of licence fee from Government servant paid from Defence Services Estimates, when occupying buildings, the property of the Central (Civil) Government.—1. Civil and Military Government servants paid from Defence Services Estimates (including officers serving with the Army and Royal Air Force Headquarters in Simla and Delhi, whose emoluments include Lodging Allowance as a separate item) will pay the standard licence fee, subject to a maximum of ten per cent of their salary, on the same terms as apply, under F.R. 45-A, to Government servants paid from the Central (Civil) Estimates

2. In the case of single Military officers allotted accommodation in a Civil building under official arrangements who are liable to pay five per cent of their salary as licence fee when occupying unmarried accommodation under Regulations for the Military Engineer Services, the difference

between the licence fee paid to the Civil authorities and five per cent of salary will be claimed by the individual concerned from, and will be paid by the agency responsible for housing the officer concerned. Such claim will be supported by a certificate given by the officer that he was occupying single accommodation only.

3. The 'salary' referred to in the preceding paragraphs will be :—

(a) the 'salary' as defined in the Note to paragraph 49, Regulations for the Military Engineer Services, in the case of Military Officers;

(b) the 'salary' as defined in paragraph 52 (a) Regulations for the Military Engineer Services, in the case of Military subordinates, etc.;

(c) the 'emoluments' as defined in F.R. 45-C, in the case of all Civilians in Military employ.

4. The Civil Estimates will forgo any difference between the actual standard licence fee of the building and the rent recovered from the occupier.

5. No recovery will, however, be made by the public Works Department from the Military Estimates on account of licence fee of accommodation provided under official arrangements to individuals entitled to free quarters under Military rules.

[Para. 2 (ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The following procedure should be observed regarding recovery of licence fee for residential accommodation from officers of the Central Government Departments and Provincial Governments for whom residential accommodation is provided by Railways Administrations and also regarding the recovery of licence fee from railway officers occupying residential accommodation belonging to Central Government Department and provincial Government:—

(a) *Railway quarters specifically constructed for Defence, Police and Posts and Telegraphs Departments.*
The provisions of Railway Department (Railway Board) Circular Letter No. 932-W, dated 10th October, 1936, will apply in these cases.

(b) *Railway quarters occupied by Officers of the Defence, Posts and Telegraphs and other Central Departments by mutual arrangements.*

These will be governed by the Civil rules, i.e., F.R. 45-A, subject to the condition that the occupant will be exempted from the payment of licence fee if he is entitled to such exemption under the rules of his department.

- (h) *Quarters belonging to Maharashtra, West Bengal, Bihar and Orissa Governments occupied by railway servants.*

In these cases full assessed licence fee will be paid.

Para. 2 (III, Chap. V, Sec. 1 of Manual of Audit Instructions (Reprint).

- (c) *Railway quarters, occupied by Civil Servants of Tamil Nadu, Uttar Pradesh, Punjab, Madhya Pradesh and Assam Governments by mutual arrangement.*

The licence fee will be limited to 6 per cent on the capital cost excluding cost of land, subject to 10 per cent of pay.

F.R. 45-A. ¹I. Omitted.

- (d) *Railway quarters occupied by Civil Servant of Maharashtra, West Bengal, Bihar and Orissa Governments.*

The provisions for Railway Department (Railway Board) Circular Letter No. 932-W, dated the 10th October, 1936, will apply in these cases.

II. For the purpose of the assessment of licence fee, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings; ²[...]; and shall be either—

- (e) *Defence and Posts and Telegraphs Department quarters specifically constructed for railway employees.*

In such cases the standard licence fee according to the rules of those departments should be paid.

- (a) the cost of acquiring or constructing the residence ³(including the cost of site and its preparation) and any capital expenditure incurred after acquisition or construction; or, when this is not known.

- (b) the present value of the residence, ³[including the value of the site.]

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

- (f) *Defence, Posts and Telegraphs and other Central Government's quarters occupied by railway employees by mutual arrangement.* In these cases, Civil rules will apply, i.e.,

F.R. 45-A, and the railway employees will be exempted from payment of licence fee if he is entitled to such exemption under the railway rules.

Provided that—

- (g) *Quarters belonging to Tamil Nadu, Uttar Pradesh, Punjab, Madhya Pradesh and Assam Governments occupied by railway employees by mutual arrangement.*

In these cases, Civil rules apply, will i.e., 6 per cent on capital cost excluding the cost of land subject to 10 per cent of pay.

- (i) the Central Government may make rules providing the manner in which the present value of residence shall be determined.

- (ii) the Central Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;

- (iii) the Central Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may

1. Omitted by G.I., M.F., Notification No. 18(13)-E IV(A)/70, dated the 29th January, 1971.

2. Omitted by G.I., M.F., Notification No. 18011/1/78 E. IV(A), dated the 28th March, 1978. This takes effect from the 1st April, 1978.

3. Inserted by G.I., M. F., Notification No. 18011/1/78-E. IV (A), dated the 28th March, 1978. This takes effect from the 1st April, 1978.

revise the capital cost of any or all such residences on the basis of such revaluation ;

(v) the capital costs, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) the Central Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

- (1) when a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
- (2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, the Central Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard licence fee of a residence shall be calculated as follows :

¹(a) (i) in the case of a leased residence, the standard licence fee shall be the sum paid to the lessor;

(ii) in the case of a requisitioned residence, the standard licence fee shall be compensation payable to the owner of the building;

plus in both cases an addition determined under rules which the Central Government may make for meeting, during the period of lease or requisition, as the case may be, such charges for both

ordinary and special maintenance, and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes in the nature of house or property tax, payable by Government in respect of such residence.

(b) In the case of residences owned by Government, the standard licence fee shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the President plus an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs such addition being determined under rules which the Central Government may make, or

(ii) 6 per cent per annum of such capital cost, whichever is less.

²[(bb) In the case of a residence gifted to Government or leased on a nominal licence fee or on a licence fee-free basis to Government, the standard licence fee shall be the same as in the case of a residence owned by Government;]

(c) ³[In all cases] standard licence fee shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual licence fee as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, the Central Government may fix a standard licence fee to cover a period greater than one month, but not greater than one year. Where the Central Government takes action under this proviso standard licence fee so fixed shall not be a larger proportion of

¹ Substituted by G.I., M.F., Notification No. 5(10)/68 the Estates duty 18th July, 1963.

² Inserted by G.I., M.F., Notification No. 20(21)/66 W. & E., dated the 31st July, 1968.

³ Substituted by G.I., M.F., Notification No. 20(21)/66 W. & E. dated the 31st July 1968.

the annual licence fee than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses ¹[(a) (b) and (bb)] above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to Clause II.

NOTE 2.—The Central Government may, by rule, permit minor additions and alterations the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the licence fee of the resident being increased.

IV. When Government supplies an officer with a residence leased requisitioned or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in the rules, he shall pay—

(i) licence fee for the residence, such licence fee being standard licence fee as defined in Clause III above or per cent of his monthly emoluments, whichever is less;

² Provided that in respect of officers who draw pay in a revised scheme under the Central Civil Services (Revised Pay) Rules, 1960 and which emoluments (including dearness pay) are below Rs. 220 per mensem, licence fee shall be recovered on the basis of standard licence fee or $7\frac{1}{2}\%$ of such emoluments, whichever is less but the net emoluments after deduction of licence fee of those officers who are in receipt of emoluments of Rs. 220 per mensem (including dearness pay) and above, shall not be less than Rs. 202 per mensem :

Provided further that in respect of officers who draw pay in a revised scale under the Central Civil Services (Revised Pay) Rules, 1973 and which emoluments are below Rs. 300 per mensem, licence fee shall be recovered on the basis of standard licence fee or $7\frac{1}{2}\%$ of such emoluments, whichever is less, but the net emoluments after deduction of licence fee of those officers who are in receipt of emoluments of Rs. 300 per mensem and above should not be less than Rs. 276.60 per mensem :

Provided also that in respect of officers whose emoluments are below Rs. 470 per mensem or a result of merger of dearness allowance/additional dearness allowance with pay up to 320 points average index level as the Ministry of Finance G.M. No. 13016/2/81-E, II(B), dated the 25th March 1982, licence fee shall be recovered on the basis of standard licence fees or $7\frac{1}{2}\%$ of such emoluments whichever is less, but net emoluments after deduction of licence fee of those officers who are in receipt of emoluments Rs. 470 per mensem and above, shall not be less than Rs. 433.80 per mensem.

(ii) municipal and other taxes payable by the Government in respect of the residence not being in the nature of house property tax; and

(iii) compensation for the charges payable by the Government in respect of the services provided for the residence.

(c) Notwithstanding anything contained in sub-clause (b) above the Central Government may—

(i) at any time, after the standard licence fee have been calculated under the provisions of Clause III above, a group number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of licence fee subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform; and

(2) that the amount taken from any office shall not exceed 10 per cent of his monthly emoluments;

¹ Substituted by G.I. Min of Works & Housing Notification No. F. 11 (5) W. & E./82 dated the 24th May 1983. This takes effect from 1st March 1983.

² Substituted by G.I. Min of Works & Housing, Notification No. F. 11 W. & E./82 dated the 24th May 1983. This takes effect from 1st March 1983.

¹(ii) prescribe flat rate of monthly licence fee applicable throughout the country based on the cost of construction and plinth area, living area of the type of accommodation allowed to the employees subject to the condition that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments.

(iii) by general or special order, provide for taking a licence fee in excess of that prescribed in ²[sub-clause (b) or sub-clause (c)(i)] above from an officers—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of leaving, or

(4) who is permitted to sub-let the residence supplied to him, or

(5) who sub-lets without permission the residence supplied to him, or

(6) who does not vacate the residence after the cancellation of allotment, or

³(7) at whose request additions or alterations are made in the residence supplied to him.

⁴(8) who or any member of his family owns a house or has any interest in a house belonging to a Hindu undivided family of which he is a member,

EXPLANATION.—For the purpose of item (8).

(a) "house", in relation to an officer or member of his family, means a building or part thereof used for residential purposes and situated within the jurisdiction of a local municipality or of any municipality contiguous to a local municipality;

NOTE.—A building, part of which is used for residential purposes, shall be deemed to be a house notwithstanding that any part of its is used for non-residential purposes;

(b) "local municipality", in relation to an officer, means the municipality within whose jurisdiction his office is located;

(c) "member of his family", in relation to an officer means the wife or husband, as the case may be, or a dependent child of the officer;

"municipality" includes a municipal corporation, a municipal Committee or board, a town area Committee, a notified area, and cantonment board.

(d) when licence fee has been recovered short through an error in calculation of standard licence fee or through mistake or in-advertence, the Government servant shall pay the deficiency on demand made within 12 months from the date on which the short recovery was made, in such number of instalments as the Government may direct;

⁵(e)(i) Where a standard licence fee of a residence cannot be determined for reasons to be recorded in writing at the time of its allotment, the Government servant shall pay such licence fee as may be fixed by the Government on the basis of the actual expenditure on the construction or the cost of acquisition of the building, the cost of

¹ Inserted vide G.O.I. M.O.U.D. (Finance Division) Notification No. 11 (7) W&E 186.

² Substituted by G.I. M.F. Notification No. 20(21) 66 W. & E. dated the 31st July 1968.

³ Inserted by G.I. M.F. Notification No. 20(21)/66 W. & E. dated the 31st July 1968.

⁴ Inserted by G.I. M.F.A. Deptt. of Personnel & A.R. Notification No. P. 18011/2/79:-U dated the 8th November, 1979 and takes effect from the 1st June, 1977).

⁵ Substituted by G.I. M.F. Notification No. 5(9)/63-Estates dated he 18th June 1963.

fittings therein and the known and anticipated liabilities relating thereto plus 10% of the amount so arrived at or 10% of his monthly emoluments, whichever is less :

¹Provided that in respect of officers who draw pay in a revised scale under the Central Civil Services (Revised Pay) Rules, 1960, and whose emoluments (including dearness pay) are below Rs. 220 per mensem, in place of 10% mentioned above, 7½% of such emoluments shall apply, but the net emoluments after deduction of licence fee of those officers who are in receipt of emoluments of Rs. 220 per mensem (including dearness pay) and above, shall not be less than Rs. 202.55;

Provided further that in respect of officers, who draw pay in revised scale under Central Civil Services (Revised Pay) Rules, 1973 and whose emoluments are below Rs. 300 per mensem, in place of 10% mentioned above, ½% of such emoluments shall apply, but the net emoluments after deduction of licence fee of those officers who are in receipt of emoluments of Rs. 300 per mensem and above, shall not be less than Rs. 276.60 per mensem;

Provided also that in respect of officers whose emoluments are below Rs. 470 per mensem as a result of merger of dearness allowance/additional dearness allowance with pay up to 320 points average index level in place of 10% mentioned above, 7½% of such emoluments shall apply but the net emoluments after deductions of licence fee of those officers who are in receipt of emoluments of Rs. 470 per mensem and above, shall not be less than Rs. 433.80 per mensem;

(ii) The licence fee so fixed shall remain effective until the last date of the calendar month in which the standard licence fee for that residence is determined.

(iii) In addition to the licence fee referred in sub-clause (c)(i), a Government servant shall pay municipal and other taxes payable by

the Government in respect of the residence not being in the nature of house or property tax, and compensation for the charges payable by the Government in respect of the services provided for the residence.

²(f) Notwithstanding anything contained in sub-clause (e)(i) if recovery for licence fee is made from a Government servant in respect of the residence allowed to him in accordance with that sub-clause or on any other basis adopted before the 4th June, 1963, in respect of that residence and the standard licence fee for that residence has not been determined, the licence fee so recovered shall be deemed to be the licence fee for that residence recoverable under the rules.

V. In special circumstances, for reasons which should be recorded, the Central Government—

(a) may, by general or special order, grant licence fee-free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of licence fee to be recovered from any officer, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government, licence fee shall be charged for these in addition to the licence fee payable under Clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. The Central Government may make rules prescribing how the additional licence fees and charges shall be determined, and such rules may also authorise the

¹ Substituted by G.I. Min. of Works & Housing Notification No. F. 11(5) W. & E/82 dated the 24th May, 1983. This takes effect from 1st March, 1983.

² Inserted by G.I. M.F. Notification No. 5 (9)/63-Estates- dated the 18th June, 1963.

remission or reduction of the additional licence fee or charge in special circumstances for reasons which should be recorded.

¹VII. Deleted.

²VIII. Deleted.

³Schedule. Deleted.

[For rules made under this rule, see Supplementary Rules 318-326]

(2) The amount payable on account of electric and water charges may further be reduced by the Heads of Circles to an amount which would be payable on a rental equal to 10 per cent of the monthly emoluments of the officer, in cases where the officer has to live in the interests of service in the house allotted to his post and the taxes are based on the rental value of the residence.

[F.A.C.'s Endt. No. 520/40 dated the 15th June 1945, M.F. (C's) Endt. No. N.B. 42-20/50 dated the 15th June 1951, No. N.B. 27-4/51 dated the 11th February 1952, D.G. P.&T. letters No. 27-35/60-NM dated the 17th May 1963, 27-6/70-NB dated the 27th April 1971 and 27-2/75-NB, dated the 30th October 1975.]

GOVERNMENT OF INDIA'S ORDERS

1. Taxes recoverable from P & T Officials.—

(1) Only the following items of taxes should be recovered from officials of the P & T Department of pay not exceeding the amount indicated below when they are provided with residences owned or leased by the Indian Posts and Telegraphs Department :—

	Pay not exceeding
From 1-4-1945 to 30-6-1959	Rs. 170 p.m.
From 1-7-1959 to 31-1-1969	Rs. 240 p.m.
From 1-2-1969 to 31-12-1972	Rs. 350 p.m.
From 1-1-1973 onwards	Rs. 440 p.m.

Items of taxes

(i) Electrical charges—

Irrespective of the mode of incidence assessment or allocation.

(ii) Water charges—

(a) Regardless of the mode of assessment or allocation, when a separate tap has been provided inside the residence for the exclusive use of the tenant.

(b) When common water taps have been provided for their exclusive use recoveries should be made from such Government servants including Class IV officials. In cases where such taps are also used for office purposes a suitable reduction should be made in the charges recoverable from those Government servants in question by the Officer-in-charge of the buildings.

2. Recovery of electric energy consumed for electric lifts.—It has been decided that the cost of the electric energy consumed by the electric lifts should be recovered on a floor area basis from the commercial departments occupying the buildings. The tenants of the residential flats will be exempted from payment of any charges for the electric energy consumed by the lifts.

[G.I., F.D. Endorsement No. F. 2(3)-Ex. 1/40, dated the 31st January, 1940.]

3. Meaning of the term 'time of construction'.—For the purpose of assessing licence fee the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

[G.I., F.D. No. 1061-E.B. dated the 4th September 1922.]

4. Reason for non-exclusion of any particular house from a group.—Fundamental Rule 45(c)(i) [corresponds to Clause IV (c) (i) of new F.Rs. 45-A and 45-B] does not provide for the exclusion from the calculation of any house in the particular area chosen. The idea underlying the paragraph was that higher paid officers might make up for any loss which was incurred by the Government as far as the licence fees of residences of lower paid officers were concerned.

[G.I. F.D. No. F. 2-C.S.R./25 dated the 7th January 1925.]

5. Licence fee for garage.—Where a garage is provided for a particular residence (whether within or without the compound or premises), its capital cost should be included in the capital

cost of the residence for the purpose of assessment of the standard licence fee. Where the garage is not attached to a particular residence, licence fee for the garage should be charged separately under F.R. 45-A III(b) or F.R. 45-A-III(a), according as the garage is owned or leased (or requisitioned) by Government.

[G.I. F.D. Endorsement No. F. 11/(48)-Ex. I/39, dated the 25th September 1939 and M.F. (C) Endt. 49-1/45, dated the 27th September, 1947.]

6. Scope of the term "licence fee-free quarters".—

It has been decided that the concession of licence fee-free quarters will be complete, that is, no additional charge will normally be made in respect of sanitary, water supply and electric installations.

[G.I. F.D., Letter No. F. 3-VII-R.I/28, dated the 7th June, 1928.]

7. Mode of payment and recovery of municipal taxes if building occupied by another department.—

It has been decided by the Government of India that, if quarters belonging to the Railway, Defence, Posts and Telegraphs, or other Central Government Departments are by mutual arrangement occupied by the employees of a Department other than that which owns the building, the owner's share of Municipal taxes (i.e., taxes which are in the nature of the house or property tax) should be included in the rent of the building. Where the occupier's share of Municipal taxes and the charges for consumption of light, water, etc. are paid to the Municipality by the Department owning the building, these charges should be recovered by that Department from the Department whose employee is occupying it. Where these charges are recovered by the Municipality from the tenant direct or from the Department under which he is employed, the arrangement will remain unaltered and the question of recovery of such charges by the Department owning the building will not arise. Further when the Department whose employee is occupying the building pay those charges either to the Municipality or to the Department owning the building the former Department should bear the charges finally or recover them from its employee according as under the rules of that Department he is, or is not, exempt from payment of such charges.

[G.I., F.D., Endorsement No. F. 11(28)-Ex. I/41, dated the 23rd September, 1941 and No. F. 25(11)-Ex. II/43, dated the 2nd April, 1943.]

8. Rules for retention of P & T quarters after resignation, transfer, retirement, etc.—It has been decided in supersession of all previous instructions on the above subject that the following rules shall be followed in respect of residences owned or leased by the P & T Department.

I. Period for which the allotment subsists and the concessional period for further retention.—(1) An allotment shall be effective from the date on which it is accepted by the officer and shall continue in force until—

- (a) the expiry of the concessional period permissible under sub-rule (2) after the officer ceases to be on duty in an eligible office at the station,
- (b) it is cancelled by the allotting authority or is deemed to have been cancelled under any provision in these rules,
- (c) it is surrendered by the officer, or
- (d) the officer ceases to occupy the residence.

(2) A residence allotted to an officer may subject to sub-rule (3) be retained on the happening of any of the events specified in column 1 of the Table below for the period specified in the corresponding entry in column 2 thereof provided that the residence is required for the bona fide use of the officer or members of his family.

TABLE

Events	Permissible period for retention of the residence
(i) Resignation, dismissal, removal or termination of service.	1 month.
(ii) Retirement or leave	2 months.
(iii) Death of the allottee	4 months.
(iv) Transfer to an ineligible office at the station	2 months.

<i>Events</i>	<i>Permissible period for retention of the residence</i>
(v) Transfer to a place outside the station.	2 months.
(vi) On proceeding on foreign service in India.	2 months.
(vii) Temporary transfer in India or transfer to a place outside India.	4 months.
(viii) Leave (Other than leave preparatory to retirement, *refused leave, terminal leave, medical leave or study leave).	For the period of leave but not exceeding 4 months
(ix) Leave preparatory to retirement or *refused leave granted under F.R. 86.	For the full period of leave on full average pay subject to a maximum of 4 months inclusive of the period permissible in the case of retirement.
(x) Study leave or deputation	For the period of leave or deputation but not exceeding 6 months.
(xi) Study leave in India	For the period of leave but not exceeding six months
(xii) Leave on medical grounds	For the full period of leave.
(xiii) On proceeding on training	For the full period of training.

EXPLANATION.—The period permissible on transfer mentioned against items (iv) to (vii) shall count from the date of relinquishing charge plus the period of leave, if any, sanctioned to and availed of by the officer before joining duty at

the new office of his posting. Temporary transfer means a transfer which involves an absence for a period not exceeding four months.

(3) Where a residence is retained under sub-rule (2) the allotment shall be deemed to be cancelled on the expiry of the admissible concessional periods unless immediately on the expiry thereof the officer resumes duty in an eligible office at the station.

(4) An officer who has retained the residence by virtue of the concession under item (i) or item (ii) of the Table below sub-rule (2) shall, on re-employment in an eligible office within the period specified in the said Table be entitled to retain that residence and he shall also be eligible for any further allotment of residence. But if the emoluments of the officer on such re-employment do not entitle him to the type of residence occupied by him, he shall be allotted a lower type of residence and till then he will pay full standard licence fee of the quarter under F.R. 45-A.

II Overstay in residence after cancellation of allotment.—Where, after an allotment has been cancelled or is deemed to be cancelled under any provision, the residence remains or has remained in occupation of the officer to whom it was allotted or of any persons claiming through him, such officer shall be liable to pay damages for use and occupation of the residence, service charges, furniture charges, garden charges, etc. The damage shall be equal to double the standard licence fee under F.R. 45-B (or double the pooled standard licence fee under F.R. 45-A, where licence fees have been pooled, whichever is higher) plus single other charges (i.e., service charges, garden charges, charges for scale furniture and extra furniture and electric appliances, etc.), under F.R. 45-B including departmental charges. The additional licence fees for additions and alterations are also to be doubled in the same manner as for the building.

* cf. Leave beyond the date of compulsory retirement or quitting of service granted under Rule 39 of C.C.S. (Leave) Rules, 1972.

Provided that an officer may, in special cases, be allowed by the allotting authorities to retain a residence on payment of twice the standard licence fee under F.R. 45-A or twice the pooled standard licence fee under F.R. 45-A if the licence fee has been pooled, whichever is higher, for a period not exceeding six months beyond the permissible period mentioned in the table below sub-rule(2).

(2) Since the Notification takes effect from the date of publication in the Gazette of India, permissible period of retention, etc., as indicated above may be given effect to in respect of the above events that may have taken place on or after 22nd February, 1986 and cases where retirement/death has taken place on or before 21st February, 1986, would be governed by the earlier provisions of the Rules.

[G. I., Min of Urban Development (Directorate of Estates), O.M. No. 12035(22), 83-Pol. II (Vol. III), dated the 21st April, 1986.]

III. These rules will not apply to general service officials who are entitled to licence fee-free quarters as a condition of service or house rent allowance in lieu thereof nor to those officers who have been allotted quarters attached to their posts in the interests of service and for whom special separate rules on the subject have been issued.

[D.G., P. & T.'s Memo. No. 42/48/64-NB, dated the 6th August, 1965].

9. Extended period of retention of general pool accommodation on retirement/terminal leave/death—
(1) According to the provisions of S.R. 317-B 11(2), a residence allotted to an officer can be retained on retirement or terminal leave for a period of two months and on the death of the allottee for a period of four months for the bona fide use of the officer or member of his family. The Department of Personnel and Training had suggested that as a measure of good gesture to the retiring Government employees, the permissible period of retention on payment of normal licence fee may be increased from two months. The matter has been considered and it has been decided by Government that the permissible period of retention as per S.R. 317-B-11(2) may be increased from two months to four months in the case of retirement or terminal leave, and from four to six months in the case of death of the allottee. It has also been decided that in the case of retirement/terminal leave, further retention that can be allowed in special cases on payment of enhanced licence fee as per proviso to S.R. 318-B-22 may be reduced from a period not exceeding six months to 'not exceeding four months'. A copy of the Notification S.O. No. 666, dated the 10th February, 1986, published in the Gazette of India dated the 22nd February, 1986, is sent herewith (not printed).

10. Rounding off of standard licence fee.—
It has been decided that the monthly standard licence fee, howsoever calculated, of residence, furniture, installations (when calculated as a separate item as under F.R. 45-B) and other services, when in excess of Rs. 5 but not in excess of Rs. 10 and not in whole rupees may be rounded off to the nearest half a rupee; i.e., any fraction of a rupee less than a quarter shall be omitted, any fraction of a quarter and above but less than three quarters of a rupee shall be rounded off to half a rupee and that of three quarters and above to a rupee. The monthly standard licence fee in excess of Rs. 10 and not in whole rupees may be rounded off to the nearest rupee, i.e., any fraction of less than half a rupee shall be ignored and that of half a rupee and above shall be rounded off to a rupee.

[G. I., M.F., O.M. No. F. 5 (23)/63-Estates, dated the 1st August, 1964.]

11. No rebate in licence fee for holding office at residence.—The Government of India have had under consideration the question whether a Government servant occupying Government residential accommodation should be given by any rebate/reduction in licence fee in respect of a portion of the said residence being used by him for doing office work. It has been decided that in such cases, no reduction will be made in the licence fee payable by the officer for the residence under Fundamental Rules.

[G.I., Min of Works, Housing and Rehabilitation, Department of Works and Housing Letter No. 12/50-63-ACC-1, dated the 21st January, 1964.]

12. Licence fee to be calculated on total monthly emoluments.—In case of an officer whose rate of emoluments was changed due to certain events

during the course of the month for which licence fee is to be recovered, a question arose whether, for the purpose of F.R. 45-A IV(b)(i), the total monthly emoluments as defined in F.R. 45-C drawn by him should be taken into account for comparison of 10 per cent of his emoluments with the standard licence fee or whether the comparison should be made between the standard licence fee and 10 per cent of the rate of emoluments at every stage. It was clarified by the Government of India that since the rules make mention of monthly emoluments and not of rate of emoluments, the total emoluments, for the month should be taken into consideration for the purpose of calculating 10 per cent of the Government servant's emoluments notwithstanding the different rates drawn from time to time, if there is any change therein during the month.

[G. I., M.F., U.O. No.5313/F. & T. I/63, dated the 18th October, 1963.]

13. Licence fee recoverable from officers owning houses at/near stations of their posting.—(a) Officers not entitled for rent-free accommodation.—(1) The Government has decided that the present restriction on allotment of accommodation to house-owning officers should be modified with effect from 1st June, 1977, making house-owning officers eligible for Government accommodation. It has also been decided that allotment of such accommodation to a house-owning official will be on normal licence fee if the income from his own house does not exceed Rs. 1,000 p.m., or half the market licence fee if the income exceeds Rs. 1,000 p.m. but does not exceed Rs. 2,000 p.m. and on full market licence fee if the income is above Rs. 2,000 p.m. Licence fee will be recovered on the same basis with effect from 1st June, 1977 also from those house-owning officials who are retaining Government accommodation on payment of market licence fee. These decisions will apply equally whether the house is owned by the officer or his/her wife/husband, or by his/her dependent children.

(2) The income from the house will mean the rent received by the owner where the house has been given on lease. Where, however, the house has not been given on lease, income will mean the rent which is taken into account by the municipal bodies for the purpose of determining house

tax, etc. While it is for the authority controlling the Government residential accommodation to satisfy itself about the correctness of the income of an officer from his house, the following documents may be considered for the purpose :—

(i) where the house has been given on lease, the lease deed.

(ii) House tax receipt in original.

It would be desirable to get a certificate from the officer concerned to the effect that the documents produced by him relate to all the houses owned by him/her or by his/her wife/husband or by his/her dependent children at the place of his/her posting. An undertaking should also be obtained to the effect that the officer will be responsible to intimate whenever there is an increase as in the rent he receives from his private house(s). In case the officer has only a share in a Hindu undivided family house or in a joint property and the officer's share is not a separate unit, the income for the purpose of this order may be taken to be the proportionate share of the officer his/her spouse and dependent children from the total income from the whole property.

[G. I., Min. of Works & Housing (Directorate of Estates), O.M. No. 12031 (18)/77, Pol. II, dated the 14th July, 1977-Paragraphs 1 and 2 and para. 3 of O.M. No. 12033(6)/75-Pol. II (Vol. II), dated the 30th August, 1980.]

The orders contained above have been reconsidered. Government has decided to liberalise the existing instructions by modifying both the slabs of rental income and the rental liability in respect of the officers owning houses at or near the stations of their posting, which would be as under :

Slab of rent from the owned house	Rate of licence fee to be charged
(i) If the income from own house does not exceed Rs. 3,000 p.m.	Standard licence/pooled licence fee under F.R. 45-A or 10% of emoluments, whichever is less.
(ii) If the income from own house exceeds Rs. 3,000 p.m. but does not exceed	Twice the standard licence/ twice the pooled licence fee under F.R. 45-A or

Rs. 5,000 p.m.

20% of emoluments, whichever is less.

- (iii) If the income exceeds Rs. 5,000 p.m. Thrice the standard licence/thrice the pooled licence fee under F.R. 45-A or 30% of emoluments, whichever is less.

(3) All other terms and conditions will remain the same.

(4) These orders will come into effect from 6th April, 1984.

[G.I., Min. of Works & Housing (Directorate of Estates), O.M. No. 12031(2)/81-Pol. II, dated the 5th May 1984.]

Clarification.—A question has been raised whether the income of minor co-parcener and husband/wife, as the case may be, derived out of the Joint Hindu Undivided Family property can be clubbed with the income of the Government servant who has been allotted general pool accommodation or not.

It is clarified that according to F.R. 45-A-iv (c) (ii) (8)(c) and S.R. 317-B-3 of the Allotment of Government Residences (General Pool) in Delhi Rules, 1963 "the member of family" in relation to an officer means "the wife or husband, as the case may be, or a dependent child of the officer".

If the coparcener of the Hindu Undivided Family property falls within the definition of the members of family, as contained in the above said Rules, the proportionate income of all such coparceners derived out of Joint Hindu Undivided Family property will be clubbed together with the income of the concerned officer to determine the liability for the general pool accommodation allotted to her/him.

[G.I., M. U.D., (Directorate of Estates), O.M. No. 12031(1)/74-Pol. II (Vol. II), dated the 7th May, 1986.]

(b) *Officers entitled to rent-free accommodation.*—(1) A question has arisen as to what should be the rental liability of the officers owning houses at or near the stations of their posting in respect of the Government accommodation provided to them on rent-free basis. The matter has been

considered and it has been decided that the rental liability of such officers would be determined as follows:—

- (i) If the income from his own house does not exceed Rs. 1,000 p.m. Nil.

- (ii) If the income exceeds Rs. 1,000 p.m. but does not exceed Rs. 2,000 p.m. Half-the-market rent reduced by 10% of the emoluments of the allottee.

- (iii) If the income is above Rs. 2,000 p.m. Full market rent reduced by 10% of the emoluments of the allottee.

(2) The decision would apply equally whether the house is owned by the officer or his/her wife/husband or by his/her dependent children.

[G.I., Min. of Works & Housing (Dte. of Estates) O.M. No. 18015(3)/81-Pol. III, dated the 3rd February 1982.]

The orders contained above have been reviewed in the light of the revised orders regarding rental liability of house-owning officers issued—vide O.M. No. 12031(2)/81 Pol. II, dated 5-5-1984 [at item (a) above]. It has been decided that the rental liability of house owning officers entitled to rent-free accommodation would be as below with effect from 6th April, 1984 :—

Slab of rent from the owned house

Rate of licence fee to be charged

- (i) If the income from own house does not exceed Rs. 3,000 p.m. Nil

- (ii) If the income from own house exceeds Rs. 3,000 p.m. but does not exceed Rs. 5,000 p.m. Twice the standard licence/twice the pooled licence fee under F.R. 45-A or 20% of emoluments, whichever is less reduced by 10% of the emoluments.

- (iii) If the income exceeds Rs. 5,000 p.m. Thrice the standard licence/thrice the pooled licence fee under F.R. 45-A or 30% of emoluments, whichever is less reduced by 10% of the emoluments.

(2) The decision would apply equally whether the house is owned by the officer or his/her wife/husband or by his/her dependent children.

[G.L. M.W. & H. (Directorate of Estates), O.M. No. 18015(8)/81-Pol. III, dated the 2nd July, 1984.]

14. When cost of preparation of site not available in respect of old residences.—F.R. 45-A has been amended so as to include cost of land and amount spent on its preparation in the cost of the residence for the purpose of calculation of standard licence fee. In cases of certain old residences the amount spent on the preparation of the site is not available. It has been decided that where the amount spent on the preparation of the site of the residence is not available it may be taken as 10% of the capital cost of the structure if such residences are double-storeyed and 20% of the cost if structure of the residences are single-storeyed.

[G.L., Min. of Works & Housing (Directorate of Estates—Policy Cell), O.M. No. 13012(7)/75-Pol. I, dated the 31st May, 1979.]

15. (a) Licence fee to be recovered on the basis of post-merger pay with effect from 1-3-1983.—(1) The undersigned is directed to state that under F.R. 45-A IV (b)(i) officers whose emoluments including Dearness Pay are below Rs. 300 p.m. pay licence fee at 7½% or standard licence fee under F.R. 45-A, whichever is less, provided net emoluments after deduction of licence fee of those officers who are in receipt of emoluments of Rs. 300 per mensem and above are not less than Rs. 276.60 per mensem. Consequent upon the decision taken by the Government, *vide* Ministry of Finance, O.M. No. 13016/2/81-E. II(B), dated 25th March, 1982 for merger of Dearness Allowance/Additional Dearness Allowance sanctioned to the Central Government employees up to the average index level of 320 points with their pay

for the payment of house rent allowance, compensatory allowance with effect from 1st February, 1982 it has been decided that limit of emoluments for purposes of recovery of licence fee at 7½% will be enhanced from below Rs. 300 p.m. as emoluments to less than the emoluments of Rs. 470 as a result of merger of Dearness Allowance/Additional Dearness Allowance up to 320 points Average Index level as mentioned above. It has further been decided that net amount after deduction of licence fee in case of officers drawing emoluments of Rs. 470 p.m. or above shall not be less than Rs. 433.80. These decisions take effect from 1st March, 1983.

(2) It has also been decided to charge licence fee for the Government accommodation on the basis of pre-merger pay for the period from 1-2-82 to 28-2-83. Revised licence fee on the basis of post-merger pay and allowances shall be made effective from 1-3-83.

(3) These decisions are applicable also to the allottees of Government residences whose emoluments are Rs. 470 p.m. and above and are required to pay licence fee at 10% of their emoluments or standard licence fee under F.R. 45-A, whichever is less.

(4) These decisions apply also to the persons holding Class I posts by virtue of the decision involved at item 30 of Ministry of Finance Resolution No. F. 11(35)/74-IC, dated 1-5-74.

(5) Cases decided otherwise, if any, may be regulated as per these orders.

[G.L., Ministry of Works & Housing, O.M. No. 11(5) W.& E. 82, dated the 24th May, 1983.]

(b) Freezing of licence fee at rates existing on 31-12-1985 pending further orders.—Consequent upon the acceptance of the recommendations of the Fourth Central Pay Commission by the Government, revised pay scales are being notified by the Ministry of Finance (Department of Expenditure). The matter relating to fixation and recovery of flat rate of licence fee from the Government employees based on the recommendations made by Pay Commission is separately under consideration of the Government and revised orders are likely to be issued in the near future. Pending issue of such orders, it has been decided that recovery of licence fee for Government accommodation would continue to be made at the rate at which the licence fee is being recovered

now. In other words, pending further orders the licence fee liability of Government employees is not to be revised based on change in the pay scales and consequent change in pay of the allottee.

These orders will apply to residential accommodation controlled by all Ministries/Departments of the Government.

[G.I., M.F., O.M. No. 11020/6/86-E. II(B), dated the 24th September, 1986.]

16. Expenditure incurred on running and maintaining booster pumps to be borne by department.—A question has been raised as to whether the charges for pumping up the water from the sumps including the cost of electricity, maintenance of water pumps be recovered or not from the allottees of the P & T quarters, specially in multi-storeyed buildings or at such places where booster arrangements had to be installed due to lack of proper water pressure from the municipal supply.

After careful consideration, it has been decided that the expenditure incurred on running and maintenance of booster pumps installed to boost water supplied by the municipal authorities from the pumps to overhead tanks in multi-storeyed P & T buildings may be borne by the department. These orders will not apply in the case of departmental arrangements of water supply.

[D.G., P. & T. Letter No. 26-80/71-NB, dated the 23rd September, 1975.]

17. Pooling of market licence fee in respect of general pool residential accommodation in New Delhi/Delhi.—(1) As there is considerable variation in the rate of minimum and maximum licence fee in the same type of general pool residential accommodation in the different colonies, the question of pooling the market licence fee to make an equilibrium was under consideration. It has now been decided that with effect from 1st August, 1976 the market licence fee is to be calculated according to the pooled unit rates of Rs. 4.63 per sq. metre for the group of residences from types II to IV and Rs. 5.11 per sq. metre for the group of residences from types V to VIII per month, i.e., the pooled market rate will be 4.66 times of the pooled standard licence fee for types II to IV and 5 times for types V and above. As regards type I, the existing system of calculation of licence fee—both for F.R. 45-A and for market licence fee shall continue.

(2) It has also been decided that with effect from 1st August, 1976 in the case of occupants whose allotments have been cancelled and neces-

sary eviction proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, have been finalised and the period of thirty days allowed for the vacation of premises has expired, damages per month at three times of pooled market licence fee for a particular accommodation as calculated under paragraph 1 above may be recovered till the date of vacation/physical eviction. In the case of type I quarters, it will be three times of the existing market licence fee fixed for such houses.

[G.I., Min. of Works & Housing (Directorate of Estates) O.M. No. 18011(12)/73-Pol. I, dated the 31st July, 1976.]

It is observed that in certain cases the pooled market rate of licence fee chargeable is less than licence fee chargeable under F.R. 45-B plus D.C. Accordingly, it has been decided that in all cases where pooled market rate of licence fee is chargeable for the accommodation in the general pool, the licence fee actually charged would be the pooled market rate of licence fee or the standard licence fee under F.R. 45-B plus D.C., whichever is more.

[G. I., Min. of Works & Housing (Directorate of Estates), O.M. No. 16012(4)/80-Pol. III, dated the 29th May, 1981.]

It has been decided that the orders contained in the above O.M., dated the 29th May, 1981, will not be applicable to the house-owning officers occupying general pool accommodation. In their cases, they will be charged licence fee in accordance with the orders contained in G.I.O. (13) above.

[G. I., Min. of Works & Housing (Directorate of Estates), O.M. No. 18011(6)/82-Pol. III, dated the 29th November, 1982.]

D.G., P. & T.'S INSTRUCTIONS

(1) Some doubts having been raised regarding the collection of the recoveries of licence fee under F.R. 45-B from certain P & T officials occupying departmental quarters, the following clarificatory instructions are issued in consultation with the Accountant-General, Posts and Telegraphs and the Ministry of Finance:—

- (i) All Government servants under the rule m: king control of the President come under the operation of F.R. 45-A and not within the purview of F.R. 45-B. It would accordingly be irregular normally to recover licence fee under F.R. 45-B for occupation of Government residences by staff.

- (ii) However, it is open to Government to recover licence fee in excess of that prescribed under F.R. 45-A IV (b) in circumstances enumerated in items (1) to (6) under F.R. 45-A [IV (c) (ii)].

The excess recovery to be ordered should not, except in extraordinary circumstances, exceed the amount of licence fee recoverable under F. R. 45-B and may not necessarily be as large in each case.

- (iii) Before recovery of enhanced licence fee under F.R. 45-A IV (c) (ii) (1) could be ordered, it would be necessary to cancel the allotment. In the absence of such cancellation of allotment, permission to retain the quarter will be presumed and recovery of enhanced licence fee would become irregular.

[D.G. P. & T. Memo No. N.B. 42/35/51, dated the 2nd July, 1952].

(2) As regards clause (iv) of the proviso to F.R. 45-A and 45-B-II it is clarified that the capital cost of a building (including installation) for purposes of calculating standard licence fee should be the works outlay (i.e., excluding departmental charges) which should include direct charges on the work, i.e., the expenditure on the work-charged establishment and purchase of tools and plants debited direct to the work and freight and storage charges on the stores issued or used in the work.

Similarly, the works outlay of Electric Installation works carried out by the Engineering Branch of the Posts and Telegraphs Department shall include adjustments on account of freight and store-keeping charges in respect of the stores issued to or used in such works including those debitable to revenue.

[G. I., M. F., (C) U.O. No. 543-FS-II/57, dated the 19th March, 1957, D.G., P. & T.'s U.O. No. 26/30/57, dated the 23rd July, 1959 and M.F. (C) endorsement on D.G., P. & T.'s Letter No. 26-50/57-NV, dated the 19th September, 1959.]

AUDIT INSTRUCTIONS

- (1) See entries under Fundamental Rule 45.
(2) Not printed.

(3) Not printed

(4) The rates of interest given in the following table should be applied in calculating the standard licence fee of residences, under Clause III (b) of Fundamental Rules 45-A and 45-B.

Date of acquisition or construction of the residence	Rate of Interest	
	Buildings occupied on or before the 19th June, 1922	Buildings occupied after the 19th June, 1922
Before 1st April, 1919	3½ %	4 %
1st April, 1919 to 31st July, 1921	3½ %	5 %
1st August, 1921 to 31st December, 1921.	3¾ %	6 %
From 1st January, 1922 until further orders	6 %	6 %

NOTE.—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed.

[Para 5 (i), Chap. V, Sec. I of Manual of Audit Instructions (Reprint)].

See also Government of India's Order (5) above.

(5) A Government servant who, at his own request, is supplied with a residence owned or leased by the Central Government, of a class higher than that for which he is eligible, when a house of his class is available for him, should be charged the full standard licence fee fixed for the residence and should not be given the benefit of the 10 per cent concession afforded by Clause IV (b) of F.Rs. 45-A and 45-B.

[Para 5 (ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint)].

(6) It is permissible to deal, under Clause V (b) of F.R. 45-A or F.R. 45-B not only with individuals but also with classes of Government servants.

[Para. 5 (iii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

F.R. 45-B. I. This rule applies to Government servants other than those to whom Rule 45-A applies ^{2[**]} or than those occupying residences belonging to the Indian Railway or rented at the cost of railway revenues.

II. For the purpose of sub-clause (b) of Clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain; and shall be either—

- (a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence including the value of site.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character :

Provided that—

(i) the Central Government may make rules providing the manner in which the present value of residences including sites, shall be determined;

(ii) the Central Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;

(iii) the Central Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or

classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation:

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) the Central Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

- (1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
- (2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, the Central Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard licence fee of a residence shall be calculated as follows :—

- ²(a) (i) In the case of a leased residence, the standard licence fee shall be the sum paid to the lessor;
- (ii) In the case of a requisitioned residence the standard licence fee shall be the compensation payable to the owner of the building;

1. The words and figures "or it made applicable under the provision of Clause VII of that rule", omitted by G.I. M.F. Notification No. 18(13)-E. IV(A)/70, dated the 21st January, 1972.

2. Substituted by G.I., M.F., Notification No. 5(10)/63 Estates, dated the 12th July, 1963.

Plus in both cases an addition determined under rules which the Central Government may make, for meeting, during the period of lease or requisition, as the case may be, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for interest on such capital expenditure as also for municipal and other taxes in the nature of house or property tax, payable by Government in respect of such residence,

subject to the proviso that, in special localities or in respect of special classes of residence, the Central Government may fix a standard licence fee to cover a period greater than one month, but not greater than one year. Where the Central Government takes action under this proviso standard licence fee so fixed shall not be a larger proportion of the annual licence fee than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

(b) In the case of residences owned by Government, the standard licence fee shall be calculated on the capital cost of the residence ¹[(including cost of additions or alterations, if any)] and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the President *plus* an addition for municipal and other taxes in the nature of house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which the Central Government may make.

NOTE 1.—For the purpose of sub-clause ¹[(a), (b), and (bb)] above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—The Central Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the licence fee of the residence being increased.

²[(bb) In the case of a residence gifted or leased on a nominal licence fee or on a licence fee-free basis to Government, the standard licence fee for the residence shall be calculated as in the case of residence owned by Government;]

IV. When Government supplies a Government servant with a residence leased ²or requisitioned or owned by Government, the following conditions shall be observed :—

a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

¹(c) [In all cases] standard licence fee shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual licence fee as calculated above,

(i) licence fee for the residence, such licence fee being the standard licence fee as de

1. Substituted by G.I., M.F., Notification No. 20(21)/ 36-W. & E., dated the 31st July, 1968.

2. Substituted by G.I., M.F., Notification No. 5(10)/63-Estates, dated the 12th July, 1963.

- fixed in Clause III above or 10 per cent of his monthly emoluments, whichever is less;
- (ii) municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax; and
- (iii) compensation for the charges payable by the Government in respect of the services provided for the residence.
- (c) Notwithstanding anything contained in sub-clause (b) above, the Central Government may—
- (i) at any time, after the standard licence fees have been calculated under the provisions of Clause III above, group a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of licence fee subject to the following conditions being fulfilled :—
- (1) that the basis of assessment is uniform and
 - (2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments.
- (ii) by general or special order, provide for taking a licence fee in excess of 10 per cent of his emoluments from a Government servant—
- (1) who is not under his own administrative control, or
 - (2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or
 - (3) who at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or
 - (4) who is in receipt of a compensatory allowance granted on account of dearness of living.
- (d) When licence fee has been recovered short through an error in calculation of standard licence fee or through mistake or inadvertence,

the Government servant shall pay the deficiency on demand made within 12 months from the date on which the short recovery was made, in such number of instalments as the Government may direct;

- ¹(e) (i) Where the standard licence fee of a residence cannot be determined for reasons to be recorded in writing at the time of its allotment, the Government servant shall pay such licence fee as may be fixed by the Government on the basis of the actual expenditure on the construction, or the cost of fittings therein and the known and anticipated liabilities relating thereto plus 10% of the amount so arrived at or 10% of his monthly emoluments, whichever is less:

Provided that in respect of officers who draw pay in a revised scale under the Central Civil Services (Revised Pay) Rules, 1960, and whose emoluments are below Rs. 150 per mensem, in place of 10% mentioned above 7½% of the emoluments shall apply:

Provided further that in respect of officers in receipt of emoluments of Rs. 150 per mensem and above in a revised scale under the Central Civil Services (Revised Pay) Rules, 1960, the net emoluments after deduction of licence fee shall not be less than Rs. 137.82.

- (ii) The licence fee so fixed shall remain effective until the last date of the calendar month in which the standard licence fee for that residence is determined.
- (iii) In addition to the licence fee referred to in sub-clause (e) (i) a Government servant shall pay municipal and other taxes payable by the Government in respect of the residence, not being in the nature of house or property tax, and compensation for the charges payable by the Government in respect of the services provided for the residence.

- ¹(f) Notwithstanding anything contained in sub-clause (e) (i), if recovery for licence fee is made from a Government servant in respect of the residence allotted to him in accordance with that sub-clause or on any other basis adopted before the 4th June, 1963, in respect of that residence and the standard licence fee for that residence has not been determined, the licence fee so recovered shall be deemed to be the licence fee for that residence recoverable under the rules.

²VII. Deleted.

[For rules made under this Rule, see Supplementary Rules 327 to 335].

GOVERNMENT OF INDIA'S ORDERS

1. See entries under F.R. 45-A.

V. In special circumstances, for reasons which should be recorded, the Central Government—

(a) may, by general or special order, grant licence fee, free accommodation to any Government servant or class of Government servants, or

(b) may, by special order, waive, or reduce the amount of licence fee to be recovered from any Government servant, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax to be recovered from any Government servant or class of Government servants.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court or garden maintained at the cost of Government, licence fee shall be charged for these in addition to the licence fee payable under Clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. The Central Government may make rules prescribing how the additional licence fee and charges shall be determined, and such rules may also authorise the remission or reduction of the additional licence fee or charge in special circumstances for reasons which should be recorded.

2. Letting Government building to private person.—It has been decided that when a Government building is let to a private person for residential or business purposes, licence fee should be recovered monthly in advance at the rate prevailing in the locality for similar purposes. But, without the sanction of the Central Government, such licence fee shall not be less than the licence fee calculated in accordance with the provisions of Fundamental Rule 45-B. In making the calculation, Proviso (iv) under Clause II and 'Note I' under Clause III of that rule shall be ignored and full departmental charges for establishment (including pension, tools and plants and audit and accounts charges) shall be taken into account both for the purpose of arriving at the capital cost and the additional charges to be included for ordinary and special maintenance and repairs.

NOTE.—The rate of departmental charges for capital cost, additions and alterations and maintenance and repairs shall be that in force at the time of calculation of licence fee. In all cases where buildings are merely acquired by Government through the agency of the Central Public Works Department, a charge of 3% only on the capital cost shall be levied in lieu of the full rate of departmental charges.

[G. I., Department of Labour, Letter No. B-9, dated the 13th September, 1939, received with G.I. F.D., Endorsement No. F. 11 (51)-Ex. I/39, dated the 2nd November, 1939.]

3. Scope of term Property Tax.—A question has arisen whether, for the purposes of Fundamental Rules, certain taxes of a service character which form part of a consolidated corporation tax, locally known as 'property tax', are to be included in the standard licence fee. It was the

1. Inserted by G.I., M.F., Notification No. 5(9)/63-Estates, dated the 4th June, 1963.

2. Deleted by G.I., M.F., Notification No. 18(13)-E IV (A)/70, dated the 29th January, 1971. This takes effect from the 6th February, 1971.

intention of the rule-making authority that the term property tax as used in this rule, should be interpreted in the general sense and not in the technical sense assigned to it in any particular act or code; and that it should, therefore, not be considered to include taxes levied for specific services rendered for the benefit of the occupier. Such taxes should in all cases be excluded from the standard licence fee and recovered from the occupier, irrespective of whether they were, by local rule or custom, payable in the first instance by the landlord or by the occupier.

Accordingly all taxes of a service character such as water tax, drainage tax and lighting tax, though they may be included in a consolidated demand for property tax, should henceforth, if not already done, be recovered separately from the occupier.

These orders apply also in cases where officers are provided with Government accommodation free of licence fee.

[G. I. B.D., Letter No. F. 8(5)-Ex. 138, dated the 5th April, 1968, and endorsement No. F. 25 (27)-Ex. II/42, dated the 26th June, 1942.]

4. Recovery of pooled licence fee when F.R. 45-B applied.—It has been decided that in respect of P & T quarters for which the pooled standard licence fee has been fixed under F.R. 45-A, the pooled standard licence fee or the standard licence fee under F.R. 45-B whichever is higher, should be recovered from the occupants in cases in which standard licence fee under F.R. 45-B is usually recoverable from them.

[D. G. P & T's Letter No. 26 56/71-NB, dated the 12th October, 1961, Copy endorsed through M.F., (C).]

5. Quantum of market licence fee to be charged from non-entitled organisations/parties to whom accommodation from general pool is allotted as a special case.—Prior to the issue of this Directorate's O.M., dated the 31st July, 1976 [vide G.I.O. (17) below F.R. 45-A], private parties, i.e., non-entitled organisations, were charged licence fee at market rates. With effect from 1st August, 1976 the market rate of licence fee in respect of various types of general pool residential accommodation have been pooled vide this

Directorate's O.M. dated 31st July 1976. It has, however, been decided, in consultation with the Ministry of Finance, that in the case of general pool residential accommodation which has been or is allotted, as a special case to non-entitled organisations/parties, the element of licence fee to be charged will be as per the formula adopted for working out the market rate of licence fee prior to 1st August, 1976 or the pooled market licence fee as fixed under O.M., dated 31st July, 1976 referred to above, whichever is more. The revised licence fee as per the above formula will be effective from 1st August, 1976 onwards.

[G. I. Min. of Works & Housing (Directorate of Estates)-O.M. No. 18011(12)/73-Pol. I, dated the 27th March, 1977.]

D.G., P. & T's INSTRUCTIONS

See D.G., P & T's Instruction (2) below F.R.-45-A

AUDIT INSTRUCTIONS

See entries under F.R. 45 and F.R. 45-A.

F.R. 45-C. For the purpose of Rules 45-A and 45-B, "emoluments" means:—

- (i) Pay;
- (ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post;
- (iii) Compensatory allowances, other than travelling allowance, [Children's Education Allowance], uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery, whether drawn from the Consolidated fund of India or of a State or from a local fund;
- (iv) Exchange Compensation Allowance;
- (v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;
- (vi) In the case of a Government servant under suspension and in receipt of a subsistence

grant, the amount of the subsistence grant, provided that if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the licence fee recovered on the basis of the subsistence grant and the licence fee due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Indian Police Medal.

NOTE 1.—The emoluments of a Government servant paid at piecework rates shall be determined in such manner as the Central Government may prescribe.

NOTE 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

NOTE 3.—The amount of pension to be taken into account will be the amount originally sanctioned, i.e., before commutation, if any, and will also include the pension equivalent of death-cum-retirement gratuity and other forms of retirement benefits, if any, e.g., Government's contribution to a Contributory Provident Fund, commuted value of pension, etc.

GOVERNMENT OF INDIA'S ORDERS

1 Recovery when suspension treated as leave.—In the matter of calculation of emoluments under F.R. 45-C for the purposes of recovery of licence fee, a suspended Government servant who is subsequently reinstated and whose period of suspension is treated as leave (either on average pay or on half average pay) should not be treated differently from a Government servant who goes on leave in the usual course. Such cases should be dealt with under 'Note 2' below F.R. 45-C and not under Clause (vi) under that rule.

[G. I. M.F., No. D. 4120-G. E. I./47, dated the 6th November, 1947.]

2. Recovery in case of ex-Burma re-employed pensioners.—The question of recovery of licence fee of Central Government residences allotted to such pensioners of the Government of Burma as have been re-employed under the Government of India has been reviewed and it has been decided that—

(a) pension received from the Government of Burma should not be included in emoluments under Fundamental Rule 45-C and

(b) for determining the the type of accommodation to which these pensioners should be entitled, the pension received from the Government of Burma should not be treated as part of emoluments

[G.I., M.F. (Works Div.), O.M. No. 8(15)-W/54, dated the 22nd November, 1954.]

3. Messing Allowance.—The Messing Allowance sanctioned to the Nursing staff is treated as compensatory allowance. Under Fundamental Rule 45-C, emolument for the purpose of F.Rs. 45-A and 45-B which deal with recovery of licence fee, include, besides pay, etc., compensatory allowance. The only two exceptions made are (i) travelling allowance, and (ii) uniform allowance paid to nurses in hospitals whether drawn from the Consolidated Fund of India or from a Local Fund. Besides, the messing allowance paid to the Nursing staff covers approximately the entire cost of their messing and not only the extra cost involved, if any, by messing in the hospital premises. It has accordingly been decided that Messing Allowance drawn by Nursing staff should be treated as emoluments under Fundamental Rule 45-C for the purpose of recovery of licence fee under Fundamental Rules 45-A and 45-B.

[G. I. M.F., O.M. No. 6250-W/56, dated the 22nd September, 1956.]

4. Winter Allowance.—Winter Allowance given at certain Hill Stations in India shall not be treated as part of emoluments for the purpose of F.R. 45-C.

[G. I. M.F. O.M. No. F. 8(13)/60-Estates, dated the 8th September, 1960.]

5. Reimbursement of tuition fees.—It has been decided that Reimbursement of Tuition Fees should not be included in 'emoluments' for the purpose of F.R. 45-C.

[G.I., M.F., O.M. No. F. 5(14)-Estates/64, dated the 30th November, 1964.]

6. Family Pension.—Family Pension granted under the Liberalised Pension Rules shall not be included in 'emoluments' as defined in F.R. 45-C.

[G. I. M.F. O.M. No. 4(22)-Estates/65, dated the 7th August, 1965.]

7. **Hill Allowance.**—Winter Allowance is not treated as part of emoluments because it is not payable throughout the year. As Hill Allowance is granted as a compensation for the higher cost of living at hill station and is admissible regularly throughout the year, it has been decided that Hill Allowance shall be treated as emoluments under F.R. 45-C for the purpose of recovery of licence fee under F.R. 45-A or F.R. 45-B.

[G. I. M.F. O.M. No. 11(5)-W. & E./75, dated the 7th May, 1975.]

AUDIT INSTRUCTIONS

(1) The word 'pension' occurring in Fundamental Rule 45-C (v) should be taken to mean the full sanctioned pension prior to commutation.

[Para 6(i), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Under F.R. 45-C (ii), fees received by a Government servant in the shape of a fixed addition to monthly pay and allowances as a part of the authorised remuneration of a post count as "emoluments" for the purpose of F.Rs. 45-A and 45-B. As, under S.R. 12, one-third of any fee in excess of Rs. 400 or if a recurring fee of Rs. 250 a year, is normally required to be credited by the Government servant concerned to General Revenues and only two-thirds of such fee is retained by him, a question has arisen whether the entire amount of the fees so received by the Government servant or only the actual amount retained by him after crediting one-third share to the Government should count as emoluments for the purpose of assessment of house licence fee.

As the benefit of the portion of the fees credited to the General Revenues by the Government servant does not accrue to him, it has been decided with the concurrence of the Auditor-General of India that under F.R. 45-C (ii), only that portion of the fees received by a Government servant which he is allowed to retain under the rules framed under F.Rs. 46, 46-A and 47, will count as "emoluments" for the purpose of F.Rs. 45-A and 45-B.

[Para. 6 (ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

F.R.46. (a) *Fees.*—Subject to any rule made under Rule 46-A and Rule 47, a Government ser-

vant may be permitted, if this can be done without detriment to his official duties and responsibilities to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund and to receive a remuneration therefor, if the service be material, a non-recurring or recurring fee.

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ, for professional attendance which is regulated by the orders of the President.

(b) *Honoraria.*—The Central Government may grant or permit a Government servant to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing, exist for a departure from this provision, sanction to the grant of acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Central Government and its amount has been settled in advance.

(c) *Fees and Honoraria.*—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11 and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

GOVERNMENT OF INDIA'S ORDERS

1. **No honoraria for temporary increase in work.** Several instances have come to notice in which recommendations have been made by various Departments for the grant of honoraria to members of their office staff on account of a temporary increase in their work due to the holding of special conferences under the auspices of a department or subordinate authority or of inter-departmental committees. Such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F.R. 11. Those

so employed have, therefore, no claim to extra remuneration.

[G. I., F.D., Memo No. F. 5-VII-R I/30, dated the 3rd September, 1930.]

2. No separate sanction necessary for acceptance of honoraria from Union State P.S. Cs.—Intimation to Union Public Service Commission by Departments of the Government of India/other Heads of Departments subordinate to them that particular Government servants have been appointed to the *viva voce* boards in connection with the recruitment examinations conducted by the Union Public Service Commission should be regarded as automatically conveying the Government of India's sanction to the acceptance by the said officers of honoraria at the fixed rates prescribed by the Union Public Service Commission and to their drawing the travelling allowance admissible to them.

The employment by the Union Public Service Commission as examiners or moderators of any officers serving under the Government of India or Heads of Departments subordinate to them will also automatically imply the Government of India's sanction to those officers undertaking the work and accepting honoraria at the fixed rates prescribed by the Commission.

The ruling contained in the preceding subparagraph may be considered as applying also to State Public Service Commissions.

It has been decided that the above decision will also apply to the Government servants who may be appointed as paper setters, moderators or examiners by the Secretariat Training School (Examination Wing).

[G. I., F.D. Letter No. F. I. XI-Ex. II/35, dated the 16th July, 1935 to the Secretary, Public Service Commission, G.I., F.D. Letter No. D-6434. Ex. II/36, dated the 3rd December, 1936. G.I. F.D. Letter No. Ex. 9(21)-E. II, dated the 1st April, 1942, to the Auditor-General of India and G.I., M.F., O.M. No. F. 8(17)-E. II (B)/70, dated the 25th September, 1970.]

3. Sanction for broadcast implies sanction for honorarium.—Consequent on the issue of the Central Civil Services (Conduct) Rules, Government servants are now not required to obtain any sanction to broadcast on All India Radio if such broadcasts are of a purely literary, artistic or scientific character. In such cases the onus of ensuring that the broadcasts are of such character rests on the Government servant concerned. A question has arisen whether the permission of competent authority is now necessary for the purpose of acceptance of honorarium under F.R. 46 (b) by a Government servant in such cases. It has been decided that in cases in which

no sanction is required for such broadcasts, no permission is necessary for Government servants to receive the honorarium.

In cases where sanction to broadcasts is necessary, such sanction if given, should be taken to carry with it also the sanction to receive the honorarium.

[G. I., M.H.A., O.M. No. 25/32/56-Ests. (A), dated the 15th January, 1957.]

4. No honorarium to G.Os. engaged on setting up of Corporation.—A question has been raised whether under F.R. 46(b) an honorarium can be granted to a Gazetted Officer in consideration of long hours of work put in by him in connection with the setting up of a Corporation/Committee when in similar circumstances non-gazetted officers are sanctioned honorarium.

In this connection attention is invited to F.R. 9(9) according to which honorarium is defined as a recurring or non-recurring payment granted to a Government servant from the revenues of the Government under whom he is employed as a remuneration for a special work of an occasional or intermittent character. From this it will be clear that when a Government servant performs his normal duties he is not to be granted any honorarium even if he works beyond the normal working hours. Similarly, honorarium is also not to be given when an officer performs additional duties of an identical character (e.g., a Section Officer in the Secretariat performing the duties of another Section Officer in addition to his own). The grant of an honorarium may, however, be considered when one performs additional duties of a special nature, i.e., other than those which he normally performs irrespective of the fact whether he works beyond his normal office hours or not.

§ §

In the case of non-gazetted officers working in the Secretariat and Attached Offices, however, it has been recognised that if, in the interest of official work, they are specially asked to sit late for finishing a job which cannot be postponed till the next working day or they are required to attend office on Sunday and holidays for similar purposes, they are given late sitting allowance which is termed as honorarium. Gazetted Officers are not entitled to this allowance. Similarly, Budget honorarium, which is granted in lieu of late sitting allowance as a commuted value, is admissible only to non-gazetted officers working

in certain Divisions of the Ministry of Finance but not to Gazetted officers working in those Divisions.

In view of the position explained above, honorarium should not be granted to Gazetted officers engaged on work in connection with the setting up of Companies, Corporations, etc. which forms a part of their normal duties even if they work beyond office hours.

(G. I., M.F. O. M. No. F. 15 (32)-E. II(B)/59, dated the 14th September, 1959.)

5. Honorarium to Government servant appointed as arbitrator.—No uniform practice is being followed by various Ministries/Departments of the Government of India with regard to the grant of honorarium/fees to a Government servant appointed to act as arbitrator in disputes between the Government of India and private parties or between private parties. In order to ensure uniformity in this respect, it has been decided, in consultation with Ministry of Law, as follows:—

(i) When a Government servant is appointed to act as an arbitrator in a dispute between the Ministry/Department of Government of India in which he is working and a private party, he *should not* be granted any honorarium.

(ii) If, however, he is appointed as an arbitrator in a dispute between a private party and Ministry/Department other than the one in which he is working, he may undertake such work and receive honorarium therefor on the following conditions:—

(a) Before undertaking the work, the officer shall, as required under F.R. 46(b), obtain the prior approval of the competent authority, who shall decide whether, consistently with his official duties, he may be allowed to undertake the work and receive honorarium for it.

(b) The honorarium may be paid to him at the rate of Rs. 30 per day or Rs. 15 per half-day subject to a maximum of Rs. 500 per case. For this purpose, a day means more than two hours' continuous work on any day and half-day means work for two hours or less. He shall record a certificate in writing indicating whether he has done a day's work or a half-day's work on a particular day.

(iii) In either of the above two cases, when any costs on account of arbitration are awarded against a private party, the entire amount, on recovery by the Ministry/Department concerned, shall be credited to Government and shall not be paid to the arbitrator.

(iv) A Government servant may, with the prior permission of the competent authority as required under F.R. 46(a) accept the appointment as an arbitrator in a dispute between private parties. At the time of giving such permission, the competent authority shall decide whether, consistently with his official duties, he may undertake the arbitration work and also whether he may accept any fee for it from the parties to the dispute. This fee shall be subject to the provisions of S.R. 12.

(G.I., M.F., O.M. No. 15(11)-E.II(B)/60, dated the 2nd July, 1960.)

NOTE 1.—The cases of Government servants appointed as arbitrators in disputes between private parties and State Governments or Union Territories will also be governed by item(ii) above.

(G. I., M.F., O.M. No. 15(11)-E-II(B)/60, dated the 3rd April, 1962.)

NOTE 2.—The term "work" used in the second sentence of sub-clause (b) of item (ii) above means only the time spent on the hearing of the case and does not include that spent on reading of the case papers or studying the case.

(G. I., M.F. O.M. No. 15(11)-E-II(B)/60, dated the 13th August, 1963.)

NOTE 3.—It has been decided that if a Government servant is working in a particular Department and he is appointed as Arbitrator in a dispute between a private party and another Department of the same Ministry, he will be entitled to such honorarium at the rates prescribed above and also subject to the conditions prescribed herein.

(G. I., M.F., O.M. No. 17012/1/E-II (B) 76, dated the 25th May, 1976.)

6. Honorarium not admissible for additional duties of a sanctioned post.—(1) A question has been raised whether honorarium, under F.R. 46(b), can be granted to a Government servant for performing the duties of another sanctioned post in addition to the normal duties attached to his own post.

(2) Honorarium has been defined in F.R. 9(9) as a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund

of a State as remuneration for special work of an occasional or intermittent character. When a post is sanctioned the duties attached to it can hardly be regarded as occasional or intermittent in character. Hence, when in addition to his own duties, a Government servant is required to perform the duties of another sanctioned post, he should be deemed to be performing additional duties which are not occasional or intermittent in character, even though he may be asked to perform such additional duties only for a short period. Honorarium, under F.R. 46(b), will not, therefore, be admissible to a Government servant who is required to perform the additional duties of a sanctioned post.

(G. I., M.F., O.M. No. F. 16(25)-E. II(B)/60, dated the 21st September, 1960.)

7. Procedure when a Government servant undertakes work in another Department.—(1) The Ministries of the Government of India and Head of Departments have been delegated power to sanction the undertaking of work for which an honorarium is offered and the grant or acceptance of honorarium (see Appendix on Delegations at the end of this compilation). The following questions have been raised in this connection:—

- (i) whether in cases where the authority competent to sanction the undertaking of work and acceptance of an honorarium is one different from the authority competent to sanction the grant of an honorarium (such cases arise, for instance, when a Government servant employed in one Ministry/Department undertakes the work of another Ministry/Department), the concurrence of the Ministry of Finance should be obtained even for sanctioning the undertaking of work and acceptance of an honorarium in excess of the limits laid down in the Appendix on Delegation of Powers;

and

- (ii) whether in such cases two sanctions, one by the leading authority in regard to the undertaking of work and acceptance of an honorarium and the other by the borrowing authority in regard to the grant of a specified amount as honorarium, are necessary.

(2) It is hereby clarified that in such cases, the leading authority, after it has taken a decision that without detriment to his normal official duties and responsibilities, the Government servant concerned may be allowed to undertake

additional work and accept honorarium therefore, should convey to the borrowing Department its approval to his undertaking the additional work and accepting honorarium [together with the certificate required under F.R. 46(c)] and that the borrowing authority should then issue a sanction granting an honorarium, incorporating therein (i) the certificate prescribed in F.R. 46(c) and (ii) a certificate to the effect that the sanction issues with the concurrence of the leading authority.

(3) Where a competent authority is to grant honorarium to one of its own employees, a sanction granting honorarium and containing therein the certificate prescribed in F.R. 46(c), which will automatically carry with it the sanction for the undertaking of work and acceptance of honorarium, would be adequate.

(4) In the types of cases referred to in both paragraphs 2 and 3 above, the borrowing authority should issue the sanction only with the concurrence of the Ministry of Finance if the quantum of the honorarium exceeds the limits laid down for the Ministries/Departments of the Government of India in the Appendix on Delegation of Powers.

[G. I., M.F., O.M. No. F. 16(26)-E. II(B)/60, dated the 22nd September, 1960.]

8. Rates of honorarium for articles/broadcasts.—The Estimates Committee have, in their 66th Report, made the following recommendation:—

“There is no need for payments to Government servants for their contributions to the journals published by the Publications Divisions. It should be considered as a part of the normal duty of a Government servant to contribute articles covering the subject matter dealt with by his Department”.

After careful consideration of the above recommendation of the Estimates Committee, it has been decided that honorarium at the rates indicated in the Annexure may be paid to Government servants for contribution of articles to Government publications or for broadcast of talks, etc., over the All India Radio.

[G. I., M.F., O.M. No. 15(32)-E, II(B)/59, dated the 6th August, 1960. O.M. No. E. 15(32)-E. II(B)/62, dated the 1st December, 1962 and O.M. No. F. 15 (3)-E. II, (B)/59-III, dated the 16th June, 1966.]

ANNEXURE

Rates of honorarium payable to government servants for contribution of articles, etc., to government publications, for broadcast of talks, etc., over All India Radio or for other contributions of literary, artistic, or scientific character to any government agency.

1. For contribution of articles or broadcast of talks, etc., as a part of the normal duties and responsibilities attached to the Government servant's post.

No honorarium.

2. For contribution of articles or broadcast of talks, etc., on subject-matters with which the Government servant is officially concerned but not falling within the scope of item 3 (ii) below, provided it is not a part of the normal duties and responsibilities attached to his post.

(i)(a) No honorarium, if the article is contributed by a Government servant to a publication brought out by his Ministry or its Attached and Subordinate Offices.

(b) No honorarium, if the talks, etc., are broadcast by a Government servant working in the Ministry of Information and Broadcasting and its Attached and Subordinate Offices.

(ii)(a) Honorarium at the rate of Rs. 10 and in exceptional cases up to Rs. 25 per article contributed by a Government servant to a publication brought out by a Ministry or its Attached and Subordinate Offices, other than the Ministry or its Attached and Subordinate Offices in which he is working.

(b) Honorarium at the rate of Rs. 10 and in exceptional cases up to Rs. 25 per broadcast made by Government servants other than those working in the Ministry of Information and Broadcasting and its Attached and Subordinate Offices.

3. (i) For contribution of articles or broadcast of talks, etc., on subject-matters with which the Government servant is not officially concerned; and

(ii) For contributions of a literary, artistic or scientific character to any

(i)&(ii) Honorarium at the same rates as payable to non-official contributors, except that employees of All India Radio will not be entitled to any honorarium for contribution to or participation in broadcast or programmes, e.g., writing of

Government agency, provided it is not a part of the normal duties and responsibilities attached to his post.

script or talks, plays features, participation in music, drama, T.V. programmes, etc.

9. Honorarium payable for performing driving duties.—(1) Existing orders governing the grant of honorarium to Group 'D' Staff and Despatch Riders appointed for short periods in the absence of the regular staff car drivers/Despatch riders/Scooter Drivers contained in this Department's O.M.No. 17016/1/79-Allowances dated 29-3-79 provide for the payment of an honorarium at Rs. 2/- per day and Re. 1/- per day to concerned Staff for work done as Staff Car Driver and Despatch Riders, respectively.

(2) The question of upward revision of these rates has been under consideration of the Government and it has been decided in supersession of all previous orders issued in this connection that the rates of honorarium payable to Group 'D' staff will be as under :—

Rs.

(i) Group 'D' Staff of Despatch Riders who are appointed to work as staff Car Drivers. 4/-Per day

(ii) Group 'D' Staff who are appointed to work as Despatch Riders/Scooter Drivers. 2/-per day

(3) The honorarium at the above rates is admissible in cases where regular officiating arrangement is not permissible or not considered necessary.

(4) These orders will take effect from 25-2-88.

G. O. I., D/Pers & Trg O.M. No. 17016/6/87 Est. (All.) date. 25-2-1988

10. Honorarium to Reporters/Stenographers.—(1) In supersession of all the previous orders, the payment of Honorarium to Reporters/Stenographers who take down, whether in English or

in any Indian Language, verbatim reports of the proceedings of ad-hoc Committees, Conferences, etc., organised by the Ministries and the Attached offices of the Government of India, should be made at the following rates :—

	Rs. per day
(i) Reporters of Parliament.	75/-
NOTE :—Ministries should ensure that the services of these Reporters are not requisitioned except in unavoidable circumstances.	
(ii) Reporters of Government of India Offices like the Tariff Commission or of State Legislatures	45/-
(iii) Stenographers (Grade 'C' and above) of the Secretariat, Attached Offices of the Government of India, State Governments, Private firm/offices and reporters and stenographers of the Administrative Secretariates of Union Territories.	24/-

NOTE :—In exceptional circumstances when no Stenographers (Grade C and above) are available, Stenographers (Grade D) of the Secretariat, Attached and Subordinate Offices of the Government of India and of the Administrative Secretariat of Union Territories may be employed on an honorarium of 12/-

(2) No honorarium will be paid to Reporters/Stenographers are employed to take down reports other than 'verbatim' report of the meetings, conferences, etc. arranged by the Ministries attached offices.

(3) These orders will take effect from 25-5-1988.

[G. O. L. D/Personnel & Trg. O.M. No. 17016/8/87-Estt (Allow) dated the 25th May 88.]

11. Honorarium for Group 'D' engaged as Gestetner Operator.—It has been decided that an honorarium at 0.65 paise per day instead of 0.40 paise per day may be allowed for the days a Group 'D' servant actually performs the duties of Gestetner Operator during the absence of the regular Gestetner Operator on casual or regular leave for short periods when regular officiating arrangements in his place are not permissible or are not considered necessary.

Honorarium at the above rates will also be payable in those cases where a regular post of Gestetner Operator has not been sanctioned in an office but a Group 'D' servant attends to that item

of work Honorarium at the above rate of 0.65 paise per day will also be admissible if the Group 'D' employee concerned works on the Gestetner Machine for half day or more in addition to his other work.

[G. J. I, M.F., O.M. No. F. 12(9)/-E, II(B) 63, dated the 16th December, 1963, as amended by O.M. No. 12(3)-E II, (B) 66 dated the 26th May, 1966 O.M. No. 17010/L/E. II B 75, dated the 23rd May, 1975 and G.I., M.H.A., Deptt. of Personnel & A.R./O.M. No. 17016/5/80-Allowances, dated the 28th April, 1981.]

For grant of special pay for attending to work of Gestetner Operator in the absence of regular post. See Order (13) below P.R. 9 (25).

12. Honorarium for translation from and to Hindi.—1. (a) *Proceedings of Central State Conferences.*—A question had been raised whether any honorarium may be paid to Hindi Assistants/Translators deputed for simultaneous translations from Hindi into English and vice versa of the proceedings of the Central State Conferences arranged by various Ministries/Departments Government of India, and if so, at what rates. The matter has been examined and it has been decided that honorarium at the rates indicated below may be paid to Hindi Assistants/Translators for this work :

	Rs. per day
(i) for work beyond 3 hours on a day	10.00
(ii) for work beyond 1 hour up to 3 hours	5.00
(iii) for work less than 1 hour a day	2.50

They will not be entitled to any remuneration such as overtime allowance/honorarium, in addition to the above rates, for the same work.

[G. I., M.F., O.M. No. 12(1)-E-II(B)/69, dated the 3rd March, 1969.]

(b)(i) *Work in Ministries/Department.*—(1) Consequent upon the issue of the Department of Official Languages' O.M. No. 20013/2/77-O.L. (C) dated the 15th October, 1979, increasing the rate of honorarium for translation from English to Hindi and vice versa in Offices where no Hindi

staff has been provided, from Rs. 5 to Rs. 10 per 1,000 words, proposals have been received from various Ministries/Departments for corresponding increase in the rate of translation from regional languages to English/Hindi and vice versa from the existing rate of Rs. 5 to Rs. 10 per 1,000 words.

(2) The matter has been examined carefully and it has been decided that the rate of honorarium for translation from regional languages to English/Hindi and vice versa may also be revised to Rs. 10 per 1,000 words for the version in which the translation is rendered. The minimum remuneration payable will be Rs. 2. The work of translation should be assigned on the consideration that it is not detrimental to the efficient discharge of normal official duties and responsibilities of the person concerned.

(3) The Ministry of Education may revise the existing panels of translators for each language in the light of the revised rate and call for volunteers from all the Ministries/Departments in respect of each language. Translation from Indian Regional Language (including Urdu) into English/Hindi and vice versa may be got done through the Government servants working in the Ministries/Departments/Organisations who know the language well, on payment of honorarium, if it can be conveniently done, without detriment to their official duties. If this is not feasible, services of volunteers empanelled by the Ministry of Education may be engaged on payment of honorarium at the aforesaid prescribed rates.

[G. I., M.H.A. (Department of Personnel & A.R., O.M. No. F. 17011/86-Allowances, dated the 20th March, 1980.]

(ii) It has been decided to revise the rate for translation work from regional languages to English/Hindi and vice versa to Rs. 15 per thousand words for the version in which the translation is rendered. The minimum remuneration payable will continue to be Rs. 2. All other conditions mentioned in the O.M. dated 20th March, 1980 will remain unchanged.

2. These orders will come into force w.e.f. 25-8-87

[G.O.I., D/Pers & Trg. O.M. No. 17013/3/86-Estt.-Ailow) dated 25-8-87.]

13. Guidelines for sanctioning honorarium.—

(1) Under F.R. 9(9), honorarium has been defined as a recurring or non-recurring payment granted

to a Government servant as remuneration for special work of an occasional or intermittent character Under F.R. 46(b), a competent authority may grant or permit a Government servant to receive an honorarium as remuneration for work performed, which is of occasional or intermittent character and either so laborious or of such special merit as to justify a special reward. It is also laid down that except for special reasons, which should be recorded in writing, sanction to the grant of an honorarium should not be given unless the work has been undertaken with the prior consent of the competent authority and its amount has been settled in advance. The sanctioning authorities are required to record in writing that while granting the honorarium, due regard has been paid to the general principles enunciated in F.R. 11. They are also required to record the reasons which justify the grant of extra remuneration.

(2) It is clear from above that honorarium should be sanctioned to Government servants only in exceptional cases for work which is of special merit and is outside the normal sphere of duties of the Government servants concerned. Recently, however, a case came to notice in which honorarium was granted to certain staff for the following types of work :—

- (i) preparing index of old files in record room;
- (ii) temporary increases in cash work in cash section; and
- (iii) Watering air-conditioners installed in the rooms of officers.

None of these cases mentioned above was a fit case for the grant of honorarium. Performance of duties of the type mentioned in (i) and (ii) above is within the sphere of normal duties of Government servants. As for (iii) above, watering of air-conditioners is work of a regular nature during the summer season and should have been entrusted to seasonal staff specifically employed for the purpose.

(3) While it is not possible to enumerate the specific cases in which honorarium should not be sanctioned, the following guidelines should be kept in view by the administrative authorities in deciding each case.

(i) No honorarium is admissible for temporary increases in work, which are normal incidents of Government work and form part of the legitimate duties of Government servants according to the general principle, enunciated in F.R. 11.

(ii) Honorarium should not be granted to officers engaged in work in connection with setting up of companies, corporations, etc., which forms part of their normal duties, even if they work after the office hours, *vide* Order (4) above.

(iii) No honorarium should be given when a Government servant performs duties of another sanctioned post in addition to the normal duties attached to his own post, *vide* Order (6) above.

(iv) No honorarium should be granted in cases where overtime allowance has been paid to the staff in connection with the same work.

(G.I., M.F., O.M. No. 12(9)-E II(B)/69, dated the 2nd December, 1969.)

Instances have come to notice in which honorarium to the P & T employees is being sanctioned by the departmental authorities without regard to the basic provisions in rules and orders issued by the Government and the P&T Directorate from time to time. Honoraria are admissible to the Government servants under F.R. 46(b) and Government of India. Orders there under. For general guidance position of rules in regard to honorarium is brought out below and all competent authorities are requested to keep them in mind while sanctioning honoraria under the delegated powers.

§ (1) Honorarium is admissible for work which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. For quite a few items of work where honorarium can be allowed under the rules like valuation of examination papers, calculation of interest on Savings Bank Accounts, verbatim recording of proceedings of meetings etc., rates of honorarium have been fixed by the P&T Directorate. Where such rates have not been fixed, the cases for payment of honorarium should be decided in consultation with the I.F.A.

(2) No honorarium is admissible for temporary increase in work, which are incidental to the duties of the Government servants, hence from part of the legitimate duties of Government servant according to the general principles enunciated in F.R. 11.

(3) No honorarium should be given where a Government servant performs duties of another sanctioned post in addition to the normal duties attached to his own post.

(4) No honorarium should be granted in cases where overtime allowance has been paid to the staff in connection with the same work.

The above instructions/guidelines are neither inclusive nor exhaustive and should not, therefore, be taken to supersede the instructions specifically issued in any case in the past or the orders issued by the Government from time to time.

(D.G., P. & T. Letter No. 4-4/80, Fin. Co-ord, dated the 6th October, 1980.)

14. Acceptance of fees by Central Government servants.—See Consolidated Instructions appearing below S.R. 12.

15. Acceptance of honorarium for motivational work under F.W. programme.—Some of the States/Union Territories are giving incentives under the Family Welfare Programme to the persons who motivate people to accept the small family norm. Certain State Governments have also allowed their employees to receive and accept the motivation money. But the regular Central Government employees have, hithertofore, been debarred to receive and accept motivation money. In view of the present policy of the Government, which lays emphasis on education, persuasion and motivation in the implementation of the Family Welfare Programme, ruling out any sort of compulsion or coercion and also with a view to adopt a uniform policy with regard to payment of motivation money to the Central Government, employees and the State Government employees, it has now been decided that the Central Government servants may also be allowed to receive and accept the motivation money. The motivation money under the Family Welfare Programme would be termed as 'honorarium'. The necessary permission in this regard may be accorded under F.R. 46(b). It may, however be ensured the administrative authorities that normal office work does not suffer on account of motivational work under the Family Welfare Programme and if necessary, permission to the Central Government servants to undertake motivational work under

The Family Welfare Programme may be refused or withdrawn, as the case may be.

(G. I., M.H. & F.W., O.M. No. 11011/7/79-PLY, dated the 11th January, 1980.)

16.—**Honorium for working as arbitrator.**—The matter regarding grant of honorarium to Government servants appointed to act as arbitrators in disputes between the Government of India and private parties or between private parties, has been examined further. As there has been manifold increase in prices justifying the need for upward revision of the rates which had been prescribed as early as in 1960. It has now been decided, in partial modification of the O.M. dated 2-7-1960, referred to above, that the honorarium may be paid to an arbitrator to settle the disputes at the rate of Rs. 50 (Rupees fifty) per day subject to a maximum of Rs. 800 (Rupees eight hundred only) per case. Accordingly, clause (ii)(b) of para 1 of the aforesaid O.M. dated 2-7-1980, shall be substituted as under :—

“the honorarium may be paid to him at the rate of Rs. 50 per day or Rs. 25 per half-day subject to a maximum of Rs.800 per case. For this purpose, a day means more than two hours continuous work on any date and half-day means work for two hours or less. He shall record a certificate in writing indicating whether he has done a day's work or a half-day's work on a particular day.”

(G. O.I. D/Pers & Trg. O.M. No. 17011/21/79-Estt. (Allow) dt. 29-9-81.)

AUDIT INSTRUCTION

The rule requires that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinised by Audit, and that Audit should be given an effective opportunity of comment if it be deemed necessary. Audit Officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

(Para 7 Chap. V Sec. 1 of Manual of Audit Instructions (Reprint)).

AUDIT RULING

The grant of an honorarium to the heirs of a deceased Government servant for work done by him is unobjectionable in audit.

(Rulling 22, Section IV of Compilation of Audit Ruling)

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

(1) See Comptroller and Audit or-General's Decision below F.R. 49.

2. **Payments to non-officials for work done or services rendered to the Government.**—It has been brought to the notice of the Comptroller and Auditor-General that the payments of honorarium made to the non-officials for work done or services rendered by them are being objected to by Audit on the ground that such payments are of the nature of fees chargeable to contingencies. It has been decided that there is no usefulness in making refinements in finding out a suitable terminology for such payments. Accordingly, if in a particular case the remuneration has been paid to a non-official for some work done or services rendered to the Government of India, no objection need be raised to its being called 'honorarium' and classified under "Allowances and Honoraria".

[C. & A. G's letter No. 536-A-II 50,59 dated the 13th May 1959.]

F.R. 46-A.—The President may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

F.R. 47.—Subject to the provisions of the rules made by the President under Rule 46-A, the Central Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees other than the acceptance of fees by medical officers in civil employ for professional attendance.

(For rules framed under this Rules, see Supplementry Rules 9-16.)

AUDIT RULING

Specific provisions of certain Acts requiring Government of India's sanction for honoraria for patents to persons in Government employ override F.R. 47.

(Ruling (26) Sec. IV of Compilation of Audit Rulings.)

F.R. 48.—Any Government servant is eligible to receive and, except as otherwise provided by a general or special order of the President, to retain without special permission—

- (a) the premium awarded for any essay or plan in public competitions;
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
- (c) any reward in accordance with the provisions of any Act or Regulation or rules framed thereunder;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and
- (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

GOVERNMENT OF INDIA'S ORDERS

1. General Instructions on clause (e).—(1) A fee payable to a Government servant under F.R. 48 (e) can be retained by him without special permission. In other words, Supplementary Rule 12, does not apply to such remuneration. It is not, however, considered desirable that a Government servant who, in his official capacity, is nominated as a Chairman or a Member of a Government, a quasi-Government body or governing body of an institution which receives a grant from Government, should receive from such bodies any fee or other remuneration which is admissible to non-Government servants for attending a meeting of the institution concerned or for performing other work thereof. The fees, if any, payable by the institutions concerned will be recovered and credited to the revenues of the Ministry/Department concerned unless the Government servant has been specifically permitted to accept directly such fees under F.R. 46 and Supplementary Rules 11 and 12.

(2) Fees in respect of Government servants attending meeting or for doing other work in connection with the affairs of Statutory Organisations, Corporate bodies, Industrial and Commercial Undertakings (not departmentally run)

will be recoverable only if these are not wholly owned by the Central Government but in which Central Government funds are invested or which are financed partly by such funds. The question whether fees should in similar circumstances be recovered from semi-Government/non-Government institutions receiving grants from the Central Government will be considered on merits, in consultation with the Associate Finance.

(3) (i) Travelling and daily allowance of the Government servants for journeys performed in connection with the affairs of the organisations, institutions, etc., mentioned in paragraph 2 above will be regulated under Government rules applicable to them and should be drawn from the source from which their pay is drawn. No part of the expense on the travelling or halts will be accepted by them from the undertakings, direct.

(ii) If the journey is solely or mainly in connection with the affairs of the undertakings, etc., the whole expenditure on the travelling and daily allowance of the Government servants, which is initially borne by Government, will be recovered from the undertakings, etc. In cases, however, the journeys and halts are mainly in connection with the affairs of Government, and only partly for the work of the undertakings, etc., no part of such expenditure will be recovered from the undertakings, etc.

(iii) The authority controlling the allotment of funds for travelling and daily allowance of the Government servants concerned will be the sole judge to determine whether recovery should be made or not from the undertakings, etc.

[G. I. M.F. O.M. No. 5 (47)-E. IV/(B)/63 dated the 5th July 1965 read with O.M. No. 11(9)-E. II/(A)/65 dated the 15th February 1966.]

2. Clarification.—A question has been raised whether a Government servant appointed in his official capacity as Director, etc., in connection with the affairs of a Private Company, which does not receive any financial assistance from the Central Government or in which Central Government funds are not invested, can receive and retain fee for attending meetings, etc., of the Board of Directors of that Company. It has now been clarified that the intention is that such a Government servant shall draw only travelling allowance under the rules applicable to him and from the source from which he draws his pay and the should credit to Government whatever fees, travelling allowance or other remuneration which may be received by him from such bodies

under their rules and regulations. Such credits will be treated as the revenue of the Department concerned.

In cases in which Government officers already on Foreign Service are required to work in some capacity for a third party and receive fees from that party, such fees less the amount of expenditure incurred on them by the foreign employer by way of travelling allowance (which should be reimbursed to the foreign employer) should be credited to Government.

[G. I. M.F. O.M. No. 7(1)-E.II(5)/71 dated the 16th April 1971.]

In partial modification of the concluding sentence of sub-paragraph 1 above it has been decided that the amount in respect of travelling allowance received from the Private Company, whether during the same financial year or subsequently, shall henceforth be adjusted as recovery under the minor head "Deduct—Amount recovered from the other Governments, Departments, etc."

under the same major head under which the travelling allowance, initially borne by the Government was adjusted.

[G. I. M.F. O.M. No. 7(1)-E.II(B)/71 dated the 17th April 1972.]

F.R. 48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, cause or permit any other person to apply for or obtain a patent for an invention made by such Government servant save with the permission of the Central Government and in accordance with such conditions as the Central Government may impose.

F.R. 48-B. If a question arises whether a Government servant is a Government servant to whom Fundamental Rule 48-A applies, the decision of the Central Government will be final.

CHAPTER VI COMBINATION OF APPOINTMENTS

1F.R. 49. The Central Government may appoint a Government servant already holding a post in a substantive or officiating capacity to official as a temporary measure, in one or more of other independent posts at one time under the Government. In such cases, his pay is regulated as follows :

(i) where a Government servant is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the competent authority reduces his officiating pay under Rule 35; but no additional pay shall, however, be allowed for performing the duties of a lower post ;

(ii) where a Government servant is formally appointed to hold dual charges of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge :

Provided that if the Government servant is appointed to an additional post which carries a special pay, he shall be allowed such special pay;

(iii) where a Government servant is formally appointed to hold ²[charge of another post], or posts which is or are not in the same office, or which, though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post. ²[or of the highest post if he holds charge of more than two posts], in addition to ten per cent of the presump-

tive pay of the additional post or posts, if the additional charge is held for a period exceeding 39 days but not exceeding 3 months :

Provided that if in any particular case, it is considered necessary that the Government servant should hold charge of ²[another post] or posts for a period exceeding 3 months, the concurrence of the Ministry of Finance shall be obtained for the payment of the additional pay beyond the period of 3 months;

(iv) Where an officer is formally appointed to hold full additional charge of another post, the aggregate of pay and additional pay shall in no case exceed Rs. 8,000;

(v) no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of ²[another post] or posts irrespective of the duration of the additional charge;

(vi) if compensatory or sumptuary allowances are attached to one or more of the posts, the Government servant shall draw such compensatory or sumptuary allowances as the Central Government may fix :

Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

GOVERNMENT OF INDIA'S ORDERS

1. Additional charge of ex-cadre posts treated as combination of appointments.—(1) Recently a case came to the notice of Public Accounts

¹ Substituted by G.I. M.F. Notification No. F. 6(2)-E.III(B)/68, dated the 20th March, 1971.

² Substituted by G. I. M.F. Notification No. F. 6(28)-E. III (B)/68, dated the 23rd December, 1971.

Committee in which an officer of a regularly constituted service held charge of two posts for more than two years, one of which was an ex-cadre post. At one stage, the officer held full charge of the regular post and additional charge of the ex-cadre post, but subsequently, the arrangement was reversed and the officer was shown as holding the full charge of the ex-cadre post and additional charge of the regular post. He was allowed to draw deputation allowances at 20 per cent of his grade pay.

(2) The Public Accounts Committee has adversely commented on the above arrangement, and pointed out the impropriety of the same officer holding two appointments for long periods. The Committee has also suggested that the following issues should be determined for future guidance :—

- (a) whether it was justifiable to grant deputation allowance when the officer held only the additional charge of the ex-cadre post;
- (b) whether it was not unusual that an officer of the regularly constituted service should hold the full charge of another ex-cadre post but hold the additional charge of his regular post.

(3) It is hereby clarified with reference to clause (a) above that it is not correct to grant deputation allowance when an officer holds only the additional charge of an ex-cadre post. Deputation allowance, if otherwise admissible, can be granted only when an officer is appointed, on a full time basis, to an ex-cadre post.

(4) With reference to paragraph 2 (b) above, it would be an unusual arrangement for an officer to be appointed to hold full charge of an ex-cadre post and to hold additional charge of his regular post. The appropriate arrangement in such cases should be that the officer holds full charge of his regular post and additional charge of the ex-cadre post. Such cases should be treated as combination of appointments and grant of additional remuneration should be regulated in the light of the orders issued by this Ministry in that regard.

(5) Under the orders on the subject of combination of appointments and entitlement to additional remuneration, when an officer holds additional charge of a sanctioned post, the administrative Ministries may grant additional remuneration,

as prescribed, for a maximum period of three months, as otherwise it would lead to the justifiable inference that the need for the second post in respect of which additional pay is drawn does not exist. These orders further require that if, in any particular case, it is desired that the additional pay should be continued for a longer period, the prior concurrence of the Finance Ministry should be obtained. The Ministry of Home Affairs, etc., are requested to ensure that system of making one officer discharge the duties of more than one post is not resorted to for long periods as it is not conducive to efficiency and that the provisions of the orders issued by this Ministry in regard to the grant of additional remuneration in such cases are strictly adhered to.

[G. I., M.F., O.M. No. F. 6(5)-E. III (B)/65, dated the 12th September, 1966.]

2. Prior concurrence of Ministry of Home Affairs should be obtained for allowing combination of appointments beyond three months. (1) A number of references seeking relaxation of the provisions of F.R. 49 as well as the Orders above in the matter of admissibility of additional monetary benefits in the case of combination of appointments have been received. It has been observed that proposals not only relate to belated references for granting *ex post facto* approval for relaxation of the time-limit for continuance of dual charge arrangements with additional remuneration beyond the prescribed period, but also relate to payment of remuneration even in those cases where officers are appointed to hold current duties of another post or for holding dual charges of two posts in the same cadre in the same office carrying an identical scale of pay.

(2) Such proposals which are not in accordance with the provisions of F.R. 49 as also the Orders above, are patently not admissible. In the circumstances all the Ministries/Departments, etc. may examine proposals in consultation with their Integrated Finance, for additional remuneration in cases of combination of appointments strictly whether the provisions of F.R. 49 and Orders above are fully satisfied. In this connection, it may be specifically pointed out that in case it is considered necessary that the Government servant should hold charge of another post or posts and he is to be remunerated under F.R. 49, it is necessary that he should be formally appointed with the orders of the competent authority to hold charge of that post or those posts. In case the period exceeds three months and if it is desired that payment of additional pay beyond that period is to be allowed to the Government servant, then prior concurrence of the

Department of Personnel and A.R., should invariably be obtained after giving full justification with specific recommendations of the Integrated Finance of the concerned Ministry.

(3) It has also been observed that in many cases the Integrated Finance of the Ministry concerned have passed on the proposals to this Department for consideration, without examining the proposals with reference to the rules/instructions on the subject. The Integrated Finance may examine all proposals having financial bearing in the light of the relevant rules/instructions and make specific recommendations for consideration by this Department, giving full justification for relaxation of such rules/instructions. Cases which are referred to this Department without proper examination by the Integrated Finance have to be returned for such scrutiny and specific recommendations, thus causing undue delay in their final disposal.

[G. L. M.H.A., Deptt. of Personnel & A. R., O.M. No. 6 (26)-Ests. (Pay II)/81, dated the 30th December, 1981.]

3. When appointed to hold current charge of duties of another post.—(a) It has been decided that an order appointing an officer to hold the current charge of the duties of a post should, in the absence of any specific direction to the contrary, be deemed to clothe the officer with all the powers vested in the full-fledged incumbent of that post. Such an officer should not, however, modify or over-rule the orders of the regular incumbent of the post except in an emergency without obtaining the orders of the next higher authority.

Where the appointment to hold the current duties of a post involves the exercise of statutory or such other power conferred on the holders of the post, the appointment should also be notified in the Gazette.

[G. L. M. F., O.M. No. F. 12 (2)-E-II(A)/60, dated the 15th October, 1960.]

(b) The Law Ministry has advised that an officer appointed to perform the current duties of an appointment can exercise administrative or financial powers vested in the full-fledged incumbent of the post but he cannot exercise statutory powers, whether those powers are derived direct from an Act of Parliament, e.g., Income-tax Act or Rules, Regulations and By-Laws made under various articles of the Constitution, e.g., Fundamental Rules, Classification, Control and Appeal Rules, Civil Service Regulations, Delegation of Financial Powers Rules, etc.

[G. L. M.H.A. O.M. No. 7/14-Est. (A), dated the 24th January, 1963.]

4. Additional charge of the current duties of another post.—As per FR 49 (v) no additional pay is admissible to a Government servant who is appointed to hold current charge of the routine duties of another post irrespective of

the duration of the additional charge. In practice it is observed that in a number of cases officers are appointed to hold additional charge of current duties of another post but the duties, are not defined in the order and therefore, the officer performs all the functions of the other post including even some statutory functions. However, no additional remuneration is paid to him in view of the specific language of the order of his appointment. In certain other cases, an officer is asked to hold additional charge of another post (which implies full charge of the other post), but he is not formally appointed to that post and, therefore, no additional remuneration is paid to him under FR 49. These have led to representations and litigations.

2. With a view to avoiding recurrence of such situations, the following guidelines may be followed while considering the question of entrusting additional charge of another post to an officer :

(i) When an officer is required to discharge all the duties of the other post including the statutory functions e.g. exercise of power derived from Acts of Parliament such as Income Tax Act or the Rules, Regulations, By-laws made under various articles of Constitution such as FRs, CCS (CCA) Rules, CSRs, DFPRs etc., then steps should be taken to process the case for getting the approval of the competent authority and formal orders appointing the officer to the additional post should be issued. On appointment, the officer should be allowed the additional remuneration as indicated in FR 49.

(ii) Where an officer is required only to attend to the usual routing day to day work of non-statutory nature attached to the post, an office order may be issued clearly stating that the officer will be performing only the routing day to day duties of non-statutory nature and that he would not be entitled to any additional remuneration. The office order should also specify what duties he would be discharging or what duties he would not be discharging.

(Deptt. of Personnel and Trg. O. M. No. 4/2/89 (P. II) dated 11-8-89.)

AUDIT INSTRUCTIONS

(1) Presumptive pay for the purposes of F.R. 49 should, according to F.R. 9 (24), be taken to be what the Government servant who is placed in additional charge, will draw as initial pay in the time-scale of the additional post under F. R. 22, where he formally transferred to it. In cases, however, in which the maximum pay of the lower posts, is less than the pay of the Government servant in his substantive post, the application of F.R. 22 is not clear, and accordingly it has been decided under F.R. 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of F.R. 49.

[Para. 1 (H), Chap. VI, Sec. I of Manual of Audit Instructions (Reprint).]

(2) See Audit Instructions below F.R. 49.

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

(1) No additional remuneration for holding charge of another post in the same cadre.—A question has arisen whether additional remuneration admissible to a Junior Divisional Accountant for holding another post of Junior Divisional Accountant, in addition to his own, in the same office.

It has already been decided by the Government of India, Ministry of Finance that F.R. 49 is not applicable in the case of appointment to two posts in the same office or Establishment which are in the same line of promotion or cadre as they cannot be held as independent posts for the purpose of that rule. This decision is based on Article 162-A, C.S.R. which debars application of Article 162

bid in such case. Under Article 162-A, an officer is entitled to the highest pay for one post only and nothing more. Thus the grant of special pay is also not permissible in such cases.

The honorarium defined as in F.R. 9 (9) also cannot be granted in this case as the additional work done cannot be treated as special work of an occasional or intermittent character.

In these circumstances, it has been decided by the Comptroller and Auditor-General that the Junior Divisional Accountant should not be paid anything more than the pay and allowances admissible as for a single post.

[C. A. Gs Letter No. 2703- N.G.E.-1/232-53, dated the 12th August, 1953 as amended by his U.O. No. 831-N.G.E.I/1-56, dated the 15th May, 1957 and U.O. No. 819-N.G.E. I/1-56, dated the 15th May, 1958.]

(2) Additional pay to officers drawing Rs. 2,250 and above.—The question of restricting the benefit of additional pay under F.R. 49 to officers drawing pay of Rs. 2,250 and above has been re-examined by the Government of India and it has been intimated by them vide Dept. of Per. & A.R., U.O. No. F. 6 (1)-PU. II/79-3972PU. II/79, dated 13-11-1979 that a decision has been taken with the approval of the Deputy Prime Minister and Home Minister in consultation with the Ministry of Finance at the level of Finance Minister that the restriction of pay for allowing the benefit of extra remuneration for holding the additional charge may be removed and such cases may hereafter be dealt with under F.R. 49.

[C. & A.G.'s Letter No. 829-Audit/69-79, dated the 22nd November, 1979.]

CHAPTER VII DEPUTATION OUT OF INDIA

F.R. 50. No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Central Government.

when the deputation terms should be allowed and when these terms should not be allowed, in cases of officers going abroad for training or for course of study. The following clarifications are accordingly given for guidance:—

AUDIT INSTRUCTIONS

(1) See items (1) and (3) of the Audit Instructions below F.R. 51.

F.R. 51 (1) When a Government servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the President to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India ;

Provided that a Government servant, who is placed on deputation while, already on leave out of India on average pay, may be required by the President to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one-sixth of the pay which he would have drawn had he remained on duty in India; the cost of passages from and to India shall be borne by him.

NOTE.—The portion of the pay which a Government servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with orders issued by the President in this regard from time to time.

(2) A Government servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the President may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or compensatory allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the President may by order prescribe.

GOVERNMENT OF INDIA'S ORDERS

(1) Guiding principle for allowing deputation terms.—Certain doubts have been raised as to

(i) The liberalised deputation terms should as a rule, be allowed only in cases where a Government servant has been sponsored by Government for the proposed training. The test of sponsorship should be strictly applied, and normally only those cases should be treated as sponsored where the initiative is taken by Government and not by the individual concerned. In other words, where under the terms of the scheme, the nomination for the training has to be made by Government, the person selected should be taken to have been sponsored by them. Where, on the other hand, the initiative comes from the Government servant himself, such a case will not be treated as sponsored by Government, even though the application for selection might have been forwarded by them; in such cases only study leave terms should be allowed in accordance with the provision of Study Leave Rules, 1962. [Chapter VI of C.C.S. (Leave) Rules, 1972].

(ii) The deputation terms are applicable equally to deputationists for training in scientific and technical fields as well as fields of economic development and public administration. The training should be in specialised fields, and irrespective of whether it leads to the award of an academic degree or diploma or not the training should be such as to benefit the employing Department and not merely the individual personally. Further, the period of deputation should be restricted to a maximum of 18 months.

(iii) In the case of persons going abroad under the scholarship schemes administered by the Ministry of Education only the terms contained in Order (2) below should ordinarily be allowed. However, in exceptional cases, where the candidature is sponsored by Governments in the sense indicated in sub-para. (i) above, and where Government does not have to incur expenditure on passage or otherwise, except a small expenditure on what are known as 'local costs', the deputation terms may be allowed in consultation with the Ministry of Finance.

[G. I. M.F., O.M. No. F. 12(17)-E, IV(B)/65, dated the 18th October, 1965.]

2. Deputation terms for scholarship schemes.—It has been decided that the Central Government servants selected for higher studies/training abroad under the Modified Overseas Scholarship Scheme, Foreign Languages Scholarship Scheme and Indo-German Industrial Co-operation Scheme will be entitled to the following terms :—

(i) Maintenance allowance, rail and sea fare, tuition and examination fees, cost of books, etc., as admissible to non-Government servants under the abovementioned Schemes;

(ii) Special leave on half average pay on the following terms :

(a) The period of special leave will count as service for promotion, and if the Government servant is in pensionable service, for pension also.

(b) Special leave will not be debited to the leave account of the Government servants.

(c) The leave salary during the special leave will be equal to half average pay subject to a minimum of Rs. 500, provided that in no case will it exceed the average pay. For this purpose in the case of a Government servant to whom the Central Civil Services (Leave) Rules, 1972, apply "average pay" will mean the amount determined under Rule 40 (1) and "half average pay" will mean the amount determined under Rule 40 (3) of those rules.

(d) In addition to the leave salary, dearness allowance will be granted.

* While the expenditure on the leave salary and dearness allowance of the Government servant will have to be met by the Department or Institution from its own budget, the expenditure on the maintenance allowance and other concessions admissible under the abovementioned schemes will be met by the Ministry of Education from the funds provided for the Scheme.

[G. I., M.F., of Education Memo. N. F. 41-5/53- S.I. dated the 24th December, 1954.]

3. Deputation of persons from public undertakings/autonomous bodies.—Under the existing instructions, proposals relating to deputations of persons serving in the public undertakings owned/controlled by Government or autonomous organisations are to be referred to the *ad hoc* Committee in the Department of Economic Affairs by the administrative Ministry in charge of the undertaking or of the autonomous organisations sponsoring the deputation proposal. The procedure to be followed in regard to scrutiny and approval of deputation cases relating to autonomous bodies, as distinct from those of the Public Sector Undertakings, has been reviewed. It has now been decided that proposals for deputation/delegations abroad relating to autonomous bodies should be subject to approval by the Screening Committee of Secretaries and be processed in the same way as cases of deputations abroad of Government officials. Such cases relating to autonomous bodies should accordingly in future be referred by the administrative Ministries concerned to their Associated Financial Adviser (including cases where no foreign exchange expenditure is involved) for necessary scrutiny and for obtaining the approval of the Screening Committee of Secretaries.

In regard to deputations of persons serving in Public Undertakings, however, the existing procedures of Ministries submitting such cases direct to the *ad hoc* Committee in the Department of Economic Affairs should continue to be followed.

In the case of deputation of officials for training abroad under the various training schemes, the existing procedure for processing them through the Technical Assistance Selection Committee in the Economic Affairs Department in case of training schemes administered by that Department or through the Secretaries, Screening Committee in other cases will continue unchanged. The Associated Finance should continue to be consulted in such cases at the appropriate stage as hitherto.

[G. I., M.F., O.M. No. 12(20)-E, IV(B)/68, dated the 15th November, 1966.]

4. Special procedure for universities and deemed universities.—Indian Universities being in

the nature of autonomous bodies were required, *vide* Order (3) above to follow the screening committee procedure in respect of their proposals relating to the deputation abroad of their employees. In partial modification of the above decision it has now been decided that henceforth All Indian Universities will apply direct to the Reserve Bank of India for release of foreign exchange passage clearance in respect of their proposals for deputation abroad of their employees. Such applications will be entertained direct by the concerned branch of the Reserve Bank of India and will be dealt with in the normal policy as applicable from time to time in such matters.

It has also been decided that the decision of the Reserve Bank in all such cases will be final.

The procedure laid down above will apply *mutatis mutandis* to cases relating to the deputation abroad of officials of the institutions declared as "Deemed Universities" [See Annexure below].

[G. I. M.F. O.M. No. F. 12(20)-E IV (B)/68, dated the 6th November, 1968 and 20th January, 1969.]

ANNEXURE

LIST OF THE INSTITUTIONS DECLARED AS 'DEEMED UNIVERSITIES'

1. Indian Institute of Science, Bangalore.
2. Indian School of Mines, Dhanbad.
3. Indian School of International Studies, New Delhi.
4. Kashi Vidyapith, Varanasi.
5. Gujarat Vidyapith, Ahmedabad.
6. Gurukul Kangri Vishwavidyalaya, Hardwar.
7. Jamia Milia Islamia, New Delhi.
8. Indian Agricultural Research Institute, New Delhi.
9. Tata Institute of Social Science, Bombay.
10. Birla Institute of Technology and Science, Pilani.

AUDIT INSTRUCTIONS

(1) The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it; or if the Government servant is on leave out of India at the time he

is placed on deputation, the period of the deputation is the time actually occupied by the duty.

[Para 2, Chap VI, Sec. 1 of Manual of Audit Instructions (Reprint).]

(2) The term "pay" in the expression "pay which he would have drawn if he had/had he remained on duty in India" occurring in F.R. 51(1) and in the similar expression occurring in proviso (a) to F.R. 9(2) should be interpreted literally with reference to F.R. 9 (21), and the pay which an officer would have drawn if on duty in India should be determined for this purpose by the appropriate authority in India.

In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with commissions and committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

[Para 3, Chap. VII, Sec. I of Manual of Audit Instructions (Reprint).]

(3) Subject to the consideration of special cases, when a Government servant is placed on deputation in Europe or America, while on leave out of India, the deputation should be regarded as an interruption of the leave already granted. In ordinary circumstances the leave of such a Government servant will be extended by the period of the deputation, but the deputation will not entitle him to a fresh grant of leave.

[Para. 4, Chap. VII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 51-A. When a Government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

GOVERNMENT OF INDIA'S ORDER

See Government of India's Order (5) below F.R. 30.

CHAPTER VIII DISMISSAL, REMOVAL AND SUSPENSION

F.R. 52. The pay and allowances of Government servant who is dismissed or removed from service Cease from the date of such dismissal or removal.

F.R. 53. (1) A Government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely :—

(i) in the case of a Commissioned Officer of the Indian Medical Department or a Warrant Officer in Civil employ who is liable to revert to Military duty, the pay and allowances to which he would have been entitled had he been suspended while in military employment;

(ii) in the case of any other Government servant—

(a) a subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn if he had been on leave on half average pay or on half pay and in addition, dearness allowance, if admissible on the basis of such leave salary : Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows :

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant;

(ii) the amount of subsistence allowance may be reduced by a suitable amount, not

exceeding 50 percent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant:

(iii) the rate of dearness allowance will be based on the increased or, as the case may be the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

(b) Any other compensatory allowances admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation :

Provided that in the case of a Government servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, under sub-rule (3) or sub-rule (4) of Rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

ORDERS/INSTRUCTIONS

1. Review of subsistence allowance :—The suspended officer would continue to draw subsistence allowance at the rate of his leave salary on half average pay until the competent authority passed an order under F.R. 53/(1)(ii)(a).

In view of the fact that any failure on the part of the competent authority to pass an order as soon as the suspended officer has been under suspension for six (now three) months can either involve serious hardship to the officer concerned or involve unnecessary expenditure to Government, Ministries are requested to issue instructions to all authorities under them having powers to suspend Government servants under them with a view to ensure that action is initiated in all such cases in sufficient time so that the requisite order can take effect as soon as the suspended officer has completed six (now three) months under suspension.

(G. I., M.F., O.M. No. F. 19(4)-E. IV/55, dated the 17th June, 1958.)

(1-A) It is obligatory under F.R. 53 that in sufficient time before the expiry of the first six (now three) months of suspension, the competent authority should review each case in which the period of suspension is likely to exceed six (now three) months, and even if it comes to the conclusion that the rate is not to be altered having regard to all the circumstances of the case, specific orders to that effect are to be passed placing on record the circumstances under which the decision had to be taken.

(G. I., M.F., O. M. No. F. 15 (16)-E.IV/58, dated the 16th February, 1959.)

(1-B) Though the proviso to F.R. 54 (1)(ii)(a) does not specifically provide for a second or subsequent review, there is no objection to such review(s) being made by the competent authority. Such authority shall be competent to pass orders to increase or decrease the rate of subsistence allowance upto fifty per cent of the amount of subsistence allowance initially granted, according to the circumstances of each case. A second or subsequent review can be made at any time at the discretion of the competent authority.

It is permissible to reduce the amount of subsistence allowance once increased on the basis of the first review upto fifty percent of the amount

of the subsistence allowance initially granted if the period of suspension has been prolonged for reasons directly attributable to the Government servant, i.e., by his adopting dilatory tactics.

Similarly, in a case where the amount of subsistence allowance has been reduced after the first review, the same can be increased upto fifty per cent of the amount initially granted, if the period of suspension has been prolonged for reasons not directly attributable to the Government servant and the Government servant has given up dilatory tactics.

(G. I., M.F., O.M. No. F. (1)-E.IV(A)/66, dated the 30th June, 1966.)

(1-C) It has been decided that a review of the subsistence allowance would be made at the end of three months from the date of suspension instead of the present practice of varying the subsistence allowance after 6 months. This would also give an opportunity to the concerned authority to review not merely the subsistence allowance but also the substantive question of suspension.

(G. I., MHA, Deptt. of Personnel & A.R. O.M. No. 16012/1/79-LU dated the 23rd August, 1979.)

2. Subsistence allowance—Timely payment:—

(i) In the case of Ghandiyam Das Srivastava Vs. State of Madhya Pradesh (AIR 1973 SC 1183), the Supreme Court had observed that where a Government servant under suspension pleaded his inability to attend the enquiry on account of financial stringency caused by the non-payment of subsistence allowance to him, the proceedings conducted against him *ex parte* would be in violation of the provisions of Article 311(2) of the Constitution as the person concerned did not receive a reasonable opportunity of defending himself in the disciplinary proceedings.

(ii) In the light of the judgement mentioned above, it may be impressed on all authorities concerned that they should make timely payment of subsistence allowance to Government servants who are placed under suspension so that they may not be put to financial difficulties. It may be noted that, by its very nature, subsistence allowance is meant for the subsistence of a suspended Government servant and his family during the period he is not allowed to perform any duty and thereby earn a salary. Keeping this in view, all concerned authorities should take prompt steps to ensure that after a Government servant is placed under suspension, he received subsistence allowance without delay.

(iii) The judgement of the Supreme Court referred to in para 1 above indicates that in that case, the disciplinary authority proceeded with the enquiry *ex parte* notwithstanding the fact that the Government servant concerned had specifically pleaded his inability to attend the enquiry on account of financial difficulties caused by non-payment of subsistence allowance. The Court had held that holding the enquiry *ex parte* under such circumstances would be violative of Article 311(2) of the Constitution on account of denial of reasonable opportunity of defence. This point may also be kept in view by all authorities concerned before involving the provisions of Rule 14(20) of the CCS(CCA) Rules, 1965.

(Department of Personnel & A.R. O.M. No. 11012/10/76-Ests. (A) dated 6th October, 1976.)

(2-A)(i) The Staff Side of the Committee of the National Council (JCM) set up to review CCS (CCA) Rules, 1965, has pointed out that in spite of clear instructions, a large number of Government servants who are under suspension are not being paid the subsistence allowance regularly.

(ii) As mentioned in the above O.M., Supreme Court have held that if a government servant under suspension pleads his inability to attend the disciplinary proceedings on account of non payment of subsistence allowance, the enquiry conducted against him, *ex-parte*, could be construed as denial of reasonable opportunity of defending himself. It may, therefore, once again be impressed upon all authorities concerned that after a Government servant is placed under suspension, prompt steps should be taken to ensure that immediate action is taken under F.R. 53, for payment of subsistence allowance and the Government servant concerned receives payment of subsistence allowance without delay and regularly subject to the fulfilment of the condition laid down in F.R. 53. In cases where recourse to *ex-parte* proceedings becomes necessary, it should be checked up and confirmed that the government servant's inability to attend the enquiry is not because of non-payment of subsistence allowance.

(Deptt. of Personnel & A.R. O.M. No. 11012/17/85 Ests. (A) dated 28th October, 1985.)

3. Recoveries from subsistence allowance :—

(1) At present there is no provision in any rules or orders issued by the Government of India for

the recovery of Government dues from the subsistence allowance granted to a Government servant under suspension. The question of making such recoveries from the subsistence allowance has accordingly been under consideration for some time past. The permissible deduction fall under the two categories :—

- (a) Compulsory deductions.
- (b) Optional deductions.

(2) It has been decided that the recovery of the following deductions which fall under category (a) above, should be enforced from the subsistence allowance :—

- (i) Income-tax (provided the employee's yearly income calculated with reference to subsistence allowance is taxable).
- (ii) House rent and allied charges, i.e., electricity, water, furniture, etc.
- (iii) Repayment of loans and advances taken from Government at such rates as the head of the department deems it right to fix.
- (iv) Contribution under Central Government Health Scheme.
- (v) Contribution towards Central Government Employees Insurance Scheme, 1977.
- (vi) Subscription to the Central Government Employees' Group Insurance Scheme, 1980.

(3) The deductions falling under category (b), which should not be made except with the Government servant's written consent, are as under :—

- (a) Premia due on Postal Life Assurance Policies.
- (b) Amounts due to Co-operative Stores and Co-operative Credit Societies.
- (c) Refund of advances taken from General Provident Fund.

(4) It has further been decided that the deductions of the following nature should not be made from the subsistence allowance

- (i) Subscription to a General Provident Fund.
- (ii) Amounts due on Court attachments.
- (iii) Recovery of loss to Government for which a Government servant is responsible.

(5) As regards the recovery of over-payments, the competent administrative authority will exercise discretion to decide whether the recovery should be held wholly in abeyance or it should be effected at a rate not exceeding one-third of the subsistence allowance only, i.e., excluding dearness allowance and other compensatory allowances.

(G. I., M.P., O.M. No. F. 15(5)-E. IV/57, dated the 8th September, 1959 and 20th November, 1961.)

F.R. 54. (1) When a Government servant who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order reinstatement shall consider and make a specific order—

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal, or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7) be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of sus-

pension, preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) (including cases where the order of dismissal, removal or compulsory retirement from service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of Article 311 of the Constitution and no further inquiry is proposed to be held the Government servant shall, subject to the provisions of sub-rules (6) and (7), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified, in the notice.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be treated so for any specified purpose :

Provided that if the Government servant so desires such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

NOTE :—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of—

- (a) extraordinary leave in excess of three months in the case of temporary Government servant; and
- (b) leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 53.

(8) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

F.R. 54-A. (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a court of law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularised and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the court.

(2)(i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the court solely on the ground of non-compliance with the requirements of clause (1) or clause (2) of Article 311 of the Constitution and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 54, be paid such amount

(not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection with in such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgement of the court shall be regularised in accordance with the provisions contained in sub-rule (5) of Rule 54.

(3) If the dismissal, removal or compulsory retirement of a Government servant is set aside by the court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and the shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory

retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

F.R. 54-B. (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order—

- (a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement), as the case may be; and
- (b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Rule 53, where a Government servant under suspension dies before the disciplinary or the court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended :

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In case other than those falling under sub-rules (2) and (3) the Government servant shall subject to the provisions of sub-rules (8) and (9) be paid such amount not being the whole of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6) Where suspension is revoked pending finalisation of the disciplinary or the court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5) as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that if the Government servant so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

NOTE.—The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of :—

- (a) extraordinary leave in excess of three months in the case of temporary Government servant; and
- (b) leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant,

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso of sub-rule (3) or under sub-rule (5) shall not be less than the subsistence allowance and other allowances admissible under Rule 53.

F.R. 55. Leave may not be granted to a Government servant under suspension.

GOVT. OF INDIA ORDERS/INSTRUCTIONS

(1). Work of suspended employee to be carried out by reservist or by officiating appointment.

On a case, recently brought to the notice of the Ministry of Finance (Department of Expenditure), where the administrative authority had created extra posts for carrying the work previously done by Government servants placed under suspension, the question whether, it is necessary to create extra posts under such

circumstances has been examined in consultation with the Ministry of Home Affairs and the Comptroller and Auditor-General. It has been held that according to the Director General, Posts and Telegraphs' Instructions below F.R. 45, in an establishment where provision for leave reserves exists, any vacancy caused on account of suspension of a Government servant should be filled by an officiating appointment. It is, however, not necessary to create an extra post.

(G. I., M.F. (D.E.), O.M. No. F. 27(100)E. G. I./57, dated the 19th December, 1957.)

CHAPTER IX RETIREMENT

F.R. 56. 1[(a) Except as otherwise provided in this rule, every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years.

(b) A workman who is governed by these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

NOTE.—In this clause, a workman means a highly skilled, skilled, semi-skilled, or unskilled artisan employed on a monthly rate of pay in an industrial or work-charged establishment.

(c) A ministerial Government servant who entered Government service on or before the 31st March, 1938 and held on that date—

- (i) a lien or a suspended lien on a permanent post, or
- (ii) a permanent post in a provisional substantive capacity under clause (d) of Rule 14 and continued to hold the same without interruption until he was confirmed in that post.

shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

NOTE.—For the purpose of this clause, the expression "Government service" included service rendered in a former Provincial Government.

²(cc) A workman referred to in clause (b) or a ministerial Government servant referred to in clause (c) may be granted extension of service, under very special circumstances to be recorded in writing, after he attains the age of sixty years with the sanction of the appropriate authority.

(d) A Government servant to whom clause (a) applies, other than a workman referred to in clause (b) or ministerial Government servant referred to in clause (c), may be granted extension of service after he attains the age of fifty-eight years with the sanction of the appropriate authority if such extension is in the public interest and the grounds therefore are recorded in writing :

Provided that no extension under this clause shall be granted beyond the age of sixty years except in very special circumstances :

³Provided further that the appropriate authority shall have the right to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent or a quasi-permanent Government servant, or, one month in the case of a temporary Government servant, or, pay and allowances in lieu of such notice.

⁴(e) A Government servant in Class IV service or post shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years :

Provided that a Class IV employees of the Secretariat Security Force who initially enters service on or after the 15th day of September, 1969, shall retire from service on the afternoon of the last day of the month in which he attains the age of fifty-eight years.]

1. Substituted by G. I., M.F., Notification No. 7(7)-E & V (A)/74, dated the 7th January, 1975. This takes effect from the 5th April, 1975.

As per G. I., C. S. (Deptt. of Personnel) O.M. No.-13/12/73-Ests. (A) dated the 2nd May, 1974 and 24th November, 1973, effect of the order of 'retirement from service with effect from the afternoon of the last day of the month' was given effect from 2nd April, 1974 in respect of Group 'A' and from 1st November, 1973 in respect of Groups 'B', 'C' and 'D' service or posts respectively.

2. Inserted by G. I. M.F. Notification No. F. 7(10)-E.V/66, dated the 23rd July, 1966.

3. Inserted by G. I., M.H.A., Deptt. of Personnel & A.R. Notification No. 26012/14/83-Estt. (A), dated the 11th October, 1983.

4. Substituted by G.I., M.F., Notification No. 7(7)-E.V (A)/74, dated the 7th February, 1975. These take effect from the 5th April, 1975.

As per G.I., C. S. (Dept. of Personnel) O.M. No. 33/12/73-Ests. (A) dated the 2nd May, 1974 and 24th November, 1973, effect of the order of "retirement from service with effect from the afternoon of the last day of the month" was given effect from 1st April, 1974 in respect of Group 'A' and from 1st November, 1973 in respect of Groups 'B', 'C' and 'D' service or posts respectively.

¹(f) Deleted.

²(ff) Deleted.

(g) The President may by order direct that a Civil Engineer of the Public Works Department shall retire on reaching the age of fifty years, if he has not attained the rank of Superintending Engineer.

(h) No Chief Engineer of the Public Works Department, nor any officer holding the post of Consulting Engineer to the Government of India, shall without re-appointment hold the post for more than five years, but re-appointment to the posts may be as often, and in each case for such period not exceeding five years, as the President may decide :

Provided that the term of re-appointment shall not extend beyond the date on which the Government servant attains the age of fifty-eight years, or in the case of a Chief Engineer, more than three months beyond that date.

NOTE 1.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this clause.

²NOTE 2.—In relation to the Central Public Works Department, the reference in this clause to "Chief Engineer" shall be deemed to be reference to "Engineer-in-Chief".

(i) A military officer serving in a Civil Department shall cease to be in civil employ on the date he attains the age of fifty-eight years.

³(j) Notwithstanding anything contained in this rule, the appropriate authority shall if it is of the opinion that it is in the public interest so to do, have the absolute right to retire any Government servant by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice :—

(i) If he is, in Group 'A' or 'Group B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years ;

(ii) in any other case, after he has attained the age of 55 years;

Provided that nothing in this clause shall apply to a Government servant referred to in clause (c) who entered Government service on or before the 23rd July, 1966.

⁴(j) (i) If on a review of the case either on representation from the Government servant retired prematurely or otherwise, it is decided to reinstate the Government servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as *dies non* depending upon the facts and circumstances of the case :

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order prematured retirement is set aside by a court of law.

(ii) Whether the order of premature retirement is set aside by a court of law with specific

¹ Deleted by G.I., Deptt. of Personnel Order No. 31/7/72-A.I.S. (iii) dated the 22nd May, 1973.

² Inserted by G.I., M.F., Notification No. F. 7(6)-E V/68, dated the 8th July, 1968.

³ Substituted by G.I., Deptt. of Personnel & Trg. Notification No. 25013/1/87-Estt.(A), dated 11th May, 1989 published as SO 1226 in the Gazette of India dated 27th May, 1989 and takes effect from that date.

⁴ Inserted by G.I., M.H.A., (Deptt. of Personnel and A.R.) Notification No. 13/9/80-Estt. (A), dated the 22nd June, 1982 and has effect from the date of publication in the Official Gazette.

directions in regard to regulation of period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid, period shall be regulated in accordance with the directions of the court.

¹(k) (1) Any Government Servant may by giving notice of not less than three months in writing to the appropriate authority retire from service after he has attained the age of fifty years if he is in Group 'A' or Group 'B' service or post (and had entered Government service before attaining the age of thirty-five years), and in all other cases after he has attained the age of fifty-five years:

Provided that :

(a) nothing in this clause shall apply to a Government servant referred to in clause (e) who entered Government service on or before 23rd July, 1966;

²(b) nothing in the clause shall also apply to a Government servant including scientist or technical expert who (i) is on assignment under the Indian Technical and Economic Co-operation (I.T.E.C.) Programme of the Ministry of External Affairs and other aid Programmes, (ii) is posted abroad in a foreign based office of Ministry/Department and (iii) goes on a specific contract assignment to a foreign Government unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year; and

(c) it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire under this clause.

(1-A) (a) A Government servant referred to in sub-clause (1) may make a request in writing

to the appointing authority to accept notice of less than three months giving reasons therefor;

(b) On receipt of a request under sub-clause (1-A) (a) the appointing authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the appointing authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for commutation of a part of his pension before the expiry of the period of notice of three months.

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the appointing authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority :

Provided that the request for withdrawal shall be within the intended date of his retirement.

(l) Notwithstanding anything contained in ³(l) clause (J) the appropriate authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire a Government servant in Class III service or post who is not governed by any pension rules, after he has completed 'thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice.

³(m) A Government servant in Class III service or post who is not governed by any pension rules, may, by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has completed thirty years' service.

⁴NOTE 1.—'Appropriate authority' means the authority which has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire.

¹ Substituted by G.I., M.H.A., Deptt. of Personnel & A. R., Notification No. 25013/25/ 83-Estt. (A), dated the 25th February, 1984.

² Inserted by G.I., Deptt. of Personnel & Training, Notification No. 25013/13/82-Estt.(A), dated the 2nd July, 1985 published in the Gazette of India as S.O. 3325/dated the 20th July, 1985 and takes effect from that date, renumbering the existing proviso (b) as (c).

³ Inserted by G. I., M.F., Notification No. 7(14)-E. V/67-I, dated the 17th May, 1969.

⁴ Inserted by G.I., M.F., Notification No. F 12 (2)E.V(c)/63, dated the 21st July 1965.

¹NOTE 2.—The three months' notice referred to in clauses (j), (k), (l) or (m) may be given before the Government servant attains the age specified in clause (j) and (k), or has completed 30 years of service specified in clauses (l) and (m), provided that the retirement takes place after he has attained the relevant age or has completed 30 years' service, as the case may be.

²NOTE 3.—In computing the notice period of three months referred to in clauses (j) to (m), date of service of the notice and the date of its expiry shall be excluded.

³NOTE 4.—In case of Government servant belonging to a State Government who is permanently transferred to Central Government service of post, or secures a post/service under the Central Government on his own volition through proper channel with proper permission of the administrative authority concerned, or secures post/service under the Central Government after having been retrenched from the service of a State Government, the expression "government service" referred to in clauses (j) and (k) shall include service rendered under the State Government in a permanent, officiating or temporary capacity, if any, followed by a substantive appointment under the Central Government."

⁴NOTE 5.—A Government servant, including a workman, who is granted extension of service after he has attained the prescribed age of superannuation, shall not be promoted to another post during the period of extension.

⁵NOTE 6.—The date on which a Government servant attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Government servant the time of appointment and accepted by the appropriate authority production, as far as possible, of confirmatory documentary evidence such as High School

or Higher Secondary or Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Government servant and accepted by the appropriate authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Government servant can be made, with the sanction of a Ministry or Department of the Central Government, or the Comptroller and Auditor-General in regard to persons serving in the Indian Audit and Accounts Department, or an administrator of a Union Territory under which the Government servant is serving, if—

- (a) a request in this regard is made within five years of his entry into Government service;
- (b) it is clearly established that a genuine *bona fide* mistake has occurred; and
- (c) the date of birth so altered would not make him ineligible to appear in any School or University or Union Public Service Commission examination in which he had appeared, or for entry into Government service on the date on which he first appeared at such examination or on the date on which he entered Government service.

⁶NOTE 7.—A Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of fifty-eight or sixty years, as the case may be.

For consolidated instructions regarding premature retirement of Central Government servants and various decisions thereon, please refer to Appendix in Swamy's Pension Compilation.

Instructions regarding criteria and procedure for extension/reemployment are contained in a separate Appendix 8 of this Compilation.

GOVERNMENT OF INDIA'S ORDERS

1. Procedure for alteration in date of birth in the case of Calcutta/Patna University Matriculates.—It has been brought to notice that

¹ Substituted by G.I., M.F., Notification No. 7(14)-E. V/67-I, dated the 17th May 1969. The amendment takes effect from the 31st May, 1969.

² Substituted by G.I., M.F., Notification No. 7(8)-E. V(A)/77, dated the 20th August 1977. This takes effect from the 10th September, 1977.

³ Inserted by G.I., Deptt. of Personnel & Training Notification No. 25013/10/87-Estt.(A), dated, 7th Oct., 1988, published as S.O. 1420 in the Gazette of India dated 19th November, 1988 and takes effect from that date.

⁴ Inserted by G.I., M.F., Notification No. 7(2)-E. 4/69-I, dated the 26th May 1969 this shall be deemed to have come into force on the 4th October, 1968.

⁵ Substituted by G.I., M.H.A., Dept. of Personnel A.R., Notification No. 19017/7/79-Estt. (A), dated the 30th November, 1979, published as S.O. 3997 in the Gazette of India, dated the 15th December, 1979 and takes effect from that date.

⁶ Inserted by G.I., M.F., Notification No. 7(7)-E. V(A)/74, dated the 7th February, 1975. This takes effect from the 5th April, 1975.

according to the practice which was prevalent in the Universities of Calcutta and Patna, the actual date of birth was not shown in the Matriculation certificate and, instead, the age of the candidate as on 1st March, used to be indicated in terms of years and months only, excluding days. Consequently, the date of birth, reckoned on the basis of such an entry, in the Matriculation certificate, always happened to be the first day of a month. In view of this position, the Government servants concerned have to retire on the last day of the previous month, irrespective of their actual date of birth. It has, therefore, been decided that in such cases, the administrative Ministry/Department may alter the date of birth recorded in the service book to correspond to the actual date of birth, if the official concerned is able to produce evidence to support the fact that Calcutta/Patna University had been following at the relevant time the practice of indicating the age of a person in terms of years and months as on 1st March, excluding days, and is also able to produce acceptable documentary evidence in the form of an extract from the Birth Register in support of the actual date of birth claimed by him.

[G. I., C. S., Deptt. of Personnel, O.M. No. 19017/2/76-Ests. (A), dated the 29th November, 1976.]

2. No fresh opportunity to make representations, after five years of entry into Government service.—

(1) Reference is invited to the Report of the Committee of the National Council on 'Alteration in the date of Birth', which was circulated with the Department Office Memorandum No. 3/15/80/JCA, dated the 21st August, 1980 and to say that, as indicated in the Report, the matter has been looked into once again.

(2) The provisions regarding the alteration of date of birth, as contained in Note 5 below F.R. 56 which was issued in February, 1975, were as under :

"The date on which a Government servant attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Government servant at the time of his appointment and accepted by the appropriate authority on production as far as possible of confirmatory documentary evidence such as Matriculation Certificate or extracts from Birth Register. The date of birth so declared by a Government servant and accepted by the appropriate authority shall not be subject to any alteration,

after the preparation of his Service Book and in any event after the completion of probation period or declaration of quasi-permanency whichever is earlier. An alteration in the date of birth of a Government servant can be made at a later stage only with the sanction of a Ministry or Department of the Central Government or an administrator of a Union Territory if it is established that a bonafied clerical mistake has been committed in recording the date of birth in the Service Book."

(3) Suggestions had been received that the aforesaid provisions were not sufficient and that Government servants should be allowed the facility to have the date of birth corrected in the Service book on the basis of definite proof. This suggestion was examined by Government in all its aspect, taking into account various judicial pronouncements in the matter. As a result of this study, it was considered that Government should respect the right of Government servants to bring forward authentic evidence justifying the change in the recorded date of birth. However, it was considered that applications for altering the date of birth should continue to be made within a reasonable period after entry into service as date of birth once declared and accepted should not be open to alteration at the time, as it will create administrative problems if Government servants were allowed to apply for alteration of their date of birth, at a later stage. The Note 5 below F.R. 56 was accordingly amended in November, 1979 to provide for alteration of date of birth where it is established that a genuine bonafide mistake has occurred but time-limit of five years from the date of one's entry into Government service has also been prescribed for making requests for alteration of date of birth. The present previous laying down a time limit of five years for submission of requests for alteration of date of birth is an improvement over the earlier position, where such requests had to be made before the declaration of quasi-permanent. It may be pointed out that this provision is a liberalisation of the early one and no new restrictions have been imposed. As such, the question giving fresh opportunity to make representations does not arise.

(4) In view of the above, Government do not see any justification for further liberalisation of these rules.

[G. I., M.H.A. Deptt. of Personnel & A.R., letter No. 19017/6/80-Estt. (A), dated the 28th November, 1980 to the Secretary, National Council/ICM (Staff Side).]

3. No specific orders are necessary for retirement on due date.—A question has been raised whether the retirement of a Government servant is automatic on the date on which he attains the age of compulsory retirement or some specific orders by a competent authority are necessary specifying the date on which they should retire.

The rules regulating the age of superannuation or the terms and conditions may provide for the compulsory retirement of a Government servant on his attaining a specific age or after completion of a specified period of service. In all such cases, retirement is automatic and in the absence of specific orders to the contrary by the competent authority a Government servant must retire on the due date. It is the responsibility of the administrative authorities concerned to ensure that the Government servants under their control so retire. The date of compulsory retirement of a Government servant is known in advance and there should be no question of failure to make arrangements for his relief sufficiently in advance and complete any formalities required in that behalf. For this purpose, the authorities concerned should maintain a proper record of the date of retirement of the Government servants working under them and take such appropriate action as may be necessary for their retirement on the due dates.

At the same time, a Government servant cannot take advantage of the non-receipt of formal orders regarding his relief, etc., to say that he has been granted an extension of service. If the Government servant desires to take any leave preparatory to retirement he will naturally apply for it in good time. If not, he should bring the fact that he is attaining the age of superannuation on completing the period of service after which he has to retire, to the notice of the head of the office in which he is serving or if he is himself the head of the office to that of his immediate superior. Unless he receives specific orders that he should continue in service, he should make over charge on the due date to the head of the office (or such officer as may be nominated by the latter), or if he is himself the head of the office to the next seniormost officer in the office who would normally be placed in charge of the office in his absence.

[G. I., M.H.A., O.M. No. 33/6-56-Estt. (A), dated the 10th December, 1965.]

4. Relinquishment of charge on a holiday.—

(1) A question has been raised regarding the procedure to be followed for relinquishment of charge of office in the case of a retiring Government servant when the day on which he is due to retire happens to be a closed holiday. Since a Government servant shall retire from service with effect from the afternoon of the last day of the month in which his/her date of retirement falls, the retiring Government servant should formally relinquish charge of office on the afternoon of that day itself even if it happens to be a closed holiday.

(2) In cases in which handing over of cash, stores, etc., is involved, these may be made over, by the retiring officer (to the relieving officer or in the absence of the relieving officer, to the next senior officer of the Department present) on the close of the previous working day on the analogy of Government of India's Decision (3) below rule 78 of the General Financial Rules. Therefore, the actual relinquishment of charge of office shall be made in the prescribed form on the last day of service for which the physical presence of the officer in the office need not be insisted upon.

[G. I., M.F. O.M. No. 19050/8/76-E. IV(B), dated the 21st February, 1977.]

5. Withholding of permission to retire when placed under suspension after receipt of notice.—

Attention is invited to proviso (b) [now (c)] to clause (k) (1) of Rule 56 of the Fundamental Rules embodied in the Notification No. 25013/25/83-Estt. (A), dated the 25th February, 1984, wherein it is provided that it shall be open to the appropriate authority to withhold permission to a Government servant under suspension who seeks to retire thereunder. A question has been raised whether the right conferred on the appropriate authority under this proviso can be exercised by that authority in respect of a Government servant who is placed under suspension after he has given the notice of retirement. The question has been considered carefully and it is clarified that the right conferred on the appropriate authority under the above proviso can be exercised by that authority even if a Government servant is placed under suspension after giving the notice for retirement; but such right shall be exercised by the said authority before the expiry of the period of notice given by a Government servant.

[G. I., M.H.A., (Deptt. of Personnel & A.R.), O.M. No. 25013/31/83-Estt. (A), dated the 30th March, 1984.]

AUDIT INSTRUCTIONS

(1) Clauses (a) and (c) of Fundamental Rule 56 apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government servant holding a permanent post substantively is officiating in another post, Fundamental Rule 56 (a) and (c) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

[Para. 1, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *Not Printed.*

(3) F.R. 56 [Clauses (a) and (c)] is generally applicable to re-employed personnel, and the rules in Chapter XXI of the Civil Service Regulations are subject to the conditions laid down in F.R. 56. Article 520, Civil Service Regulations, however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuations or retiring pension in a special class outside F.R. 56 and subject to the conditions stated in the Article itself which must be observed with every renewal of sanction.

[Para 3, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

F.R. 57 Deleted.

PART IV
CHAPTER X
LEAVE

[F.Rs. 58 to 104—Not Printed]

Please refer to C.C.S. (Leave) Rules, 1972

CHAPTER XI
JOINING TIME

[F.Rs. 105 to 107—Not Printed]

Please refer to C.C.S. (Joining time) Rules,
1979 see appendix 5

F.R. 108. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of Rule 15.

F.R. 108-A. A person in employment other than Government service or on leave granted from such employment, if in the interest of Government,

he is appointed to a post under the Central Government, may, at the discretion of that Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

PART V
CHAPTER XII
FOREIGN SERVICE

F.R. 109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force, Government servants transferred previously will remain subject to the rules in force at the time of transfer.

F.R. 110. (a) No Government servant may be transferred to foreign service against his will :

Provided that this sub-rule shall not apply to the transfer of Government servant to the service of a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.

(b) Transfer to foreign service outside India and in India may be sanctioned by the Central Government subject to any restrictions, which it may deem fit to impose by general or special order.

(2) It is further clarified in this connection that according to F.R. 128, Government servants who are paid from Local Funds administered by Government, are subject to the provisions of Chapter I to XI of the Fundamental Rules and are not subject to the provisions of Chapter XII which relates to "foreign service". Consequently, in the case of Government servant transferred to a local fund administered by Government, F.R. 110 (a) including its proviso is not attracted. In such cases, F.R. 11 will apply and the consent of the Government servant for the transfer will not be necessary.

(3) The question whether the Central Government have the necessary powers under the Fundamental Rules to transfer their employees without their consent to Panchayati Raj institutions set up in the Union Territories, has also been examined. It is clarified that necessary powers to do so are available under the proviso to F.R. 110 (a). Accordingly consent of the Government servant will not be necessary for transfer to such institutions.

[G. I., M.H.A., O.M. No. 27/1/66-Ests. (A), dated the 17th May, 1966.]

GOVERNMENT OF INDIA'S ORDER

1. Consent of Government servant necessary for foreign service to Local Funds only if such Local Funds are not administered by Government.—(1) A question arose as to whether the proviso to F.R. 110 (a) could be invoked in cases of transfer of Government servants to Local Funds. It is clarified that F.R. 110 (a) and its proviso covers cases of transfer of Local Funds not administered by Government. It has, however, been decided in consultation with the Comptroller and Auditor-General of India that these powers should not, for the present, be invoked in cases of transfer of a Government servant to service under local funds not administered by Government. In other words, in the case of the transfer of Government servant to a Local Fund not administered by Government, his consent for such a transfer should still be taken as a measure of practical expediency.

AUDIT INSTRUCTIONS

(1) For the purpose of the 'Foreign service' rules, 'Nepal' should be treated as outside India.

[Para. 2 (1), Chap. XII, Sec. I of Manual Audit Instructions (Reprint).]

F.R. 111. A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant; and

1. Substituted by G. I., M.F., Notification No. 18(13)-E, IV (B)/70, dated the 29th January, 1971.

- (b) the Government servant transferred holds, at the time of transfer, a post paid from General Revenues, or holds a lien on a permanent post or would hold a lien on such a post had his lien not been suspended.

fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned at the following rates :—

Leave salary contribution ... Rs per
Pension/Contributory Provident Fund contribution ... Rs per month

GOVERNMENT OF INDIA'S ORDERS

1. Principle to be applied most rigorously.— If in any case a proposal is made that a Government servant should be lent to a private undertaking, it is necessary that the principles of this rule should be applied most rigorously and generally the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification.

[G. I., F.D., No. F. I. (I)-I-R. I/30, dated the 17th January, 1930.]

2. Temporary servant eligible for foreign service.— Under this rule, the transfer of a temporary Government servant to foreign service is permissible.

[G. I., F.D., No. F. 66-C.S.T., dated the 22nd July, 1924.]

3. Terms and conditions to be settled well in advance before release.—(1) With a view to facilitating the recovery of foreign service contributions in time and thereby avoiding payment of the penal interest thereon, all the terms and conditions of a Government servant's transfer to foreign service must be settled well in advance in consultation with the foreign employer and communicated to the foreign employer, the Accounts Officer and the Government servant concerned before the Government servant is released to take up the foreign service.

(2) Further, the authorities competent to sanction the transfer of Government servant to foreign service, should in future, also include the following as an additional term in the orders sanctioning the transfer of Government servants on foreign service :—

“The foreign employer/Government servant shall pay leave salary and/or pension/Contributory Provident Fund Contributions within

The amounts of contributions are to be credited under the following Heads of Account :—

(i) Pension/Contributory Provident Fund Contributions under the Head “XLIV-Central—Receipts in aid of Superannuation—Contributions for pensions and gratuities.

(ii) Leave salary contributions under the Receipt Head corresponding to the service Head Account to which the pay of the officer is debited; or where there is no corresponding receipt Major head, to the head, “XLVI-Miscellaneous-Central-Collection of payments for services Rendered.

The rates mentioned above shall be treated as provisional pending confirmation by the Accounts Officer and will be subject to adjustment retrospectively.

(3) The provisional rates of leave salary and Pension/Contributory Provident Fund Contributions will be calculated by the authority, sanctioning the transfer of the Government servant concerned to foreign service in accordance with the provisions contained in Appendix II-A of the P & T Compilation of the Fundamental and Supplementary Rules, Vol. II (reproduced as Appendix 2 to this Compilation). A form which will help in collecting data for working out provisional rates is enclosed for information.

While communicating the provisional rates of contributions, the fact that the contributions should be paid promptly subject to adjustments and alterations in accordance with final rates as may be necessary after intimation of final rates by the Accounts Officer and that penal interest is liable for delays in their payment, may also be indicated by the sanctioning authorities.

[G. I., M.F., O.M. No. F. 1(39)-E IV(A)/60, dated the 3rd September, 1960.]

FORM

Foreign Service under

Periods :—

From To

Old entrant
New entrant

Name
 Date of Birth
 Date of commencement of service
 Date of commencement of pensionable service
 Date of transfer to foreign service
 Joining time on transfer to foreign service From To
 Date of reversion from foreign service
 Joining time on reversion from foreign service From To

1. Pension contribution

Scale of the grade substantively held

- (1)
- (2)

Dearness Pay, if any, in relation to the maximum monthly pay of the grade held

Length of service		No. of years	Percentage	Rate of pension contribution Rs.
From	To			

2. Contributory Provident Fund contribution

- (1) Rate of pay in foreign service
- (2) Amount of leave salary contribution
- (3) Amount of Contributory Provident Fund contribution

3. Leave salary contribution

Scale of pay admissible in foreign service

- (1)
- (2)

Deputation (Special) pay admissible in foreign service

- (1)
- (2)

Period		Pay in foreign service	Rate of Leave Salary contribution Rs.
From	To		

4. *Periods of leave taken in foreign service*

Period of leave	Nature of leave	Rate of Leave Salary Rs.
5. Remarks regarding the recovery of pension and leave salary contribution and other remarks, if any		

4. Approval of Government where necessary to be obtained in advance.—A case has come to the notice of the Government of India, wherein the terms of deputation of an officer of a State Government deputed to a Statutory Board under the control of the Central Government were settled by the State Government in consultation with the Board concerned. The official was also paid pay at the rates settled between the Board and the State Government although under the regulations of the Board the terms had to be approved by the Government of India. The Government of India did not, however, approve of those terms. Consequently, the amounts already paid to the officer resulted in over-payments.

In order to avoid recurrence of such cases it is reiterated that in all cases of deputation of a Central or State Government servant to a body, incorporated or not, which is wholly or substantially owned or controlled by the Government of India where, under the regulations relating to such a body, the approval of the Government of India is necessary before settling the terms of deputation of the officer concerned, the same should be obtained before communicating the terms to the officer. In exceptional cases where the appointment has to be made in advance of the settlement of the terms, the officer concerned should be made aware of the position and any payment authorised to the officer should be provisional with proper sanction and the fact should be specifically mentioned in the orders.

In the case of an Indian Administrative Service/ Indian Police Service officer deputed to a body, incorporated or not, which is wholly or substantially owned or controlled by the Government of India, the pay will be based on equation under Rule 9 of the I.A.S./I.P.S. (Pay) Rules, 1954. In Ministry of Home Affairs' Office Memorandum No. 1/100/59-AIS(II), dated the 29th August, 1959, it has been clarified that such equation should be carried out in consultation with the Ministries of Home Affairs and Finance (Department of Expenditure). In all the cases

of deputation of I.A.S./I.P.S. officers, it is, therefore, necessary to settle the question of equation first before any payment is made to the officers concerned.

The Ministry of Commerce and Industry, etc., are requested to bring this to the notice of all concerned, including the Statutory bodies, Corporations, Companies, etc., with which they are administratively concerned.

[G. I., M.F., O.M. No. F. 2(63)-E. III/60, dated the 7th September, 1960.]

5. Procedure where the transferee is liable to pay the contributions.—To ensure that contributions are paid and that delays in payment do not cause loss to the Government, it has been decided that —

- (i) in all cases of transfer to foreign service in which the liability for making contributions on account of pension/C.P. Fund and leave salary rests on the transferee, it shall be necessary to secure a letter from the transferee, addressed to the foreign employer to pay to the Government of India from his salary a specific monthly sum which would be based on the foreign service contributions which the employee himself has to pay. The issue of such a letter would enable the foreign employer lawfully to effect the necessary deductions from the Government servant's salary and remit it to the Government of India. A provision to this effect may in future be incorporated in all cases of foreign service where the transferee is himself liable for payment of foreign service contributions.

- (ii) In order to avoid procedural difficulties and to enable the Accounts Officers to report lapses to Government promptly the contributions shall be remitted to the concerned Accounts Officers by means of demand drafts. However, where it is not possible to issue demand drafts, the contributions may be remitted by means of cheques.

[G. I., M.F., O. M. No. F. 1 (11)-E-IV(A)/61, dated the 7th February, 1962 and F. I. (11) E-IV(A)/61-II, dated the 5th July, 1963.]

6. Deputation to consultancy organisations in Public/Private Sector.—(1) An extract of the item 58 of the recommendations made by the Committee on Engineering Exports is reproduced below for information and guidance :

“Recommendation No. 58 : To make the export of consultancy service effective by bringing together best possible expertise available in India, deputation of Government experts to consultancy organisations should be readily agreed to. Government should be prepared to relax its rules regarding deputation of experts.”

The aforesaid recommendation made by the Committee on Engineering Exports has been considered/examined and it has been decided to accept the same, with the following observation :

“Provision already exists in the rules for deputation/foreign service, the proposal being considered on a case to case basis. The deputation of Government experts to consultancy organisations should be time bound.”

(2) The aforesaid recommendation and the decision thereon is brought to the notice of all Ministries/Departments for information and guidance.

(3) The consultancy organisations can be in Public sector as well as in Private Sector. In so far transfer on foreign service to Public Sector Undertakings is concerned, there are already orders (See Appendix) and hence no further orders on the subject are required.

(4) As regards foreign service to the Private Sector consultancy organisations, it may be stated that under F.R. 111, transfer to foreign service is not permissible unless the duties to be performed after the transfer are such as should,

for public reasons, be rendered by a Government servant. It has also been emphasised in Order (1) above that in a case where a Government servant's services are proposed to be lent to a private undertaking it is necessary that the principles of F.R. 111, should be applied more rigorously and the loan of a Government servant to a private undertaking should be regarded as an exceptional case requiring special justification.

Where it is considered necessary that a Government servant should be lent to private undertaking, in the interest of effective consultancy service, the requirements of F.R. 111 and the Order thereunder should have been fulfilled. In such a case, the general orders (See Appendix) as modified from time to time would apply.

(5) Whether any relaxation of the provision of the orders (Appendix), as modified from time to time is considered necessary in individual cases it may be taken up with the Ministry of Finance.

(6) These orders are issued in consultation with the Comptroller and Auditor-General of India.

[G. I., M. F., O.M. No. F. 1 (7)-E-II(B)/75, dated the 12th November, 1975.]

7. Utilisation of Services of Government Officers in Private organisations.—In para. 59 of their 34th Report (Third Lok Sabha), the Public Accounts Committee have made the following observations :—

(i) The practice of utilising the service of Government Officers exclusively for the work pertaining to a private organisation is improper; and

(ii) The logic or desirability of increasing cadres of Central Public Works Department and other Departments of the Central and the States for meeting the needs of the technical personnel of voluntary organisations is not clear and the practice of deputing Government officers on loan to private bodies who execute works on contracts and earn profits, should be discontinued.

Under the provisions of Fundamental Rule 111 transfer to foreign service is not admissible unless duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant. It has also been emphasised in Government of India orders

below the said rule that if in a case where a Government servant's services are proposed to be lent to a private undertaking, it is necessary that the principles of F.R. 111 should be applied most rigorously. The loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification. Thus, the existing rules and orders are sufficiently stringent and if they are closely followed, no undesirable results are likely to cause.

The Ministry of Works, housing and Supply etc., are, therefore requested to ensure the observance of the above principles and the recommendations of the Public Accounts Committee in this regard. An arrangement under which an officer is remunerated by Government but works on behalf of a voluntary organisation is undesirable and should be avoided. If it is in public interest to lend the services of a Government servant to a voluntary or private organisation, it should be only on foreign service terms.

As a corollary to the above decision, the strength of the various cadres of the organisation should not be augmented to meet the need of voluntary organisations and other private bodies.

[G.I., M.H.A., O.M. No. 14/5/67-Ests.(A), dated the 11th September, 1967.]

8. Terms of deputation, etc., for Government officials who are permitted to take up short-term foreign assignment/consultancy with United Nations and other international agencies like World Bank, Asian Bank, ESCAP, etc.—(1) The undersigned is directed to refer to the consolidated instructions relating to the acceptance of fees by Central Government employees, contained in this Department's O.M. No. 16013/1/79-Allcs., dated 11-2-80 and the instructions regarding exemption from the operation of S.R. 12 relating to fees received by Government employees permitted to take up short-term consultancy/assignment with United Nations and other International Agencies issued *vide* this Department's O.M. No. 16011/3/81-Ests. (Allcs.), dated 19-5-81, [See under S.R. 12] and to say that the Government of India have had, under consideration, the question of laying down certain guidelines to ensure uniformity in the terms and conditions that may be offered to Central Government employees permitted to undertake foreign assignment-consultancy with United Nations and other International Agencies like World Bank, Asian Bank, ESCAP, etc.

(2) It has been decided in consultation with the Ministry of Finance, that the terms and

conditions in regard to pay and allowances and the treatment of period spent on short-term assignment/consultancy with the United Nations and other International Agency should be regulated as under :—

- (a) Whether the United Nations or other International Agency offers to the Government servant pay and allowances according to its own rules the period spent with the Agency by the Government servant will be treated as foreign service. The Agency would be required to pay contributions of account of leave salary and pension for the period of foreign service/consultancy. If the Agency does not pay these contributions, the Government servant himself should pay such contributions. In cases where leave salary and pension contributions are not paid either by the Agency or by the Government servant concerned, the period spent on foreign service will not count as qualifying service for pension and for determining the leave entitlement.
- (b) Where the Government of India sponsors a Government servant for a short-term assignment/consultancy with the United Nations and other International Agency and the Government servant so sponsored is paid by the Agency only subsistence allowance (*i.e.*, Daily Allowance) or consultancy fee/honorarium of both and not pay and allowances as per its own rules the Government servant would be treated as on deputation to the Agency and pay and allowances would be paid by the Government of India. The Government servant would be treated as on duty for the entire period of deputation with the Agency. Contributions towards leave salary and pension are not payable in such cases.
- (c) In cases other than those covered by (a) and (b) above, where a Government servant is permitted by Government to take up short-term assignment/consultancy with the United Nations and other International Agencies and the Agency offer only subsistence allowance or fee/honorarium or both, the period of absence of the Government servant would be treated as leave due and admissible to him. No contribution on account of leave salary and pension will be payable in such cases.

(d) In the case of Government servants whose appointment with the Government is on contract basis, if the duration of assignment/consultancy with the United Nations or other International Agencies is more than 45 days, the contract appointment should be terminated with effect from the date he hands over charge for taking up the assignment/consultancy. If after completion of the assignment/consultancy with the Agency the services of the official are still required, his appointment will have to be on a fresh basis. In case the duration of the assignment/consultancy is 45 days or less, the period of assignment/consultancy will be regulated under sub-clauses (a), (b) and (c) above.

(3) In the context of the decisions contained in the above paragraph, the following points which are relevant to the issue are also clarified for the guidance and information of all the Ministries/Departments of Central Government :

A. Employment during leave :

Doubts have been raised in the past whether in cases where the period of foreign assignment/consultancy is covered by the grant of leave due and admissible to the Government officer concerned, the officer can be allowed to accept employment in the form of assignment/consultancy in view of the provisions contained in Rule 13 of the Central Civil Services (Leave) Rules, 1972 which provide that an officer on leave is prohibited from taking up any service or employment, without obtaining the previous sanction of the competent authority, during the period of his leave. The above rule further provides that such sanction is not to be granted ordinarily and in exceptional cases either the services of the officer be transferred to the office where he intends to work during leave or he may be required to resign.

It is clarified that in cases where the officer is permitted to take up foreign assignment/consultancy with the United Nations and other bodies, permission by the competent authority to the officer to accept foreign assignment/consultancy would automatically carry with it also the permission under Rule 13 of the C.C.S. (Leave) Rules, 1972.

B. Provision for Scientists, Technologists and Medical Specialists :

In paragraph 8 of O.M. No. 16013/1/79-Allcs. dated 11-2-80 it has been provided that scientists,

technologists and medical specialists working under the Central Government, who in the overall interest of research and development, are permitted by Government to take full-time assignment either in foreign countries or within the country as visiting Professors, students, etc. in universities or Scientific/Medical Institutions may be allowed to retain in to to the remuneration received by them, subject to following conditions :—

(i) They may be granted Extraordinary leave during the period of such assignment;

(ii) The assignment should not be of more than two years duration at a time; and

(iii) They shall pay pension contribution to the Government of India, as payable under the provisions of Fundamental Rules by a Government servant sent on deputation on foreign service. In the case of those who are governed by the Contributory Provident Fund Rules, they should themselves contribute the employer's share of contribution with reference to the emoluments which the official would have drawn had he been on duty in India.

It has been further provided that the above benefit will, however not be applicable to (a) temporary employees with less than three years continuous service; and (b) re-employed pensioners. Persons appointed on contract will also not be eligible unless they have put in not less than three years of service under the Central Government and they give an undertaking to serve the Government on return from foreign assignment for a period of at least three years whether on contract or otherwise.

A view has been expressed that the above provisions are less liberal than the provisions contained in paragraph 2 supra. It has therefore been decided that the scientists, technologists and medical specialists permitted to take up short-term foreign assignment/consultancy with United Nations and other International Agencies may be given an option either to be governed by the provisions contained in paragraph 8 of O.M., dated 11-2-80 or provisions contained in paragraph 2 supra.

C. Exemption from cut under S. R. 12 :

As per the provisions contained in paragraph 6.(iii) of O.M., dated 11-2-80, payments received by Government servants for writing reports papers or study reports, on selected subjects for

international bodies like the U.N. UNESCO, etc., are not subject to crediting 1/3rd of the amount under S.R. 12 to general revenues. In consultation with the Ministry of Finance and the Comptroller and Auditor-General, orders have since been issued *vide* this Department's O.M. No. 16011/3/81-Estt. (Alles.), dated 19-5-81 providing that in cases where a Government servant writes a paper or a report, etc. (aided by knowledge acquired by him in the course of his service), on behalf of the United Nations or other International Agencies and such report has been written as an outcome of short-term consultancy, the amount paid by the agency on account of such work shall also be exempted from the cut under S.R. 12. In all other cases not covered under the orders referred to above, the consultancy fee/honorarium received by the officers for the short-term assignment/consultancy with the United Nations and other International Agencies will be subject to the cut as per provisions of S.R. 12.

D. Other terms and conditions :

Apart from what has been provided in this O.M., a Government servant permitted to take up foreign assignment/consultancy with the World organisations such as United Nations, World Bank, F.A.O., ECAFE, etc., will not be entitled to any other payments or concessions from the Government of India and the other terms and conditions, like those for passage, T.A., etc., will be as settled with the borrowing organisation.

E. Short-term Consultancy :

For the purpose of the aforesaid orders short-term assignment/consultancy means an assignment of not more than 3 months duration.

(4) Vacancies exceeding forty-five days caused on account of the officials having been sponsored by the Government of India to take up short-term foreign assignment/consultancy with the United Nations and other International Agencies, may be filled up by the Ministries, etc., in the normal manner. Vacancies of duration of forty-five days or less should not be filled up. Filling up of leave vacancies will be governed by the normal rules.

[G.J.D.P.A.R., O.M. No. 16011/3/81-Estt. (Allowances), dated the 15th October, 1983 read with O.M., dated the 5th March, 1984.]

9. Deputation of "below expert category personnel" to foreign countries on Government to Government basis.—(1) Reference is invited to M.H.A., O.M. No. 60/37/63-Estt. (A), dated

the 14th July, 1967 [Order (2) below F.R. 13] regarding forwarding of applications of Government servants working in a Department/Office of the Central Government to posts in other Central Government Departments/Offices, etc. and this Department's O.M. No. 28017/1/81-Estt. (C), dated the 1st April, 1981 [Order (3), below F.R. 13] and to say that the provisions contained in the two Office Memoranda also govern the conditions of service of Indian Experts deputed to foreign countries on Government to Government basis.

(2) Hitherto, there has been no such arrangement under which "Below Expert Category Personnel" such as Diploma-holder Engineers and paramedical staff, etc., could be deputed to foreign countries on Government to Government basis. This left a void between the two categories of Central Government employees. In one case the service rights of Government servants were protected while the latter category of Government servants did not get such protection and had to resign their jobs before they could be allowed to accept employment in foreign countries. Since there was no arrangement for deputation of "Below Expert Category Personnel" on Government to Government basis, the borrowing countries generally turned towards other countries who could provide this category of power. This left its impact on the expert category as well.

(3) The Government of India have, therefore been considering for the some time past the question whether arrangement for deputation abroad on Government to Government basis of "Below Expert Category Personnel" may also be made to facilitate deputation of such personnel to foreign countries and simultaneously for creation of a sense of security by protecting their service rights as in the case of expert category personnel. It has now been decided in consultation with the Ministry of External Affairs that similar facilities are available to expert category personnel should also be extended to "Below Expert Category" Government employees. It has also been decided that applications of "Below Expert Category Personnel" such as Diploma-holder Engineers, para-medical staff, etc., working in various Central Government Departments/Offices for posts in Developing Countries of Asia, Africa and Latin America as are circulated departmentally or advertised through a Government agency may be forwarded without calling upon them to put in their resignation, etc. On their selection their service rights may be protected in accordance with the instructions

contained in O.M. No. 28017/1/81-Estt. (C), dated the 1st April, 1981.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. 28013/1/80-Estt. (C) dated the 10th December, 1981.]

10. Terms of Deputation of Central Government servants who are deputed for service under the Governments of Manipur and Tripura.—
(1) The question as to what terms should be allowed to Central Government servants who are deputed to serve under the Government of Manipur or the Government of Tripura has been engaging the attention of the Government for some time. In supersession of all previous orders on the subject the President is now pleased to decide that Central Government civilian employees who are deputed to serve under the Government of Manipur or the Government of Tripura will be allowed the same allowances and facilities as are contained in the Ministry of Finance, (Department of Expenditure) O.M. No. 20014/3/83-E. IV, dated 14-12-1983. (See App. 11).

(2) Employees who were already on deputation at the time of the issue of orders, dated 14-12-1983 referred to above will have the option either to continue to be governed by their existing terms and conditions or to come over to the terms and conditions mentioned in this O.M. The option once exercised will be final.

[G.I., Deptt. of Per. & Trg. O.M. No. 2(45)-Estt. (P-II)/85, dated the 20th December, 1985.]

F.R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

F.R. 113. (i) A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given subject to the conditions prescribed under the second proviso to Rule 30 (b) such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall also take into account the nature of the work performed in foreign service.

(ii) Nothing in this rule shall prevent a member of a Subordinate Service from receiving such other promotion in Government service as the authority, who would have been competent to grant the promotion had he remained in Government service, may decide.

GOVERNMENT OF INDIA'S ORDERS

1. Pro forma Promotion while on foreign service governed by "one for one" principle.—(1) The principle of "one for one" in the "next below rule". *vide* G. I. Orders below F.R. 30, is applicable in case of deputation under the Government outside the regular line of service. However, F. R. 113, which regulates cases of deputation on foreign service, does not specifically stipulate any such condition. In the absence of a specific provision as above in F.R. 113, it has been held that when a Government servant junior to one or more of Government servants deputed no foreign service is promoted in the ordinary line, all senior Government servants in foreign service can be given pro-forma officiating promotion in their parent cadre subject, of course, to their being considered fit by the competent authority. The resultant position, therefore, is that Government servant deputed on foreign service are placed in a more advantageous position in the matter of pro-forma promotion *vis-a-vis* Government servants deputed to a State Government or another Department of the Central Government.

(2) To remove the above anomaly, it has been decided that proforma promotion given to Government servants deputed on foreign service should, in future, be regulated in the same manner as in the case of deputation under the Government outside the regular line of service referred to above:

[G.I., M.F. (O.M. No. A. (7)-E. IV/(A)/62, dated the 18th June, 1962 and G.J., M.F., (C.D.) U.O. No. 3635-P.T.I./62, dated the 3rd October, 1962.]

F.R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the President may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued under this rule, see Appendix 1 of this Compilation.]

AUDIT INSTRUCTIONS

When any Government servant lent on foreign service conditions retires from Government service, without, at the same time, retiring from the service of his foreign employer, the Accounts officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the

amount of pension drawn from Government so as to give the foreign employer the opportunity, if he be inclined, of revising the existing terms of employment.

[Para 3 Chap XII, Sec. I of Manual of Audit Instructions (Reprint).]

F.R. 115. (a) While a Government servant is in foreign service, contribution towards the cost of his pension must be paid to general revenues on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the Government servant himself; unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 123(b), contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

NOTE 1.—Pensions, throughout this Chapter, include Government contribution, if any, payable to a Government servant's credit in a Provident Fund.

¹NOTE 2.—Deleted.

ADMINISTRATIVE INSTRUCTIONS

Procedure for payment of contributions

1. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Accounts Officer referred to in Rule 2 below by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a copy to the officer who audits his pay, and take his instructions as the officer to whom he is to account for the contribution, report to the latter officer the time and the date of all transfers of charge to which he is a party when proceeding on, while in, and on return from foreign service, and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

2. (a) In the cases of foreign service out in India the "Accounts Officer" is the Director of Audit, Central Revenues ;

(b) In the case of foreign service in India:—

(i) If pay in foreign service is paid from Government treasury, and is subject to audit by

an Audit Officer of Government, the Accounts Officer is such Audit Officer;

(ii) Otherwise, the Accounts Officer is the Accountant-General of the State in which the Municipality, Port Trust or other body concerned is situated.

NOTE.—In the cases of Government servants in Commercial Departments (e.g., Railways and Post and Telegraphs) employed on foreign service in or out of India the "Accounts Officer" is the Accounts Officers of the Department concerned.

[Extract from App. 3, P. & T. Compilation of F.R. & S.R., Vol. II.]

GOVERNMENT OF INDIA'S ORDERS

(1) **Special provision for employees on foreign service with recognised Associations/Unions, etc.—**(1) As a measure of assistance to recognised Unions/Associations/Federations of Central Government employees, Government have allowed them the services of serving Government employees on foreign service terms to work with the concerned Associations/Unions/Federations. In such cases, leave salary and pension contributions are required to be paid by the Unions, etc., in terms of the provisions to F.R. 115, read with F.R. 120. The Staff Side of the National Council (JCM) made a request that the recognised Associations, Unions, etc. did not have adequate resources of their own to meet the expenditure on the salary etc., of the serving employees on foreign service with them and also meet the expenditure on the foreign service contributions required to be paid to Government by the Associations, etc., in this regard. As a result of discussions at the National Council meeting the matter has been examined. In the interest of promotion of better understanding with the Union, Associations, etc., of employees and improving staff relations, it has been decided that pension contributions to be made by the recognised Associations/Unions/Federations in respect of serving Government employees on foreign service with them may be waived. This concession will, however, be limited to recognised All India Associations Unions/Federations of Central Government employees and in respect of not more than two serving employees at a time on foreign service with each such Association/Union/Federation.

1. Deleted by G.I., M.F., Notification No. 18(13)-E. IV(A)/70, dated the 29th January, 1971.

(2) As regards leave salary contributions to be paid by the Associations/Unions/Federations there will be no objection for waiving them, if the Associations/Unions/Federations agree to bear the leave salary of the concerned employees in respect of leave earned during the period of the service with the Unions, etc., and if the employees concerned agree to forgo their claim for leave from Government in respect of their period of foreign service with the Unions/Associations/Federations. In other words, leave of these officers during the period of foreign service will be regulated under the rules of the Unions/Associations/Federations concerned. The leave salary in respect of leave granted by these Unions/Associations/Federations will also be paid by them and the leave will not be debited against the officer's leave account. Further unspent balance of leave, if any, earned during the period of foreign service will lapse on the pension of the officials from foreign service. The period of foreign service will not count for any kind of leave under the Government of India.

(3) These orders take effect from the date of issue.

[G.I., M.F., O.M. No. F. 1 (10) E-III (B)/75, dated the 20th October, 1975.]

2. Payment and adjustment of leave salary and pension contributions.—(1) In respect of Central Government servants sent on foreign service leave salary and pension contributions recoverable from the foreign employer shall be payable to and adjustable by the various Accounts Officer as follows:—

- (i) In the case of employees belonging to Defence, Posts and Telegraphs and Railways, the responsibility for watching and effecting the recovery of contributions from the foreign employer, as also for payment of leave salary while they are on foreign service, would devolve on the respective Account Officers. Further, in the case of these employees on deputation to other Departments/Governments, the procedure to be followed for recovery of leave salary contributions would be the same as in the case of foreign service.
- (ii) In respect of officers of any category who, immediately before proceeding on foreign service, have been receiving their salary under the I.R.L.A. system of payment, the contributions should be payable to, and adjustable by the I.R.L.A. Accounts Officer.

(iii) In respect of (a) temporary Government servants, and (b) officers of certain services like the Indian Revenue Service who do not hold lien on any particular post and who do not fall under category (ii) above, the contributions should be payable to and adjustable by the Accounts Officer who had been adjusting their salary immediately before they proceeded on foreign service.

(iv) In all other cases, the contributions should be payable to and adjustable by the Accounts Officer of the office/cadre in which the Government servant proceeding on foreign service holds lien.

(2) The Accounts Officer to whom these contributions are payable, in accordance with the preceding paragraph, should invariably be indicated in the terms and conditions of deputation of a Central Government servant to foreign service.

(3) The foreign employer should also be advised to remit the contributions to the Accounts Officer concerned by crossed cheques/demand drafts and in no case should they be credited in cash at a Government Treasury/Bank.

(4) It is also clarified that the above guiding principles for recovery and adjustment of leave salary and pension contributions contained in subparagraphs (ii), (iii) and (iv) would equally apply to cases of deputation to other Governments/Departments where such contributions are recoverable.

[G.I., M.F., O.M. No. F. 1 (3) B-/66, dated the 12th July, 1966; No. F. 1 (3) -B/66, dated the 14th December 1970 and No. F. 1 (1) -B/70, dated the 1st October, 1970.]

3. Payment of Pension/CPF contributions, GPF-subscriptions and repayment of loans and advances during period of foreign service out of India.—(1) According to the provisions of F.R. 115, contributions towards the cost of pension are required to be paid to Government in respect of a Government servant while on foreign service out of India. Similarly, in the case of an employee governed by the Contributory Provident Fund Rules, employer's share of Central Provident Fund contributions is required to be paid during the period of foreign service. Such contributions have to be paid by the Government servant himself, unless the foreign employer consents to pay them on his behalf. In addition to

the above contributions, a Government servant deputed on foreign service is invariably required to subscribe to the Provident Fund to which he was subscribing at the time of proceeding on foreign service, in accordance with the rules of such Fund. Government servants deputed on foreign service have also to repay the balance towards any loan and advances, e.g., House Building Advance, Scooter/Motor Car Advance, etc., which may be outstanding against them at the time of proceeding on foreign service.

(2) It has come to notice that at present there is no uniform procedure in regard to the currency in which the above contributions/repayments are to be made by the Government servants on foreign service out of India. While in certain cases, the contributions are paid in rupees, in other cases these are paid in foreign currency.

(3) The matter has been examined by the Estimates Committee. On the basis of the recommendations/conclusions contained in the Eighty-eighth Report of the Estimates Committee (Fifth Lok Sabha), it has been decided that in future, all Pensions/Contributory and General Provident Fund contributions and repayment of outstanding loans and advances in respect of Government servants on foreign service out of India should be made in the foreign currency in which salary is paid.

(4) (a) The exchange rate applicable will be the official accounting rates.

(b) For purposes of remittance of money, the normal banking channels should be adopted in places where there are no restrictions on remittances. In countries where such remittance facilities through normal banking channels are not permissible, the contributions should be deposited with the concerned Indian Mission.

[G.I., M.F., O.M. No. F. 1(14)-E. III(B)/76, dated the 7th December, 1976.]

(5) It has been represented to the Government that this condition about remittance in foreign currency through normal banking channels cause hardship to the Government servants concerned on account of fluctuations in exchange rates and also in making arrangements for periodic remittances of Demand Drafts costing considerable money in foreign exchange, apart from expenditure on postage, etc. The matter has accordingly been considered further and it has now been decided that Government servant proceeding on foreign service out of India can make standing arrangements with his local bankers in India whereby the bankers would arrange to remit to the concerned Controller of Accounts, etc., payments out of non-resident bank account operated for this purpose in rupees on account of monthly subscriptions to the G. P. Fund and also on account of pension/GPF contributions, and repayment of loans and advances, if any,

during the period of foreign service out of India. After making arrangements for this, it would be the responsibility of the Government servant to ensure that remittances in foreign currency to cover these payments are arranged by him at least once a year and he would produce the requisite certificate about the remittances in foreign exchange to cover these payments from the non-resident account to the concerned Controller of Accounts. The exchange rate applicable will be the official accounting rate at the time actual remittances in foreign exchange are arranged by the Government servant.

The revised instructions indicated in the preceding paragraph will come into force with immediate effect.

[G.I., M.F., O.M. No. F. 8(8)-E. III, dated the 22nd September, 1981.]

(6) It has been decided to extend the above facilities for payment of pension/CPF contributions and/or GPF subscriptions and re-payment of loans and advances during the period of foreign service out of India through the non-resident bank account in India, for payment of subscriptions for the Central Government Employees' Group Insurance Scheme, 1980.

[G. I., M.F. O.M. No. 8(3)-E. III/82, dated the 11th, May, 1982, as amended by O.M. of even number, dated the 21st May, 1982-Extract.]

F.R. 116 : The rate of contributions payable on account of pension and leave salary shall be such as the President may by general order prescribe.

GOVERNMENT OF INDIA'S ORDERS

1. Recovery of contributions in the case of quasi-permanent employees.—(1) When a Government servant in quasi-permanent service as defined in the Central Civil Services (Temporary Service) Rules, is transferred to foreign service, contributions for pension and leave salary or for pension alone, as the case may be, should be recovered, as in the case of permanent Government servants, at the rates in force from time to time in accordance with the orders issued under F.R. 116.

[G.I., M.F., O.M. No. F. 1(7)-E. IV/49, dated the 6th January, 1950.]

2. Recovery of contributions in the case of temporary employees.—The existing orders regarding the recovery of pension contribution in respect of temporary Government servants who are transferred to foreign service, leave it to the discretion of the

Government concerned to decide whether or not to recover such contribution having regard to the probability of the Government servant eventually qualifying for pension. Now that under the new Pension Schemes half (now full) of the continuous temporary service which is followed by confirmation counts for pension there is a greater possibility of temporary service counting for pension and it is but reasonable that pension contribution should be recovered in all such cases. It has accordingly been decided that when a temporary Central Government servant is transferred to foreign service, pension contribution should be recovered as in the case of permanent Government servants.

The question has also been considered whether a rate of pension contribution lower than that in respect of a permanent Government servant should be prescribed in the case of a temporary Government servant on foreign service. Such reduction is considered unnecessary, because the rate of contribution can at best be determined only on a rough basis, and a different basis for temporary personnel would lead to accounting complications.

[G.I., M.F., Endorsement No. F. 1 (6)-E. IV/52, dated the 6th January, 1953.]

3. Rounding off of foreign service contributions to the nearest rupee.—The rates of contributions payable on account of pension and leave salary during and in respect of foreign service, prescribed under Fundamental Rules 116 and 117 on percentage basis are, at present, worked out to the nearest paise. While there is no particular advantage in calculating the pension and leave salary contributions to the nearest paise, the calculation/recovery of these contributions causes accounting difficulties all round.

The intention is to make recoveries of foreign service contributions in whole rupees. For this purpose rounding off may have to be done—

- (a) at the initial stage while calculating the rates of monthly contributions;
- (b) while recovering contributions for part of a month at the beginning or at the end of the foreign service; and
- (c) where rates of monthly contributions are revised due to a change in the rates of pay, deputation allowance, etc., and the total contribution recoverable for a calendar month are not in whole rupees.

It has been decided that these contributions should be rounded off to the nearest rupee, fractions equal to 50 paise being rounded off to the next higher rupee.

[G.I., M.F., O.M. No. F. 1 (5)-E. III(B)/69, dated the 19th May, 1969 and 2nd February, 1970.]

AUDIT INSTRUCTIONS

(1) The leave salary contribution for the period of Joining time taken by a Government servant in continuation of leave under clause (b) of F.R. 105 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

[Para 4, Chap XII, Sec. I of Manual of Audit Instructions (Reprint)]

(2) When a Government servant is transferred to Foreign Service, when the period of Foreign Service of a Government servant is extended it should be stipulated that the contributions for pension and leave salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued under F.R. 116. Similarly, if the officer is on a non-pensionable footing and is subscribing to a Contributory Provident Fund, it should also be stipulated that the monthly subscription to the Fund, as well as the periodical contribution to be made to the Fund account, will be recoverable in accordance with such orders as may be issued from time to time in this behalf.

[Para. 5 (i), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint)].

COMPTROLLER AND AUDITOR-GENERAL'S DECISION

It has been decided by the Comptroller and Auditor-General with the concurrence of the Government of India, that the recovery of leave contribution in respect of joining time taken under F.R. 105 (b) while proceeding to foreign service, should be based on the pay that the Government servant would draw on the assumption of office in foreign service.

[C. & A.G.'s Letter No. 239-A/40-50, dated the 17th May, 1950.]

F.R. 117. (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under the Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave salary will be designed to secure to the Government servant leave salary on the scale and under the conditions

applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of Government servants paying their own contributions, such part of pay as may be paid as contributions, will count as pay for the purpose of Fundamental Rule 9 (2).

[The rates of contributions prescribed, with reference to F.R. 116 and 117, are given in Appendix 2 to this compilation.]

AUDITOR-GENERAL'S DECISION

Under this rule contribution is to be calculated on the pay actually drawn by the employee service excluding that part of it which represents contribution.

[Ar. G's No. 945-A/K.W., 66-22, dated the 1st September, 1923.]

F.R. 118. Deleted.

F.R. 119. [In the case of transfer to foreign service, the Central Government] may—

- (a) remit the contributions due in any specified case or class of cases, and
- (b) make rules prescribing the rate of interest, if any, to be levied on over due contributions.

[For rule made by the Central Government under F.R. 119 (b) see Supplementary Rule 30.7.]

GOVERNMENT OF INDIA'S ORDER

1. The Government of India have Waived the pension contribution in the case of transfer of Government servants to foreign service to Bhutan.

[G.I., M.E.A., Letter No. 1/227/12/65-BH, dated the 6th February, 1966.]

F.R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension or to pension and leave salary, as the case may be, in accordance with the rules of the service

of which he is a member neither he, nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F.R. 121. A Government servant transferred to foreign service may not without the sanction of the Central Government, accept a pension or gratuity from his foreign employer in respect of such service.

GOVERNMENT OF INDIA'S ORDERS

1. Participation in the U.N. Pension Fund Scheme of Central Government servants on foreign service with U. N. Bodies.—(1) Under O.M. No. F. 1(16) E. III(B)/66 (Part II), dated the 4th June, 1971 (not printed) officers of the Central Services deputed to foreign service with International Organisations like the U.N. Secretariat, F.A.O. I.L.O., etc., on a tenure of one year or more shall be allowed to join the U.N. Joint Staff Pension Fund as full members and the payment of retirement benefits accruing under the Regulations and Rules of the United Nations Joint Staff Pension Fund will continue to be regulated by the conditions laid down in O.M. No. P. 1(16)-E-III(B)/66, dated the 5th November, 1966 (Annexure).

(2) Under Article 29 of the Regulations and Rules of the United Nations Joint Staff Pension Fund, retirement benefits shall be payable to a participant whose age on separation is sixty years or more and whose contributory service was five years or longer. Under Article 30 of the said Regulations and Rules, an earlier retirement benefit shall also be payable to a participant whose age on separation is at least fifty-five but less than sixty years and whose contributory service was five years or longer. Under Article 21 *ibid*, a deferred retirement benefit shall be payable to a participant whose age on separation is less than sixty years and whose contributory service was five years or longer. It will be observed from the aforesaid provisions that a contributory service of five years or longer is a *sine qua non* for eligibility for retirement benefits under the aforesaid Regulations and Rules. Accordingly, Rule 31 of the C.C.S. (Pension) Rules, 1972, as amended by the C.C.S. (Pension) (Sixth Amendment) Rules, 1975, provides that a Government servant deputed on foreign service for a period of five years or more to the United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development or the Asian Development Bank or the Commonwealth Secretariat may, at his option

1. Substituted by G.I., M.F., Notification No. 18(13)-EIV(B)/70, dated the 29th January, 1971. This takes effect from the 6th February, 1971.

pay the pension contribution in respect of his foreign service and count such service as qualifying for pension under the C.C.S (Pension) Rules, 1972 or avail of the retirement benefits admissible under the rules of the aforesaid Organisations and not count such service as qualifying for pension under the C.C.S (Pension) Rules, 1972. If the Government servant opts to avail of the retirement benefits under the rules of the aforesaid Organisations, the retirement benefits shall be payable to him in India in rupees in accordance with the provisions of O.M. No. F. I (16)-E. III (B)/66, dated the 5th November, 1966.

(3) The question of regulating the cases of Government servants deputed on foreign service to the Organisations mentioned in the preceding paragraph for one year or more but less than five years has been considered in the light of the provisions of Article 32 of the Regulations and Rules of the United Nations Joint Staff Pension Fund under which a withdrawal settlement would be admissible to a participant whose age on separation is less than sixty years or if he is sixty or more on separation but is not entitled to a retirement benefit under Articles 29, 30 and 31 referred to in paragraph 2 above. This withdrawal settlement consists of his own contributions if the contributory service of the participant was less than five years. It has been decided in partial modification of O.M. No. F. I (16)-E. III(B)/66 (Part II), dated the 4th June, 1971 that a Government servant who is deputed on foreign service for a period of one year or more but less than five years to the United Nations Secretariat or other United Nations Bodies, the International Monetary Fund, the International Bank of Reconstruction and Development, the Asian Development Bank or the Commonwealth Secretariat and who will not be entitled to retirement benefits under the Regulations and Rules of the aforesaid Organisations, will pay pension contributions monthly to the Government of India at the rates prescribed from time to time by the President under F.R. 116. On conclusion of foreign service, he may be allowed to receive from the foreign employer withdrawal benefits as may be admissible under their Rules.

(4) While what has been stated in paragraph 3 above would apply to officers who are entitled

to only withdrawal benefits (as opposed to full retirement benefits) those who would be entitled to full retirement benefits under the Rules and Regulations of those Organisations, would be governed by Rule 31 of the C.C.S (Pension) Rules, 1972. In case they opt for availing of the retirement benefits admissible under the Rules and Regulations of the International Organisation (in which case their service in that Organisation will not qualify for pension under Government) the payment of the retirement benefits in case they return to Government service will be governed by the orders of 5th November, 1966. Pension contributions, if any, made to Government of India by the officer, will be refunded to him.

(5) These orders will also apply to officers, who are already on deputation to the aforesaid Organisation. They will, however, have the option of paying pension contributions to Government to count the period of foreign service for the purposes of pension or to continue on their existing terms under which they are not required to pay pension contributions. The officers would be required to exercise within three months from the date of issue of these orders and those who opt to pay pension contributions for the past period can be allowed to pay pension contributions for the said period in monthly instalments not exceeding twelve along with contributions for the current period.

[G.I., M.F., O.M. No. F. I (4)-E. III(B)/76, dated the 20th November, 1976.]

ANNEXURE

G.I., M.F., O.M. No. 1(16)-E-III(B)/66,
dated the 5th November, 1966

Subject :—Deputation of Central Government servants on Foreign Service with U. N. Bodies—Participation in the U.N. Pension Fund Scheme.

1. According to the existing orders, officers of All India Services and Central Services deputed on foreign service to International Organisations like the U.N. Secretariat/F.A.O./I.L.O., etc. are eligible to join the U.N. Joint Staff Pension Fund only as Associate participants where the period of foreign service is one year or more but less than five years. They are not allowed to become full members, when the period of foreign service exceeds five years. The question of permitting such officers to become full members has been carefully considered and it has been decided as follows.

2 Officers of Central Services deputed on foreign service to the U.N. Secretariat and other U.N. Bodies shall be allowed to join the U.N. Joint Staff Pension Fund as full members. During the period of foreign service no payment of pension contributions will be made to the Government of India by or on behalf of the officer. This period will not count for purposes of calculation of pension under the Government. The officer will be eligible for the benefits due to him from the Organisation concerned under their rules for the period in question. In case the officer does not rejoin Government but retires from Government service while serving with the U.N. Organisations, his pension under the Government rules will be calculated on the basis of the service rendered by him under Government. In case he rejoins and serves for another spell under Government the pension admissible under Government rules will be calculated on the basis of the total of his earlier and later periods of service under Government.

3. The retirement benefits accruing under the U.N. rules will be payable to the officers in rupees in India. In the cases of officers who rejoin Government on the expiry of the foreign service with U.N. Organisations, the retirement benefits sanctioned by the U.N. will not be payable concurrently—with the salary from the Government but—will be credited to the revenues of the Government of India by credit to "XLVIII—Contributions and recoveries towards pension and other Retirement Benefits" under intimation to the Accounts Officer in the case of Gazetted Officers and to the Heads of the Departments in the case of non-gazetted officers, so that a note could be kept in the service records of the officers concerned of the amount received from the U.N. authorities. This amount will be paid to the officer concerned along with his other pensionary benefits when he finally retires from the service of the Government of India, the provision in the year concerned being made for the payment of this amount under "65—Pensions and other Retirement benefits, etc."

2. Interest to be paid on the amount of retirement benefits received in lumpsum and deposited with the Government.—The question of allowing interest on the amount of retirement benefits received in lumpsum and deposited with the Government of India by the officers deputed on foreign service with U.N. Organisations has been under consideration for some time on receipt of a number of representations in this regard. The President is now pleased to decide that interest may be paid, as for deposits under G.P.F. accounts, in

respect of such amounts including the amounts which were deposited by the Government servants who had served the U.N. Bodies in the past and which are at present lying with the Government even in respect of the past periods commencing from the date the deposits have been made.

[G.I., M.F., O.M. No. 8(5)-E. III/79, dated the 8th April, 1981.]

3. Deputation to developing countries of Asia, Africa and Latin America.—(1) A question has been raised whether Central Government officers on foreign service to the developing countries of Asia, Africa and Latin America who are allowed to receive gratuity payable by the foreign Governments should have the option to make pension contributions to the Government of India and count the foreign service for pension. It has been decided that as the gratuity offered by these foreign Governments is not a pensionary benefit, Central Government employees deputed to these Governments should be required to pay the usual pension contributions to the Central Government and thus count the period for pension under the Central Government. A specific condition to the effect should invariably be included in the terms of deputation.

(2) As regards employees already on foreign service with such Governments on the date of issue of these orders, they will have the option of paying pension contributions to Government of India to enable them to count the period of foreign service for the purpose of pension. The officers would be required to exercise the option within three months from the date of issue of these orders and those who opt to pay the same for the past period, they can pay the amount of pension contribution for the earlier period in monthly instalments not exceeding twelve along with the contribution for the current period.

[G.I., M.F. O.M. No. F. 1.(11)-E. III(B)/71, dated the 7th January, 1974.]

It has been decided that the gratuity offered by the Governments of the developing countries of Asia, Africa and Latin America to the officers on deputation on foreign service (on the conclusion of their foreign service with those Governments), shall, instead of being credited to the revenues of the Government of India, be credited in the G.P.F./C.P.F. of the officers concerned. The amount of gratuity will thus become a part of the accumulation in the G.P.F./C.P.F. of the officers concerned.

[G.I., M.F., O.M. No. F. 1 (11)-E. III(B)/71, dated the 13th December, 1971.]

F. R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

ADMINISTRATIVE INSTRUCTIONS

A Government servant on foreign service in India is himself personally responsible for the observance of the rules contained in Fundamental Rule 122; by accepting leave to which he is not entitled under the rules he renders himself liable to refund leave salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pension or leave salary.

[Extract from App. 3, P. & T, Compilation of F.R. & S.R., Vol. II.]

F. R. 123. (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to Central Government leave contribution at the rate prescribed under Fundamental Rule 116.

F.R. 124. A Government servant in foreign service if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

F. R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post to Government service:

Provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date or the Central Government on whose establishment he is borne may decide.

GOVERNMENT OF INDIA'S ORDER

1. Grant of L.P.R. while on foreign service.—

See Rule 38 of C.C.S. (leave) Rules, 1972.

F. R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued, with effect from the date of reversion.

F.R. 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

- (a) The amount to be recovered shall be the gross sanctioned cost of service, or of the portion of the service, as the case may be and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contributions at such rates as may be laid down under Rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) The Central Government may reduce the amount of recoveries or may entirely forgo them.

GOVERNMENT OF INDIA'S ORDERS

1. It has been decided in consultation with the Comptroller and Auditor-General, that as Cost of Living and Dearness Allowances form part of the "Gross sanctioned cost of the Service" under F.R. 127 (a), the whole expenditure on account of these allowances for period of leave should be included for purpose of recovery under F.R. 127 (b).

[G.I. M.F. No. F. 7(43)-E. IV/47, dated the 13th January, 1948.]

2. A question having been raised as to how to calculate the house rent allowance for purpose of recovery under F.R. 127 (a) and whether compensatory allowance and house rent allowance should

be taken into account in calculating the leave salary contribution under F.R. 127 (b), it has been decided that,—

- (i) in order to work out a fixed amount for purposes of effecting recoveries under F.R. 127 (a) house rent allowance should be calculated at the maximum rate on the average cost of establishment, and
- (ii) compensatory allowance and house rent allowance drawn during the period of leave should also be included for purposes of recovery under F.R. 127(b).

[G.I., M.F. Letter No. F. 1 (13)-E-IV/54, dated the 8th October, 1954.]

3. Inclusion of incidences on account of supporting staff.—The question of including incidences on account of supporting staff etc. also for the purposes of effecting cost recovery under F.R. 127 has been under consideration of the Government for some time. It has been decided that cost recovery in respect of the posts of Peon, L.D.C., U.D.C., Assistant and Section Officer under F.R. 127 shall be effected on the basis of actual cost (inclusive of incidences of supporting staff, etc.) to be derived in the following manner :

Peon (Average annual cost usually taken)	×	2.00
L.D.C. " " "	×	1.95
U.D.C. " " "	×	1.95
Assistant " " "	×	2.00
Section Officer " " "	×	1.70

This will take effect from date of issue.

[G.I., M.F., O.M. No. F. 7(23)/E-III/84, dated the 28th March, 1984.]

AUDIT INSTRUCTION

The words 'its cost' in line 2 of F.R. 127 refer to an 'addition' in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave salary and pension leviable under clause (b) of the rule should, therefore, be based on the rates of pay, old and/or revised, as the case may be

on which that establishment is actually sanctioned irrespective of whether the person employed on the work for which it is sanctioned is an old or new entrant.

[Para 7, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

(1) In calculating the pensionary contribution leviable under F.R. 127, on account of a post in the clerical grade with new scales of pay, the question arose whether the maximum pay of the Selection grade or the average of the maximum of the Selection grade and that of the ordinary time scale of pay should be taken into account. The Comptroller and Auditor-General has decided, with the concurrence of the Government of India, that the maximum of Grade I (i.e., the Selection grade), should be taken into account as the maximum monthly pay of the clerical grade.

The element of pensionary contributions under F.R. 127 (b) has its basis on the rates prescribed under F.R. 116 and as such, the above principles equally apply in cases under F.R. 116 also. Further as the pensionary contributions are based on the maximum of the grade substantively has the principle in question should be applicable only in such cases (whether under F.R. 116 or F.R. 127) where the Selection grade forms part of that cadre itself but not in the cases where the Selection grade forms a separate cadre and is distinct from the original cadre, e.g., lower Selection grade of the Posts and Telegraphs Department (Rs. 160-10-250) which is distinct from the clerical cadre of Rs. 60-170.

For this purpose to determine whether a particular Selection grade is to be regarded as one distinct from the original cadre, the deciding factor would be whether the strength of the two divisions is separately fixed or not. Where there are separate fixed strengths of the two divisions with the implication that a person may be permanent in the ordinary grade and officiating in the Selection grade, the Selection grade is to be regarded as a separate cadre for the purpose of recovery of contributions both in cases under F.R. 116 or F.R. 127. Applying this criterion, the existing Selection grade in the clerical cadre in the I.A. and A.D. in the scale of Rs. 160-10-300 is to be treated as a separate and distinct grade from the ordinary Upper Division grade of Rs. 80-5-120-8-200-10/2-220.

This has the concurrence of the Government of India.

[C.A. G's Endorsement No. 229-A/235-35, dated the 29th November, 1935 and his U.O. No. 1541-A/477-37, dated the 24th July, 1958.]

(2) In respect of additional establishments created under F.R. 127, the Accountant-General, Bombay, was recovering dearness allowance for periods of duty based on 'average cost'. The actual dearness allowances paid during the periods of leave was not recovered, but recovery was made as part of leave salary contribution which was calculated as a percentage on the average cost *plus* appropriate dearness allowance admissible on the average cost.

The Comptroller and Auditor-General has decided that the procedure followed by the A.G., Bombay, by recovering leave contribution on the average cost *plus* appropriate dearness allowance admissible on the average cost is in accordance with the instructions contained in Order (1) above.

[C. & A.G's Letter No. 771-Admn-I/110-53, dated the 9th May, 1953.]

CHAPTER XIII

SERVICE UNDER LOCAL FUNDS

F.R. 128. Government servants paid from Local Funds which are administered by Government are subject to the provisions of Chapter I to XI of these Rules.

AUDIT INSTRUCTIONS

(1) Employees of local funds administered by Government who are not paid from General Revenues and are, therefore, not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

[Para 1. (i), Chap. XIII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expression 'local funds which are administered by Government' means funds administered by *bodies* which by law or rule having the force of law come under the control of Government *in regard to proceeding generally* and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enact-

ment of leave, pension or similar rules; in other words, it means funds over whose expenditure Government retains complete and direct control.

[Para 1 (ii), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

F.R. 129. The transfer of Government servants to service under Local Funds which are not administered by Government will be regulated by the Rules in Chapters XII.

F.R. 130. Persons transferred to Government service from a Local funds which is are not administered by Government will be treated as joining a first post under Government and their previous service will not count as duty performed. The Central Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

SECTION IV
SUPPLEMENTARY RULES
PART I
GENERAL

Divisions--I and II

S.Rs. 1 & 2. See Part II of this Compilation.

Division III--Medical Certificates of Fitness on First entry into Government Service

(Rules made by the President under F.R.10)

S.R. 3. A medical certificate of fitness for Government service shall be in the following forms:

"I hereby certify that I have examined A.B., a candidate for employment in the..... Department, and cannot discover that..... has any disease (communicable or otherwise), constitutional weakness of bodily infirmity except..... I do not consider this a disqualification for employment in the office of....."

to Government service it has been decided that whenever an individual is required to be examined for his physical fitness for Government service, the authority which directs him for medical examination should also attach with the form of the medical certificate a declaration form, as indicated below, which is to be filled in by the candidate concerned in the presence of the medical officer.

GOVERNMENT OF INDIA'S ORDERS

1. Affixing of signature/thumb and finger impressions on the physical fitness certificate.—When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board should be asked to obtain on the medical certificate the thumb and finger impression of the candidates in so far as illiterate persons are concerned. These last impressions should afterwards be verified by the head of the office with those in the Service Book. In the case of literate persons, who can sign either in English, Hindi or the regional language concerned it will be sufficient if the examining Medical Officer or Board is asked to obtain on the medical certificate the signature of the candidate in his or its presence, and this is afterwards verified by the head of the office by comparison with that in the Service Book.

(G.I., C.I.D., No. 5463-173, dated the 5th January, 1909, F.D., Letter No. F. 67, R. I/28 dated the 19th May 1928 and M.F., O.M. No. F. 20 (2)-E. V.(A)/64, dated the 6th March, 1964.)

2. Form of declaration to be given by the candidate.—In the case of non-gazetted appointments

CANDIDATE'S STATEMENT AND DECLARATIONS

The candidate must make the statement required below prior to his medical examination and must sign the declaration appended thereto. His attention is specially directed to the warning contained in the Note below :—

1. State your name in full.....
(in block letters)
2. State your age and place of birth
3. (a) Have you ever had smallpox, intermittent or any other fever, enlargement or suppuration of glands, spitting of blood, asthma, heart disease, lung disease, fainting attacks, rheumatism, appendicitis ?

OR

- (b) Any other disease or accident requiring confinement to bed and medical or surgical treatment ?

4. When were you last vaccinated ?
5. Have you or any of your near relations been afflicted with consumption, scrofula, gout, asthma, fits, epilepsy or insanity ?
6. Have you suffered from any form of nervousness due to overwork or any other cause ?
7. Have you been examined and declared fit for Government Service by Medical Officer/Medical Board, within the last three years ?
8. Furnish the following particulars concerning your family :-

Father's age if living and state of health	Father's age at death and cause of death	No. of brothers living, their ages, and state of health	No. of brothers dead, their ages at death and cause of death

Mother's age if living and state of health	Mothers age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead, their ages at death and cause of death

I declare all the above answers to be, to the best of my belief, true and correct.

I also solemnly affirm that I have not received disability certificate/pension on account of any disease or other condition.

Candidate's Signature.....
Signed in my presence.....
Signature of Medical Officer.....

NOTE.— The candidate shall be held responsible for the accuracy of the above statement. By wilfully suppressing any information he will incur the risk of losing the appointment and if appointed, or forfeiting all claim to superannuation allowance or gratuity.

(G.I., M.H. A. O.M. No. F. 5(11)-55-M. II, dated the 27th September, 1957.)

3. No specific standards for employment in non-gazetted posts.—No specific standard of physical fitness other than visual acuity has been prescribed for examining candidates for non-gazetted appointments. Designation and nature of duty should be indicated in the letter to the medical authority and it is left to the discretion of the examining medical officer to determine whether in his existing state of health the candidate is fit to discharge the duties required of him continuously and efficiently.

(G.I., M.H. A. O.M. No. 5(11)-12/57-M. II, dated the 17th December, 1957.)

4. Cases of no disqualification.—(a) *Stammering.*—Stammering is not to be considered a physical defect requiring disqualification of a candidate for a clerical post.

(G.I., M.H., A.O.M. No. 5(1)-55-H. II, dated the 6th June, 1955.)

(b) *Deafness.*—In the case of Group 'C' or Group 'D' posts of the artisan class or those involving manual or skilled labour or a routine type of work, deaf muteness or deafness by itself need not be regarded as a disqualification against appointment, provided that the person concerned is otherwise fit and qualified to hold the post.

(G.I., M.H.A. O.M. No. 60/137/50-Estt., dated the 28th July, 1950.)

(c) *Loss of one eye.*—The loss of one eye not a disqualification for non-gazetted services provided the prognosis about the functioning eye is good and its vision is not likely to be endangered by the condition of the worse eye and the visual acuity standards are fully satisfied.

(d) *Squint.*—The presence of squint is not to be considered as a disqualification if the actual visual acuity is of the prescribed standards.

(G. I., M.H. A. O.M. No. F. 5 (II)-12/57-M. II (Pt. II) dated the 17th December, 1957.)

5. Physically handicapped candidates.—(i) Cases of handicapped persons referred to the medical authority for examination should be viewed with the utmost sympathy.

(ii) Physically handicapped persons, who have been registered with the Employment Exchanges and have been medically examined by the Medical Board attached to those exchanges and declared fit for appointment to particular posts, should not on appointment to those post be subjected to the usual medical examination on first appointment in Government service.

[G.L., M.H.A., O.M. No. F. 20/29/57-RPS, dated the 15th January, 1958 and P. 5/1/62-Est(D), dated the 31st July, 1962.]

S.R. 4. (1) Such a certificate shall be signed by a Medical Board in the case of a Gazetted Government servant and by a Civil Surgeon or a District Medical Officer or a Medical Officer of equivalent status in the case of a non-gazetted Government servant other than Class IV.

(2) (i) In the case of a female candidate appointed to a gazetted post, the medical certificate shall be signed by a Medical Board consisting of a woman doctor possessing medical qualification included in one of the Schedules to the Indian Medical Council Act, 1956 (102 of 1956), as one of its members, and

(ii) in the case of a female candidate appointed to a non-gazetted post (i) in Delhi the medical certificate shall be signed by an Assistant Surgeon Grade I (Woman) under the Contributory Health Service Scheme; and (ii) in any other place by a registered female medical practitioner possessing a medical qualification included in one of the schedules to the Indian Medical Council Act, 1956 (102 of 1956) [Indian Medical Central Act, 1970 and Homoeopathy Central Council Act, 1973].

(3) In the case of Class IV Government servants the medical certificate shall be signed by the Authorised Medical Attendant possessing a medical qualification included in one of the schedules to the Indian Medical Council Act, 1956 (102 of 1956) and when there is no such Authorised Medical Attendant by a Government Medical Officer of the

nearest dispensary or hospital possessing such qualification.

(4) A candidate, who is likely to be employed in a temporary capacity continuously for a period exceeding three months, shall produce either before or within a week from the date of employment, the certificate from the competent medical authority as prescribed in this rule. When, however, a Government servant initially employed in an office in a temporary capacity for a period not exceeding three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for a period exceeding three months he shall produce such a certificate within a week from the date of the orders sanctioning his retention in that office or joining the new office.

GOVERNMENT OF INDIA'S ORDERS

1. Procedure for medical examination to gazetted appointments.—The procedure indicated in the following paragraphs should hereafter be observed in the matter of medical examination of persons appointed to gazetted posts under the Central Government :—

(i) All persons not already in service under the Central Government or under the Government of a State should be required to undergo medical examination, by a Medical Board.

(ii) Persons already in temporary service under the Central Government or under a State whether in the gazetted or non-gazetted posts will also be subject *mutatis mutandis* to the general rule in (i) above :

Provided that in case where a person has already been examined by a Medical Board in respect of his previous appointment and if standard of medical examination prescribed for the new post is the same, then the need not be required to undergo a fresh examination.

NOTE 1.—A person who is appointed to Government service afresh after a break in service not exceeding one year should be treated as in continuous service for the purpose of these orders, the periods of break not being

counted. If, however, the period of break exceeds one year it should be regarded as a fresh entrant to Government service.

NOTE 2.—A person who has been in continuous service but in different posts should be deemed for the purpose of these orders to have been in continuous service in the same post.

(iii)(1) A permanent Central Government servant holding a gazetted post under the Centre, when appointed to another gazetted post under the Central Government, need not be subjected to a fresh medical examination by a Medical Board;

(2) A permanent State Government servant holding a gazetted post in the State, when appointed to a gazetted post under the Central Government need not be subjected to a fresh medical examination by a Medical Board;

(3) A permanent non-gazetted State Government servant when appointed to a gazetted post under the Central Government, will be required to undergo a fresh medical examination by a Medical Board, but when appointed a non-gazetted post no medical examination will be necessary; and

(4) In case where the rules for recruitment to new appointments prescribe a fresh medical examination in respect of all candidates, all directly recruited/selected candidates, irrespective of whether they are already in permanent or quasi-permanent Government service in the same or in other departments or are fresh appointees, should undergo a medical examination by the prescribed standard and by the prescribed medical authority; provided that a fresh medical examination will not be necessary in the case of—

(a) a person who has already been medically examined by the prescribed medical standard and the appropriate medical authority, irrespective of the fact whether that person was permanent, quasi-permanent or temporary in his previous appointment, and

(b) a person who is already in permanent, or quasi-permanent employ in the same line, and being eligible for promotion to the new appointment against a promotion quota of vacancies, is actually so promoted.

Exemptions under Supplementary Rule 4-A will continue to be granted in the same way as at present by the Ministry of Finance in consultation, where necessary, with the Ministries of Home Affairs and Health.

[G.I., M.F. O.M. No. F. 53(8)-E. V/50, dated the 5th October, 1960, No. F. 55(11)-E V./59, dated the 12th February, 1950 and No. F. 15(71)-E. V.(B)/62, dated the 5th July, 1962 and U.O. No. 3617-E(V)/B/63, dated the 25th January, 1964.]

2. Right of appeal against adverse findings.—

(1)(a) *Communication of adverse medical report.*—It has been decided in supersession of the earlier orders that in cases where a Government servant or a candidate for Government service is declared unfit for retention in Government service or for appointment in the Government service by an individual Medical Officer/Medical Board, as the case may be, the grounds for rejection may be communicated to him in broad terms without giving minute details regarding the defects pointed out by the Medical Officer/Medical Board. Cases, where the grounds of rejection have not been clearly stated by the Medical Board in their report, may be referred to the Health Ministry for advice.

[G.I., M. Health O.M. No. F. 5(11)-45/56, M-II, dated the 17th November, 1956 received with G.I., M.F., O.M. No. F. 43(20)-E V./56, dated the 28th November, 1956.]

(b) *Re-examination only in case of possible error of judgement.*—Ordinarily there is no right of appeal from the findings of an examining medical authority; but if Government are satisfied on the evidence placed before them by the candidate concerned of the possibility of an error of judgement in the decision of the examining medical authority it will be open to them to allow re-examination in case where the examining authority, was a Medical Board, by second Medical Board and in other cases, by another Civil Surgeon, a District Medical Officer, a medical officer of equivalent status, a specialist or by a Medical Board, as may be considered necessary.

[Para. 7(1) under Part 'D' of Document No. 124 of Ministry of Finance Estt. (Spl). G.I., M.H., O.M. No. F. 7(1)-27/51 M-II, dated the 18th January, 1952, and G.I., M.H.A., Endt. No. 38/5/52-Estt, dated the 1st February, 1962.]

(c) *Evidence regarding possible error of judgement must refer to original certificate.* With reference to the instructions contained in order

to above, it has been decided that, if any medical certificate is produced by a candidate or Central Government servants a piece of evidence about the possibility of an error of judgement in the decision of a Medical Board Civil Surgeon or other medical officer who had examined him in the first instance, the certificate will not be taken into consideration unless it contains a note by the medical practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by a Medical Board, a Civil Surgeon or other medical officer.

[G.I., M.H. O.M. No. F. 7(1)-6/53-M.II., dated the 27th March, 1953.]

(d) *All appeals to be referred to the Ministry of Health.*—To ensure uniformity of procedure, all appeals shall at first be referred to the Ministry of Health who shall advise on the evidence produced, as to whether there is an error of judgement on the part of the examining medical authority who first conducted the medical examination and whether the appeal should be accepted or not and if accepted, by whom such re-examination should be conducted.

[G.I., M.H., O.M. No. F. 5 (II)-45/56-M. II., dated the 26th October, 1956.]

(e) *Re-examination by special medical board in case unfitness on account of visual acuity.*—If a candidate is declared medically unfit on account of visual acuity, an appeal preferred by him/her should be dealt with by a special Medical Board, the composition of which should include three ophthalmologists. Ordinarily, the finding of the special Medical Board should be considered as final; but a second appeal shall be permissible in doubtful cases and under very special circumstances.

[G.I., Min. of Health, O.M. No. F. 5 (II)-12/57-M. II (Pt. II), dated the 17th December, 1957.]

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(f) *Time-limit for preferring appeal for re-examination.*—With reference to the instructions contained in Order (b) above, appeals should be submitted by those concerned together with the requisite evidence in support of their case within one month from the date of issue of the communication in which the findings of the Medical Officers/Medical Boards are communicated to the candidate/Government servant.

[G.I., M.H., O.M. No. F. 7(1)-10/53-M. II, dated the 1st May, 1953, circulated with G.I., M.F., O.M. No. 61(5)-E. V/53, dated the 23rd June, 1953.]

(g) *Procedure in case of temporary servant declared unfit.*—(1) In accordance with the instructions contained in Government of India's Order(2) above, candidates/Government servants who are declared unfit by Civil Surgeon, etc. have been given the right to appeal within one month from the date of issue of communication in which the findings of the Medical Officers, etc., are communicated to them. While candidates for appointment to Government service who are declared unfit for Government service are not allowed to join duty till they are declared fit by the second or subsequent medical authority as a result of admission of their appeal, the following questions have now been raised as to what should be done in the case of a temporary Government servant declared medically unfit :—

(a) Whether he should be discharged from service (i) immediately on receipt of the adverse report, or (ii) after one month of the date of communication to him of the findings of the Civil Surgeon, etc., or

(b) Whether he should be allowed to continue in service until either his request for an appeal board is rejected or until the appeal board, if agreed to, has constituted and has given its verdict.

(2) After a detailed examination of the above questions it has now been decided that the procedure indicated in paragraphs 3 to 5 below should be observed in future to deal with such cases.

(3) Normally an officer should be medically examined before his appointment. In certain cases, however, when an officer is required to join immediately for work or for training, the appointment may be made without first obtaining the medical certificate, though the appointment should be subject to the officer being declared medically fit. In all such cases, if an officer is declared unfit on medical examination and he prefers an appeal on the basis of Order(2) above he should be retained in service till the case is finally decided.

(4) Similarly, in the case of a Government servant whose appointment is made on a temporary

basis on the strength of a medical certificate issued by a lower authority or without such a certificate, it may be necessary to get a certificate of fitness from the appropriate medical authority. If the appropriate medical authority finds that the person is not fit for retention in service at all and if an appeal for a second medical examination from the Government servant concerned is accepted, the person concerned should be allowed to continue in service till the verdict of appropriate medical authority is known. In case it is decided not to accede to the request for further medical examination the service of the officer should be terminated forthwith.

(5) It has also been brought to the notice that the instructions contained in Orders above are not usually followed in a number of cases. For a proper observance of the procedure in the above paragraph, it is necessary that the intimation regarding unfitness should immediately on receipt be communicated to the person (concerned with a note that appeal, if any, must be made by the candidate/Government servant concerned within one month of the communication of the findings of the Civil Surgeon/Medical Officer/Medical Board and that if any medical certificate is produced as a piece of evidence about the possibility of an error of judgement in the decision of the Civil Surgeon/Medical Officer/Medical Board who examined him in the first instance, the certificate must contain a note by the medical practitioner concerned to the effect that it has been given in full knowledge of the fact that the candidate has already been rejected as unfit for service by a Civil Surgeon/Medical Officer/Medical Board.

In case no appeal is preferred by the candidate/Government servant within one month of the date of communication to him of the findings of the Medical Officer/Board, his service should be terminated forthwith on the expiry of the period of one month and ordinarily no appeal should be allowed after the expiry of that period.

[G.I., M. Health O.M. No. 5(35)/55-H-II, dated the 13th December, 1955.]

[See Order (3) below F.R. 10 for Orders relating to cases declare "temporarily unfit".]

3. Applicability in Extra-Departmental Agents, part-time and work-charged staff.—Part-time employees are also required to produce medical

certificate of fitness in the same manner and under the same condition as whole-time employees. The medical examination fees, where paid by the person concerned to the medical officer, or board, as the case may be will also be reimbursable to him in the usual manner.

[G.I., M. F. O.M. No. F. 45(1)-E, V/64 dated the 24th March, 1954.]

NOTE 1.—The above decision also applies to the part-time Government servants/contingent staff in the P. & T. Department. E.D. Agent in the P. & T. Department are treated as part-time employees for this purpose.

[D.G. P. & T.'s Letter] No. S.P.B.-B-61-10/54, dated the 17th December, 1954.]

NOTE 2.—It has been decided that Extra-Departmental Agents and other Part-time Government servants need not be medically examined on their absorption in Class III or IV posts provided that—

(i) at the time of their appointment as Extra-Departmental Agents or part-time employees, they have been medically examined by a medical authority which is recognised by the appointing authority as equivalent to that prescribed for the Class III or Class IV posts to which they are appointed subsequently.

(ii) that there is no break between their service as part-time employees or Extra-Departmental Agents, and regular employees.

[D.G. & P&T's Circular Letter No. 34/1/(0-S.P.B.-I, dated the 20th July, 1961 issued in consultation, with Ministries of Finance, Home Affairs and Health and D.G. P. & T.'s Letter No. 34/5/65-S.P.B.-I, dated the 30th September, 1975.]

NOTE 3.—It has been decided that all recruitment of staff on monthly rates in the work-charged establishment should conform to the conditions for the recruitment of staff of corresponding grades in the regular establishment.

[D.G., P. & T.'s Circular Letter No. S.T.B.-20-66/54, dated the 1st February, 1955, M.F. (C)-U.O. No. 5428/PT-I/62, dated the 25th September, 1962.]

4. Condition for acceptance of certificates given by Honorary Medical Officers.—It has been decided that certificate of physical fitness required

for entry into Government service and on subsequent occasions, if any, may be issued by the Honorary Medical Officers, equal in status to the corresponding Government Medical Officers and accepted, provided that such certificates are accepted for the same purpose in respect of its own employees by the Government of the State in which the candidate is appointed under the Central Government or in which his medical examination is arranged.

For this purpose honorary Physician/Surgeon may be treated as equal to Civil Surgeon and honorary Assistant Surgeon as equal to Assistant Surgeon.

[G.I., M.F., O.M. No. F. 15(1)-E. V. (B)/63, dated the 30th March, 1953.]

5. Medical examination of non-gazetted Government employees by doctors of C.H.S.—It has been decided in consultation with the Department of Personnel and A.R., that for purposes of medical examination of non-gazetted Government employees, General Duty Officers Grade I of the Central Health Services who are in-charge of the Central Government Hospitals in far-flung remote areas and all the Specialist Grade II Officers of Central Health Services may be treated as equal in status to Civil Surgeons/District Medical Officers and the medical fitness certificates issued by them could be accepted.

[G.I., M.H. & F.W., O.M. No. 17011/12/79-MS, dated the 26th September, 1979.]

6. Re-appointment of non-gazetted Staff without fresh medical examination where break in service does not exceed one year.—A question has been raised whether a non-gazetted Government servant appointed to a post in Government service afresh after a break in service not exceeding one year can be treated as in continuous service for the purpose of medical examination on the analogy of the orders contained in Note 1 below paragraph 1 (ii) of Order (1) above. It has now been decided that the orders contained in the said Note will apply in the case of non-gazetted Government servants also provided the break in service is not due to medical reasons or to resignation.

[G.I., M.F., O.M. No. F. 55(5)-E. V. (B)/59, dated the 18th February, 1960 and UO No. 3617-E. V. (B)/63, dated the 25th January, 1964.]

7. Employment of women candidates in a stage of pregnancy.—It has been decided that a woman candidate, who as a result of tests, is found to

pregnant of 12 weeks standing or over, should be declared temporarily unfit until the confinement is over. The candidates should be re-examined for a fitness certificate six weeks after the date of labour, subject to the production of a medical certificate of fitness from a registered medical practitioner.

[G.I., M.H., O.M. No. F. 5-21/68-M.A., dated the 12th December, 1968 and O.M. No. S-15/71-M.A., dated the 5th October, 1971.]

It has been noticed that certain Ministries/Departments have not directly followed the instructions contained above and certain women candidates were appointed even while they were in advanced stage of pregnancy. In order to avoid recurrence of such instances it has been decided that a woman candidate who as a result of tests is found to be pregnant of twelve weeks standing or over shall be declared temporarily unfit and her appointment held in abeyance until the confinement is over.

She should be re-examined for a fitness certificate after the date of confinement, subject to the production of medical certificate of fitness from a registered medical practitioner. The vacancy against which the woman candidate was selected should be kept reserved for her. She should be re-examined for medical fitness six weeks after the date of confinement. If she is found fit she may be appointed to the post kept reserved for her and allowed the benefit of seniority in accordance with para. 4 of Annexure to M.H.A., O.M. No. 9/11/55-RPS, dated the 22nd December, 1959. (*Not printed*).

[G.I., Dept. of Personnel & A.R., O.M. No. 14034/5/75-Estt.(D), dated the 15th July, 1976.]

NOTE.—It has been clarified that these orders are applicable to all services and posts in the P.&T. Department.

[D.G. P. & T., New Delhi, Letter No. 34/1/68-S.P.B.L., dated the 28th July, 1969.]

8. Medical examination of candidates having neural leprosy.—Reference is invited to G.I., M.H., O.M. No. 5(II)-41/56-M II, dated 24th October, 1957 (*not printed*) on the subject mentioned above and after careful consideration of the development of knowledge and treatment in the field of leprosy, it has been decided that candidates having suffered from leprosy but now declared

as 'disease-arrested' or 'cured' by a competent authority should not be regarded as physically unfit for public services subject to the following conditions :—

(i) In addition to the normal medical examination by the appropriate medical authority prescribed in the rules from time to time for physical fitness for initial appointment to Government service, candidates should also be examined at the time of their initial appointment, by a Government Leprosy Medical Officer working in a Leprosy Control Unit or Hospital or as District Leprosy Officer trained in leprosy from a recognised Leprosy Training Centre, and with not less than five-years standing in the diagnosis and treatment of leprosy;

(ii) It should be specifically certified by the Government Leprosy Medical Officer who examines the candidates at the time of their first appointment that the candidates concerned have taken the full course of treatment and have been declared as 'disease-arrested' verifying from the available records of treatment and certificate of the patient, as well as clinical and bacteriological examination of the patient.

(iii) Ministries, in consultation with the Department of Health, may exclude certain specific posts where high standard of physical fitness is necessary, but such exclusion should be reduced to the minimum as the main purpose of this order is to break the psychological barrier between harmless ex-leprosy patients and the public. The position should be reviewed after a period of five years.

(iv) Apart from the initial medical examination at the time of recruitment, such persons should be medically examined annually (for a period of five years after initial appointment) to check that they take the maintenance dose of the drug, if any, advised by the medical officer who declared him as disease-arrested and that the disease-arrested condition has been maintained. In case, the medical examination discloses, at any time that the person concerned is having a recurrence of the disease with infectiousness, such cases should be dealt with under the normal

rules for the purpose of their being given leave for treatment and the treatment period if required to be continued for over three years to make the patient non-infectious he/she may be considered for invalidation from service.

(v) The confirmation of such a Government servant should be proceeded with only after two years of service during which he is continued to be non-infective and the disease has remained in the arrested or cured condition.

In all cases of doubt or where a departure is required to be made from the above procedure, the case should be referred to the Department of Health.

[G.L., M.H., O.M. No. A-17011/6/79-MS(I), dated the 25th June, 1980.]

9. Appointment in another suitable post of person declared medically unfit.—Reference extracts from the Handbook for Personnel Officers (printed below) regarding re-appointment of ex-T.B. and ex-pleurisy/leprosy patients in Government service on their becoming medically fit for reappointment. Many instances have come to the notice of the Department of P. & A.R. where persons have become medically unfit for discharging the duties of the posts for which they were recruited. The question whether they could be considered for other posts for which they may be suitable has been considered and it has been decided in consultation with the Staff Selection Commission and D.G.S. & T. that a Group 'C' or Group 'D' Officer found medically unfit for the post he is holding and from which he is proposed to be discharged or has been discharged may, wherever practicable, be considered for another identical/equivalent post for which he may be found suitable against direct recruitment quota without insisting on the condition of appointment through the employment exchange/SSC for this purpose. His previous service under Central Government should be deducted from his actual age and if the resultant age does not exceed the prescribed maximum age-limit by more than three years, he should

be deemed to satisfy the condition of upper age-limit for appointment to the post in question under the Central Government.

[G.I., M.H.A. (Deptt. of Personnel & A.R.), O.M. No. 14034/1/80-Estt.(D), dated the 30th October, 1980.]

I. Extract from Chapter IV of Handbook of Personnel Officers

3.4. Ex-T.B. patients who were discharged from Central Government service on account of affliction with T.B. but who have subsequently been declared non-infective and medically fit for Government service by T.B. Specialist or an authorised medical authority, are eligible for re-appointment to the posts previously held by them, if vacancies exist or to equivalent posts in their own Departments, the usual condition regarding age-limits not being enforced in their case. Such persons will be eligible for re-appointment by the Ministry/Department concerned without the intervention of Employment Exchanges whenever there are suitable vacancies. If such persons cannot be re-employed in the Ministry/Department concerned for want of vacancies, employment assistance will be rendered to them by Employment Exchanges. For this purpose, as also for the purpose of relaxation of age-limits these persons will be treated as "Retrenched Central Government employees".

[G.I., M.H.A., O.M. No. 37/1/52-DGS, dated the 10th July, 1954.]

3.5. Central Government employees discharged on account of affliction with Pleurisy/Leprosy and subsequently declared non-infective and medically fit may be re-appointed in the same or equivalent posts of the Ministry/Department concerned without the intervention of the Employment Exchanges.

[G.I., M.H.A., O.M. No. 13/4/56-R.P.S., dated the 29th September, 1956 and O.M. No. 13/4/57-R.P.S., dated the 14th July, 1958.]

6

II. Extract from Chapter V, Section IV of Handbook on Medical Examination

17. (iv) On re-employment of such persons in the same posts from which they were discharged, the actual previous service rendered by them should be treated as qualifying service for purposes of pension and seniority and for purpose

of pay they should be placed in the same position in which they were at the time of their discharge from service. The break in service between the date on which they were discharged from service and the date of their re-appointment, would itself, however, not count for any purpose but the service will otherwise be regarded as continuous. The seniority of such persons appointed in other posts will be fixed in consultation with the Ministry of Home Affairs and their pay in consultation with the Ministry of Finance.

[M.H.A., O.M. No. 13/1/56-RPS, dated the 8th May, 1956.]

S.R. 4-A. Except where a competent authority by general or special order directs otherwise, the following classes of Government servants are exempted from producing a medical certificate of health :

- (1) ¹(i) Deleted.
- (ii) A Government servant recruited through a Competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.
- (2) A qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College course.
- (3) A Government servant appointed in a temporary vacancy for a period not exceeding three months.
- (3-A) A Class IV Government servant of the Indian Post and Telegraphs Department confirmed in his grade before the 15th May, 1942 on promotion to Class III service, subject to his being examined for communicable diseases.
- (4) A temporary Government servant, who has already been medically examined in one office, if transferred to another office without a break in his service.
- (5) A retired Government servant re-employed immediately after retirement.

NOTE 1.—(a) The production of a medical certificate is necessary when—

- (1) a Government servant is promoted from nonqualifying service paid from a local fund to a post in Government service;
- (2) a person is re-employed after resignation or forfeiture of past service.

(b) When a person is re-employed in circumstances other than those referred to in clause (a) (2) above, the appointing authority will decide whether a medical certificate should be produced.

NOTE 2. —Deleted.

GOVERNMENT OF INDIA'S ORDERS

1. Medical examination before undergoing training.—It has been decided that candidates entering the subordinate service in the Posts and Telegraphs Department must produce the medical certificate of fitness before undergoing the prescribed training.

[F.A. (C's) Endorsement No. Es. B-2-I/41, dated the 10th March, 1941.]

2. Medical examination on fresh appointment after resignation.—As an exception to the provision of clause (2) of Note 1 the Government of India have decided that a person re-employed after resignation should be exempted from producing a medical certificate of fitness if the resignation was for taking up another appointment under Government or quasi Government body for which he applied with the approval of and through the appropriate departmental authority, provided that he was medically examined by a competent medical authority and declared fit according to the medical standards not lower than those required in his new post.

[G.L. M.F., O.M. No. F. 67-(22)-E. V-/60, dated the 13th December, 1960.]

NOTE.—In the case of a Government servant to whom the above provision applies, the appointing authority for the new post shall ascertain from the previous employer whether he had previously undergone examination by the appropriate medical authority and by the prescribed standard if any.

[Explanation II, Para 3, Section I, Chapter I of 'A Handbook on Medical Examination'—Second Edition.]

3. Medical examination on Deputation to gazetted post in another Department.—Government of India have decided that the non-gazetted Central Government servants, deputed to hold gazetted posts in other Departments of the Government of India, need not be subjected to fresh medical examination by Medical Boards,

provided that they had been examined by competent medical authority and declared fit for holding their previous appointment.

[G.L. M.F., O.M. No. 15(2)-E.V.(B)/62, dated the 18th August, 1962.]

PART I-A—PAY

Division III-A—Officiating Pay

[Rules made under Fundamental Rule 2 and with reference to F.R. 35]

S.R. 4B. Deleted.

PART II—ADDITIONS TO PAY

Division IV—Drawing of Compensatory Allowances

[Rule made by the President under F.R. 44 and 93]

General

S.R. 5. Save as provided by the rules in this Division, a compensatory allowance attached to post will cease to be drawn by a Government servant when he vacates the post.

S.R. 6. In this Division—

(a) Leave means the entire leave if it does not exceed four months and the first four months of the leave if the actual duration of the leave exceeds that period, but does not include leave preparatory to retirement.

(b) Temporary transfer means a transfer to duty in another station which is expressed to be for a period not exceeding four months. For the purpose of this Division it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension.

NOTE.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule.

AUDIT INSTRUCTIONS

(1) When vacation is combined with leave, the entire period of vacation and leave should be taken as one spell of leave for the purpose of S.R. 6 (a).

[Para. 4(i), Sec. II of Manual of Audit Instructions (Reprint).]

(2) 'Leave' as defined in Supplementary Rule 6 (a) includes extraordinary leave.

[Para 4(ii), Sec. II of Manual of Audit Instructions (Reprint).]

¹S.R. 6-A. Deleted.

¹S.R. 6-B. Deleted.

¹S.R. 6-C. Deleted.

²S.R. 6-D. Deleted.

S.R. 7. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if—

(i) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency; and

(ii) the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted.

AUDIT INSTRUCTION

To obviate all misunderstanding the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders, a certificate regarding the likelihood of the Government servant returning to the post or station, as the case may be.

[Para 5, Section II of Manual of Audit Instructions, (Reprint).]

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

(1) The Comptroller and Auditor-General has decided with the concurrence of the Government of India that a certificate regarding the likelihood of the Government servant returning to the post or station, which is not originally embodied in the original order sanctioning the leave or transfer should not be considered as a valid certificate acceptable to audit except in cases where such an order is revised before the Government servant actually hands over charge to proceed on leave or temporary transfer.

[Comptroller and Auditor-General's Letter No. 15-A/236-34, dated the 17th January, 1935 and No. 531-A/211-43, dated the 4th November, 1943.]

(2) If an original sanction to leave is in fact given after the events *i.e.*, after the close of the leave then sanctioned, the certificate regarding likelihood of return which must logically be in the past tense, would be no less acceptable to Audit on that account. What is wanted by Audit is a written assurance by the Competent Authority that not later than the time he formally sanctioned the original leave, he then intended to report the grantee to a qualifying post. The fact that the grantee was so posted on return from leave is logically corroborative but not conclusive evidence of this intention, because the sanctioning authority may have intended otherwise when he first becomes aware of the fact of absence, but changed his mind before the leave itself ended. Hence the contention that the fact of return to a qualifying post dispenses with the need for a declaration of intention is not correct, nor would Audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense.

[Comptroller and Auditor General's Endorsement No. 151-A/40-41, dated the 21st March, 1941.]

(3) A question was raised whether it was no reasonable to hold that a change in the element

1. Deleted by G.I., M.F., Order No. 18(13)-E. IV(A)/70, dated the 27th February, 1971.

It has been clarified that since the provisions relating to the main rules S.R. 6-A, 6-B and 6-C are omitted, the notes thereunder and the Decisions relating thereto as inserted by the P. & T. Department also stand automatically omitted. The notes and decisions which are applicable exclusively to the P. & T. Department may be incorporated in the local manual of the P. & T. Department, *i.e.*, Manual of Appointment and allowance of Officers of the P. & T. Department.

[G.I., M.F., letter No. 2012-E. II(B)/71, dated the 2nd June, 1971 addressed to Shri P. Muthuswamy.]

2. Deleted by G.I., M.F., Correction No. 867 (S.R.), dated the 7th June, 1962.

of likelihood of reposting occurring during the course of the leave, should affect the admissibility of compensatory allowance, e.g.,

(a) Shri R. while holding a post in Bombay, proceeded on earned leave for 45 days. In the original orders sanctioning the leave a certificate was recorded that on the expiry of leave he was likely to be reposted to the same post. Before the expiry of the leave fresh orders were issued posting him to Jaipur.

(b) Shri S. while holding a post in Calcutta proceeded on earned leave for 1 month. In the original sanction to leave it was stated on the expiry of leave he would be posted to Shillong. Before the expiry of the leave, orders were issued reverting him to the same post at Calcutta.

Under the Comptroller and Auditor-General's Decision(2) above stress is laid on the original intention of the competent authority at the time of sanction of leave and it shows by the implication that the title to compensatory allowance remains unaffected during the leave by any subsequent changes in the intention of the competent authority. It has accordingly been decided with the concurrence of the Government of India that the grant of compensatory allowance during leave should be regulated in accordance with the original certificate issued before the commencement of the leave and not with reference to the revised orders altering the prospects issued after the commencement of the leave.

[Comptroller and Auditor-General's Endorsement No. 1169-A-357-52, dated the 10th December, 1952.]

S.R. 7-A.—A conveyance allowance to which the obligation of maintaining a horse or other animal is not attached is not admissible during leave or temporary transfer or holidays prefixed or suffixed to leave.

S.R. 7-B.—(1) A compensatory allowance other than an allowance for the regulation of which provision is made in any of the Rules *6-A to 7-A and Rule 23 may be drawn during leave or temporary transfer if—

- (a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance; and

- (b) the Government servant certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE.—The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied direct that no part of the allowance shall be drawn.

(2) The allowance granted to light keepers for the education of their children may be drawn during leave, irrespective of the length and nature of the leave, if the children in respect of whom the allowance is drawn continue to attend the same school provided that the allowance will not be admissible during leave preparatory to retirement.

D.G., P. & T.'S. INSTRUCTIONS

It is clarified that the Out-Station Allowance granted to Junior Engineers on account of their being transferred outside the jurisdiction of their unit of recruitment should be regulated during the period of leave in accordance with the provisions contained in S.R. 7-B(1).

[D.G., P. & T. Circular Letter No. II-22/67-PAT dated the 18th March, 1968.]

S.R. 7-C.—A Government servant on joining time under F.R. 105 (a) if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. If the Government servant in his old post drew a compensatory allowance granted on account of special expensiveness of living, and the transfer is to another post carrying a similar allowance, he may draw the compensatory allowance during joining time under clause (a) or clause (b)(i) of F.R. 105, provided that if the rates differ in the two posts, he may draw the lower rate only.

GOVERNMENT OF INDIA'S ORDERS

1. Drawal of non-practising allowance during transit period.—Under S.R. 7-C, a Government servant on joining time may draw a compensatory

*Should be 7 and 7-A as S.Rs. 6-A to 6-D stand deleted.

allowance granted on account of special expensiveness of living subject to the fulfilment of the conditions laid down therein. A question has been raised whether a medical officer who is denied the privilege of private practice and is in receipt of a non-practising allowance may also be allowed to draw the allowance during joining time if the other conditions laid down in S.R. 7-C are fulfilled. It has been decided that a non-practising allowance may also be drawn by a medical officer during joining time on the same terms and conditions as prescribed in S.R. 7-C provided he certifies that he did not conduct any private practice during the period of joining time.

[G.L. M.F. O.M. No. 8(7)-E. II (B)/56, dated the 25th May, 1956.]

¹S.R. 8. Deleted.

Division V—Fees

[Rules made by the President under F.R. 46-A and 47]

S.R. 9. Unless the President by special order otherwise directs, no portion of any fee received by a Medical Officer in Civil employ for services other than professional attendance shall be credited to general revenues.

S.R.10. Subject to any special orders issued by the President (1) Indian Medical Service Officers in Civil employ, and (2) other Medical Officers in Civil employ under the rule-making control of the President may accept fees for services other than professional attendance at the rates shown in Appendix VII subject to the following conditions :

- (1) No work or class of work involving the acceptance of fees may be undertaken on behalf of a private person or body or public body, except with the knowledge and sanction, whether general or special of a competent authority to be prescribed by the Central Government under whom the Medical Officer is serving.
- (2) In cases where the fee received by the Medical Officer is divisible between himself and Government, the total amount should first be paid into the Government treasury,

the share of the Medical officer being thereafter drawn on a refund bill in Form T.R. 41. In such cases a complete record of the work done and of the fees received should be kept by the Medical Officer.

NOTE.—The above procedure will not apply to fee for examination by a Medical Board for commutation of pension, three-fourths of which will be paid to the Medical Board in cash by the examinee.

- (3) For private bacteriological, pathological and analytical work carried out in Government laboratories and in the Chemical Examiner's Department 60 per cent of the fees should be credited to Government, the remainder 40 per cent being allowed to the Director of the Laboratory or the Chemical Examiner, as the case may be, who may divide it with his assistants and subordinates in such manner as he considers equitable. No payment should, however, be made to officers from the sale proceeds of those vaccines which are used on a large scale for prophylactic purposes, for example, T.A.B., Cholera, Influenza and Plague vaccines.

- (4) The rates shown in Appendix VII are maxima which a Medical Officer will be free to reduce or remit if he is entitled to appropriate them himself. In cases where the fee is divisible between the Medical Officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to the pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realised instead of the scheduled fee, provided that the approval of the Central Government is obtained by a general or special order in this behalf.

GOVERNMENT OF INDIA'S DECISION

Quantum of fee to be retained by Medical Officer in Commutation cases.—In the case of

1. Deleted by G.L.M.F., Order No. 18(13)-E. IV (A)/70, dated the 27th February, 1971.

2. Not Printed. see Appendix 26 in P. & T. Compilation of F.R. and S.R., Vol. II.

commutation of pension, if the medical examination is conducted by a single Medical Officer, the applicant shall himself pay the Medical Officer's fee. A question has arisen whether any portion of the fee so paid by the applicant should be credited to Government or the entire fee may be retained by the Medical Officer. After careful consideration it has been decided that the Medical Officer concerned should be allowed to retain an amount of Rs. 12 only out of the prescribed fee of Rs. 16 the remaining Rs. 4 being credited to Government.

[G.I., M.H., O.M. No. F. 7(1)-21/52-M. II, dated the 20th October, 1952.]

NOTE.—The Government's share of Rs. 4 should be deposited by the applicant for commutation of pension into a Government treasury and the treasury receipt should be handed over to the examining Medical Officer together with the latter's share of Rs. 12 at the time of Medical examination. The amount will be credited to the accounts of the State Government under whom the examining Medical Officer is employed.

[G.I., M.H., O.M. No. F. 7(1)/53-M. II, dated the 2nd April, 1953.]

S.R. 11. No Government servant may undertake work for another Government or a private public body or a private person, or accept a fee therefor without the sanction of the competent authority who, unless the Government servant is on leave shall certify that the work can be undertaken without detriment to his official duties and responsibilities.

S.R. 12. Unless the President by special order otherwise directs one third of any fee in excess of Rs. 500 paid to a Government servant shall be credited to the Consolidated Fund of India.

²NOTE.—The above rule does not apply to fees received by Government servants from Universities and other statutory bodies like the Institute of Chartered Accountants, and from autonomous bodies which are financed wholly or substantially by Government grants/loans, for the services connected with the examinations conducted by the bodies or for delivering lectures.

³The above rule does not also apply to fees received by a Government servant for similar services

from Public Sector Undertakings/Enterprises which are wholly or substantially owned by Government, even though they are not examining bodies.

GOVERNMENT OF INDIA'S ORDERS

1. Consolidated instructions relating to acceptance of fees by Central Government employees (other than acceptance of fees by medical officers in civil employ)—(1) Certain anomalies in the existing rules and orders regulating the acceptance of fees by Central Government employees (other than acceptance of fees by medical officers in civil employ for services other than professional attendance) have come to the notice of the Government of India. The matter has been reviewed carefully and it has been decided to issue the following instructions in replacement of existing O.Ms. (not printed).

(2) In accordance with F.R. 48, except as otherwise provided by general or special orders, a Government servant is eligible to receive and retain without special permission:—

- (a) the premium awarded for any essay or plan in public competitions;
- (b) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice;
- (c) any reward payable in accordance with the provisions of any Act, Regulation or Rule framed thereunder;
- (d) any reward sanctioned for services in connection with the administration of the Customs and Excise laws;
- (e) any fee payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

(3) According to the definition of fees contained in F.R. 9 (6-A), fees do not include the following payments and, therefore, no special sanction is necessary for acceptance of these payments.

- (a) unearned income such as income from property, dividends and interest on securities; and

1. This revised rule was substituted by Notification No. 16013/1/79-Estt. (Allowance), dt. 29th Aug. 1981.

*For revised limit see paragraph 5 (a) of Order (1) under this Rule.

2. Inserted by G.I., M. F. O.M. No. F. 7(1)-E. II(B)/74, dated the 26th August, 1974.

3. Inserted by Correction No. 1086, dated the 16th September, 1978.

- (b) income from literary, cultural, artistic, scientific or technological efforts.

Further, fees do not include honorarium which is a recurring or nonrecurring payment granted to a Government servant from the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory as remuneration for special work of an occasional or intermittent character. Thus, as Government servant may be in receipt of honorarium or fee or payments of the nature indicated in paragraphs (a) and (b) above which are neither fee nor honorarium. The instructions contained in this O.M. mainly seek to regulate the acceptance of "Fees" by Government servants. It is clarified that income from occasional participation in sports, games and athletic activities as players, referees, umpires or manager of teams would be covered by (b) above. However, in case a Government servant is permitted to participate in such sports activities and accept payment as professionals, the income derived therefrom would continue to be subject to deduction prescribed in S.R. 12. Acceptance of fees mentioned below would not be covered by (b) above:—

- (i) Sale proceeds or royalties on a book which is a mere compilation of Government rules, regulations and procedures. However, the provisions contained in S.R. 12 can be relaxed, with the concurrence of Department of Personnel and Administrative Reforms, provided that a certificate is furnished by the Ministry/Department concerned at the level not below the rank of joint Secretary, to the effect that such a book is not a mere compilation of Government rules, regulations, and procedures, but it reveals the author's scholarly study of the subject. If the officer in whose case the exemption under S.R. 12 is sought is himself of the status of a joint Secretary, the Certificate should be furnished by the next higher officer.

- (ii) Income derived by performing clerical, administrative or technical functions for private bodies including those engaged in literary, cultural artistic, scientific, charitable or sports activities.

(4) Before acceptance of any payment other than those exempted under paragraphs 2 and 3 above a Government servant should obtain prior sanction of the competent authority under S.R. 11. Request, for permission for acceptance of fees

wherever necessary, should be made along with the request for permission for undertaking the outside work of activity, where the latter permission is also necessary in terms of S.R. 11. The authorities which can exercise the power of the competent authority for this purpose have been indicated in serial No. 3 of Appendix 4. Before granting the sanction, the competent authority should satisfy itself that the work or services could be performed by the Government servant during his spare time without detriment to his official duties and responsibilities.

(5) (a) In respect of occasional and casual work performed outside the office hours, unless otherwise provided, a Government servant may retain the full fee received by him up to a limit of Rs. 500. If the fee exceeds these limits, one-third of the fees received, subject to the condition that the fee retained by him does not fall short of Rs. 500, should be credited to the Government. Non-recurring and recurring fee should be dealt with separately and should not be added for the purpose of crediting one-third to the general revenues. In the case of the former, the limit of Rs. 500 prescribed should be applied in each individual case, and in the case of latter, the limit should be applied with reference to the total recurring fee received in the financial year.

(b) For taking up part-time or full-time employment while on study leave abroad would require the permission of the authority which sanctioned the study leave. However, crediting one-third of the remuneration to Government revenues would not be necessary in such cases.

(6) The following payments received by Government servants will not be subject to crediting one-third of the amount to the general revenues:

- (i) payments which do not require prior permission of the competent authority in terms of paragraphs 2 and 3 above;
- (ii) scholarship or stipend received during study leave or otherwise by a Government servant from a source other than the Consolidate Fund of India or that of a State, Union Territory for the purpose of prosecuting a course of study of receiving specialised training in professional or technical subjects;
- (iii) writing or reports, papers or study re.

ports on selected subjects for international bodies like the UNO, UNESCO, etc.;

- (iv) fees received by a Government servant from recognised universities and other statutory bodies like Institute of Chartered Accountants for the performance by the Government servants of work connected with the examinations conducted by these bodies or for delivering lectures; fees received by a Government servant in connection with similar services from public sector undertakings or autonomous bodies which are wholly or substantially owned or controlled by the Government;
- (v) fees received in the form of travelling, conveyance, daily, or subsistence allowance, etc., if the competent authority is satisfied that the amounts received by the Government servant are not a source of profit;
- (vi) income derived by a Government servant from exploitation of patent or invention taken out by him with the permission of competent authority;
- (vii) when a Government Department undertakes the work for a non-Government organisation and, in its turn, assigns the work to the officials suited for the purpose and pays them at the rates approved by Government;
- (viii) income from books, articles, papers and lectures on literary, cultural, artistic, technological and scientific subjects including management sciences; and
- (ix) income from occasional participation in sports, games and athletic activities as players, referees, umpires or managers of the teams.

(7) Where a Government servant accepts a fee other than those listed above, with or without specific permission of the competent authority, it will be subject to the restriction indicated in paragraph 5 above. By way of illustration, this restriction will apply in the following cases:—

- i) Where a Government servant receives sale proceeds or royalties on a book which is a mere compilation of Government rules, regulations and procedures,
- ii) Where a Government servant is permitted under S.R. 11 to perform a clerical, administrative or technical work of an occasional or casual nature for a purely private

body and accepts fee therefrom. The words 'private body' would include all co-operative societies registered under the Societies Registration Act which are not subject to administrative control by Government,

- (iii) Income received by a Government servant from regular remunerative occupation in the nature of part-time employment permitted by the Government or the competent authority under Conduct Rule 15, and
- (iv) Income received from publishing a book or contributing an article on subjects other than those mentioned in para 6 (vii) above.

(8) Scientists, technologists and medical specialists working under the Central Government who, in the overall interests of research and development, are permitted by Government to take full-time assignment either in foreign countries or within the country, as visiting professors, students, etc., in universities or scientific/medical institutions, may be allowed to retain in toto the remuneration received by them, subject to the following conditions:—

- (a) They may be granted extraordinary leave during the period of such assignment;
- (b) The assignments should not be of more than two years' duration at a time; and
- (c) They shall pay pension contribution to the Government of India, as payable under the provisions of Fundamental Rules by Government servants sent on deputation on foreign service. In the case of those who are governed by the Contributory Provident Fund Rules, they should themselves contribute the employer's share of contribution with reference to the emoluments which the official would have drawn had they been on duty in India.

This benefit will, however, not be applicable to (i) temporary employees with less than three years' continuous service; and (ii) re-employed pensioners. Persons appointed on contract will also be not eligible unless they have put in not less than three years of service under the Central Government and they give undertaking to serve the Government on return from foreign assignment for a period of at least three years whether on contract or otherwise. In order to secure compliance with this undertaking a bond on stamped paper of an appropriate value may be got executed in consultation with Ministry of Law.

(9) Private consultancy work should not be accepted by the staff working in any Government institution including Indian Institute of Technology etc. However, the institutions concerned can take up consultancy work from private parties and entrust the work to selected staff members. The fees received for rendering consultancy work should be credited to the funds of the institution and suitable honorarium may be sanctioned to the members of the staff entrusted with this work. The honorarium paid to all the members of the team taken together should not exceed two-thirds of the fees received by the institution. Appropriate provision should be incorporated in the terms of contract where an officer is in employment on contract basis.

(10) All Government servants who accept any outside work in return for fees should ensure that their official work does not thereby suffer. They shall not undertake or shall discontinue such work if so directed by the Government.

(11) A Government servant on foreign assignment who earns his fees in foreign exchange and pays one-third of his fees to the general revenues in rupees, would be required to show proof of having surrendered equal amount of foreign exchange at any bank authorised to convert foreign exchange into rupees. The competent authority sanctioning the acceptance of fees should make a stipulation to this effect in the sanction itself.

[G.I., M.H.A., Dept. of Personnel & A.R., O.M. No. 16013/1/79-Allowances, dated the 11th February, 1980.]

According to paragraph 6 (iii) above payments received by Government servant for writing of reports, papers or study reports on selected subjects for International bodies like the UNO, UNESCO, etc., are not subject to crediting one-third of the amount under S.R. 12 to the general revenues. The matter has been further considered and it has been decided, in consultation with the Ministry of Finance, that in cases where a Government servant writes a paper or report, etc., aided by knowledge acquired by him in the course of his service on behalf of the United Nations and other International Agencies and such report has been written as an outcome of short-term consultancy, the amount paid by the Agency on account of such work as shall also be exempted from the cut under S.R. 12.

[G.I., M.H.A., Dept. of Personnel & A.R., O.M. No. 16011/3/81-Estt. (Allowances), dated the 19th May, 1981.]

See also para. 3-C of Order (8) below F.R. 111.

S.Rs. 13 to 16. *Cancelled.*

Division IV

S.Rs. 17 to 195.

PART III—RECORDS OF SERVICE

Division VII

[Rules made under F.R. 74 (a) (iv)]

GAZETTED GOVERNMENT SERVANTS

S.R. 196. A record of the services of Gazetted servant will be kept by such audit officer and in such form as the Comptroller and Auditor-General may prescribe.

GOVERNMENT OF INDIA'S ORDERS

Service Books of G. Os. to be maintained by the respective Head of Office.—It has been decided in consultation with the Comptroller and Auditor-General, that the service records including leave accounts of Gazetted officers will be transferred by the Accountants-General/Pay and Accounts Officers to the departmental authorities, the arrangement in this regard synchronising with the general scheme of separation of accounts from audit.

[G.I., M.F., O.M. No. F. 10(9)-B(TR)/76, dated the 28th February, 1976-Para. 1.]

NON-GAZETTED GOVERNMENT SERVANTS

Service Books

S.R. 197. A Service Book in such form as the Comptroller and Auditor-General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on permanent establishment or officiating in a post or holding a temporary post with the following exceptions :—

- (a) Government servants the particulars of whose service are recorded in a history of services or a service register maintained by an audit officer.
- (b) Government servants officiating in post or holding temporary posts, who are recruited for purely temporary or officiating vacancies not likely to last for more than one year and are not eligible for permanent appointment.

- (c) Permanent subordinate non-pensionable servants in State railways, for whom a special form of record has been prescribed.

on retirement, resignation or discharge from service even in cases where he might have paid for it already.

[G.I., M.F., O.M. No. F. 12(6)-E. IV/54, dated the 31st January, 1955.]

GOVERNMENT OF INDIA'S ORDERS

1. Revision in form of Service Book.—The question of the existing form of the Service Book has been under consideration of Finance Ministry and it has been decided after consultation with the Comptroller and Auditor-General to revise the form as per the specimen enclosed (*not printed*). The revised Service Book form will be applicable only to new entrants to Government service. In the case of existing Government servants, the new Service Book may be used, when the existing stock is exhausted and in that case the existing entries need not be re-written in the new form.

[G.I., M.F., O.M. No. F. 3(2)-E. IV(A)/73, dated the 11th March, 1987.]

As per above a photograph of the Government employee has to be affixed on the first page of Part I of the revised Service Book. A question has been raised whether the cost of the photograph has to be borne by the Government employee or by the Government. This matter has been considered and it has been decided that the cost of the photograph shall be borne by the Government in future.

[G.I., M.F., O.M. No. 17011/1/E. IV(A)/77, dated the 7th July, 1977.]

The revised Service Book form brought into use shall also be used in the Police and other similar Departments with an 'Appendix' for recording postings in the enclosed form (*not printed*).

[G.I., M.F., O.M. No. F. 3(4)-E IV(A)/76, dated the 14th March, 1977.]

S.R. 198. In all cases in which a Service Book is necessary under Rule 197, such a book shall be maintained for a Government servant from the date of his first appointment to Government service. It must be kept in the custody of the Head of the Office in which he is serving and transferred with him from office to office.

GOVERNMENT OF INDIA'S ORDERS

1. Supply of certified copy of Service Book on quitting services.—The cost of Service Book should be borne by the Government and that it should not be returned to the Government servant

The question whether it would be permissible to supply a certified copy of the service book of a Government servant who asks for it on quitting Government service by retirement, discharge or resignation has been considered and it has been decided that in such cases a certified copy of a Service Book may be supplied to the Government servant on payment of a copying fee of Rs. 5.

[G.I., M.F., O.M. No. F. 12(16)-E IV/6, dated the 9th May, 1961.]

Consequent on departmentalisation of account and the maintenance of service book in respect of gazetted officers having been introduced, a question has arisen whether copying fee is to be charged from gazetted officers who were entitled to free supply of extract of service records on a requisition. It has been decided that for supply of a certified copy of service book to gazetted officers, a copying fee of Rs. 5 is to be charged. The copying fee should be accounted for under the appropriate Receipt Major Head of the Office/Ministry/Department, under the Minor Head "Other Receipts".

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. P-17012/279-LU, dated the 27th September, 1980.]

2. Verification of service for pension.—In the case of Offices, which are subjected to Local Audit, the service books and leave accounts of all non-gazetted officers including the officers who are due to retire during the next five years are checked up to a prescribed percentage by the Local Audit Staff of the Audit Officer concerned and a suitable certificate to that effect is recorded therein.

In the case of offices, which are not subjected to Local Audit, it has been decided in consultation with the Comptroller and Auditor-General of India that the heads of offices should send the service books of all non-gazetted officers, who are due to superannuate during the next five years in the concerned Audit Office, for check and recording a suitable certificate to that effect therein.

[G.I., M.F., O.M. No. F. 38(4)-E. V/60, dated the 5th April, 1963.]

S.R. 199. Every step in a Government servant's official life must be recorded in his Service Book, and each entry must be attested by the Head of his office, or, if he himself is the Head of an office, by his immediate Superior. The Head of the office must see that all entries are duly made and attested, and that the book contains no erasure or overwriting, all corrections, being neatly made and properly attested.

of the service book and annual verification of the services.

These powers will not, however, be exercised by them in respect of entries in their own service books and leave accounts and will be subject to the condition that the Gazetted Officers, who are delegated powers to attest entries on the first page of service book, continue to inspect ten per cent of the service books and initial them in token of their having done so.

GOVERNMENT OF INDIA'S DELEGATIONS

(1) In relaxation of the provision of S.R. 199 the Heads of the Offices are permitted to delegate to subordinate Gazetted Officers under the powers to attest entries in Service Books of all Gazetted Officers (except the own Service Books), for the maintenance of which the Head of Offices are responsible.

NOTE.—This delegation is subject to the following further conditions :—

The subordinate Gazetted Officers who are delegated powers to attest entries in the Service Books of Gazetted Officers are also authorised—

(i) Entries regarding increments, fixation of pay, etc., should be based on the increment certificates, pay fixation statements, etc., duly approved by the Branch Officer,

(ii) In the case of leave, the title to leave should be verified by the Branch Officers-in-charge of Administration before the sanction to leave is accorded.

[G.I., M.F., Letter No. 3 (3)-EGI/67, dated the 20th April, 1967, and dated the 21st August, 1967 and Comptroller and Auditor-General's Letter No. 1348-Tech. Admn. I/698-66, dated the 3rd May, 1967.]

(i) to keep these documents in their custody, and

(ii) to attest entries in the leave accounts:

Provided that the Head of the Office concerned remains responsible for the proper maintenance of and attestation of entries in Service Books and leave accounts and for their custody. The Head of the Office should scrutinise at least ten per cent of these documents every year and initial the same in token of having done so.

(3) The following officers of the Indian Posts and Telegraphs Department who are not Heads of offices, are authorised to attest the entries in Service Books (except their own Service Books) which are required to be maintained by their Heads of offices :—

(i) Post Office Accountants in the selection grade and Divisional Accountants (in the Engineering Divisions);

(ii) Head Record Clerk, R.M.S.;

(iii) Any Gazetted Officer or a Superintendent in the 'Grade A' Circle Office (Rs. 350-450 old scale) or any officer in the selection grade authorised by the Head of the office, if there is no Accountant in the selection grade in the office.

The powers to attest entries in Service Books and leave accounts shall not be by those Gazetted Officers who have been delegated such powers in respect of entries in their own Service Books and leave accounts. The entries in their Service Books should be attested by the Head of the Office who will also be responsible for their custody.

[G.I., M.F., O.M. No. 3(3)-E IV(A)/76, dated the 25th November, 1976.]

(2) The Superintendents/Accountants (non-gazetted) in the Indian Audit and Accounts Department are delegated powers to attest entries in the service books and leave account of non-gazetted staff, other than those on the first page

The abovementioned officers who have been authorised to attest entries in Service Books and Service Rolls are also authorised (i) to keep these documents in their custody, and (ii) to attest entries in the leave accounts, provided that the Head of the office concerned remains responsible for the proper maintenance of, and attestation of entries in, Service Books, and Service Rolls and leave accounts and for their custody. In order to ensure that the Head of

the office does exercise general supervision in this matter, it is ordered that the Head of the office should inspect at least ten per cent of these documents every year and initial them in token of having done so.

[F.A., P. & T.'s Endorsement No. S.A. 82(23)/30 dated the 3th June, 1932. No. 132-2/32, dated the 15th November, 1933 and F.A. (C/s), Endorsement No. 132-3/44, dated the 24th November, 1945.]

(4) The Junior and Senior P. & T. Accountant's attached to whatever offices, are delegated with the following powers :—

- (i) to attest entries in Service Books and Service Rolls including entries about verification of services;
- (ii) to maintain Service Books, Service Rolls and Leave Accounts and keep them in their custody; and
- (iii) to attest entries in leave accounts.

2. In offices where both Junior and Senior Accountants are employed the entries should be attested by Senior Accountant only.

3. The delegation of these powers is subject to the condition that the Head of the office remains responsible for the proper maintenance and custody of Service Books, Service Rolls and Leave Accounts and for the attestation of entries in these documents; and that he inspects at least ten per cent of these documents, every year and initial them in token of having done so.

[G.I., M.F., (C), Endorsement No. SPA-302-3/53, dated the 14th May, 1954.]

(5) The Assistant Postmasters (Accounts) attached to Head Post offices are delegated with the following powers in respect of staff of those offices except for themselves :—

- (i) to attest the entries in Service Books and Service Rolls;
- (ii) to keep the documents in their custody;
- (iii) to attest the entries in the leave accounts; and
- (iv) to re-attest the descriptive particulars every 5 years.

2. This delegation is subject to the conditions that the Head of the Office shall remain

responsible for the proper maintenance of these service books, service rolls and leave accounts for the attestation of entries in these documents and for their custody and he shall inspect at least ten per cent of these documents every year and initial them in token of having done so

[G.I., M.F., (C), Endst. No. 127/1/60-SPB-1P dated 30th June, 1960.]

(6) The Assistant Accountants (Lower Selection Grade) in G.P.O. are delegated with the following powers in respect of staff of those offices except for themselves :—

- (i) to attest the entries in Service Books;
- (ii) to keep the documents in their custody;
- (iii) to attest the entries in the leave accounts; and
- (iv) to re-attest the descriptive particulars every 5 years as required by Rule 288 (f) of the P. & T., F. H.B., Vol. I (Second Edition).

2. This delegation is made subject to the conditions that the Head of the office shall remain responsible for the proper maintenance of the Service Books and Leave Accounts for the attestation of entries in these documents and for their custody and that he shall inspect at least ten per cent of these documents every year and initial them in token of having done so.

[D.G., P. & T.'s Memo No. 127/2/61-SPB-II, dated the 28th February, 1962 issued with the concurrence of Ministry of Finance (C) Dn, vide their U.O. No. 137 PT-A/62, dated the 26th February, 1962.]

GOVERNMENT OF INDIA'S ORDERS

1. Declaration and Pay fixation memos to be pasted in Services Books.—The declarations of Government servants electing the scales of pay and statements showing the fixation of initial pay in the relevant scales of pay in support of the entries in the Service Books should be pasted in the Service Books themselves.

[G.I., M.F., U.O. No. 3622-Est. III/A/55, dated the 10th May, 1955.]

2. Entries regarding outfit allowance.—With a view to enable the Audit Officer to exercise a check over the payment of outfit allowance to non-gazetted staff serving in Indian Missions and posts abroad, it has been decided that a note of every such payment (i.e., Bill No.,

amount and date of encashment) with its authority should be recorded in the body of the Service Book of the non-gazetted Government servant in chronological order along with other entries.

[G.I., M.F., O.M. No. 15(13)-E. II (B)/56, dated the 3rd July, 1958.]

3. Alteration of date of birth.—See Note 5 below F.R. 56.

4. Attestation by a lower authority to which power to sanction leave authority is delegated by the appointing authority.—In view of the fact that the authority competent to fill up the post of the Government servant, if it were vacant has been empowered to delegate its power to sanction leave to another authority to the extent it considers necessary the powers to attest entries in the leave accounts of non-gazetted Government servants may be exercised by the authority to which the power to sanction leave is delegated. However, to ensure the proper maintenance of leave accounts by the lower authorities to whom the power to sanction leave is delegated, has been decided that the Heads of offices should inspect at least 10 per cent of the leave accounts every year and initial them in token of their having done so.

[G.I., M.F., U.O. No. 4725-E. IV/A/58, dated the 31st July, 1958 and U.O. No. 1554-E-IV/A-59, dated the 20th March, 1959.]

5. GPF Account No. to be entered in Service Book.—It has been decided in consultation with the Comptroller and Auditor-General that as soon as a Government servant is admitted to a Provident Fund, Account number allotted to him should be entered on the right hand top of page 1 of his Service Book by means of a rubber stamp.

[G.I., M.F., O.M. No. F. 3(1)-E-IV(A)/66, dated the 7th October, 1966.]

6. C.G.E.G.I. Scheme nomination to be pasted in the Service Book.—The nomination made by the members of the "Central Government Employees' Group Insurance Scheme, 1980" shall be countersigned by the Head of Office and paste on their service books. The Head of Office shall also make an entry in the

Service Book that the nomination has been duly received.

[Para 19.7. Annex to G.I., M.F., O.M. No. F. 15(3)/78. WIP, dated the 31st October 1980.]

7. 'Hometown' declaration under L.T.C. Scheme to be kept in the Service Book.—The declaration of 'Hometown' under the Leave Travel Concession Scheme, made by a Government servant will be kept on the service book or other appropriate service record of the Government servant.

[G.I., M.H.A., O.M. No. 43/1/55-Ests (A)-Part II, dated the 11th October, 1956. para I (4).]

D.G., P. & T.'S ORDERS

With regard to the annual inspection of at least 10 per cent of the Service Books and Service Rolls as required an Assistant Postmaster general should be considered as the Head of the Office so far as the Circle office, Returned Letter Office and the Stock Depot are concerned.

[D.G., P. & T.s Endorsement Nos. Es. B-132-1/134 and B/132-3/43, dated the 2nd September, 1935 and the 12th July, 1943.]

S.R. 200.—Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in all entry made across the page of the Service Book and must be attested by the Attesting Officer. It is the duty of the Attesting Officer to see that such entries are promptly made.

S.R. 201.—Personal certificates of character must not, unless the Head of the department so directs, be entered in a Service Book but, if a Government servant is reduced to a lower substantive post the reason of the reduction must be briefly shown.

S.R. 202.—It shall be the duty of every Head of Office to initiate action to show the Service Books to the Government servants under his administrative control every year and to obtain their signature therein in token of their having inspected the Service Books. A certificate to the effect that he has done so in respect of the preceding financial year should be submitted by him to his next superior officer

[Substituted by G.I., M.F., Correction Slip No. 1017, dated the 6th February, 1967.]

by the end of every September. The Government servants shall *inter alia* ensure before affixing their signature that their services have been duly verified and certified as such. In the case of a Government servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer has made therein necessary entries connected with his foreign service.

GOVERNMENT OF INDIA'S ORDERS

1. Annual verification of services.—At a fixed time early in the year the service books shall be taken up for verification by the Head of Office who, after satisfying himself that the services of the Government servants concerned are correctly recorded in each of the service book, shall record in each case a certificate in the following form over his signature :

“Service verified up to (date) from the record from which the verification is made.”

NOTE 1.—The verification of service referred to above is intended to ensure that the Head of the Office has satisfied himself that the Government servant's entire service, whether permanent, quasi-permanent, provisional, temporary or officiating, as recorded in the service book is completely borne out by actual facts.

NOTE 2.—Questions affecting pension or the pensionable service of a Government servant which for their decision depend on circumstances known at the time, should be considered as soon as they arise and should not be left over for consideration until the Government servant retires or is about to retire. Definite decisions should be arrived at on all such questions in consultation with the Audit Officer and/or the Account Officer, as the case may be, where necessary and recorded in the service book quoting reference to the orders of the competent authority.

NOTE 3.—The detailed rules regarding the maintenance of service books are contained in the Supplementary Rules 197 to 203.

NOTE 4.—No certificate of verification need be recorded by the Head of Office in respect of periods of foreign service, if any. The entry made in the service book by the Audit Officer under the provisions of Supplementary Rule 203 will be sufficient for this purpose.

[Rule 81. of General Financial Rules, 1963].

The following procedure shall be followed in regard to the maintenance of service books so as to eliminate any delay in the sanctioning and payment of pension :—

- (1) It shall be the responsibility of the officers maintaining the service book to make annual verification and also to complete and certify the service books in respect of previous service in the 20th year of service or 5 years before the retirement, whichever is less.
- (2) The orders of the competent authority, where required on the nature of service, as for example, periods of leave, breaks in service, etc., should be obtained and recorded in the service book. The entries made in the service book should be shown to the Government servant and his signature obtained in the book.
- (3) The orders of the competent authority regarding the counting or otherwise of periods of extraordinary leave or periods preceding breaks in service as qualifying for pension should be obtained invariably at the same time as the occasion arises and not later. Such orders should be noted in the service book. Unless otherwise shown in the service book it will be presumed that the orders of competent authority have been obtained and the periods of extraordinary leave and periods preceding break in service will count for pension.
- (4) Any omission or lapse on the part of the administrative authority to observe the procedure in Classes (1) to (3) above is likely to result in overpayments such as those consequent on period of extraordinary leave being allowed to count for pension and breaks getting automatically condoned. Suitable disciplinary action will be taken in cases where loss has been caused to the State as a result of lapses on the part of the concerned authorities.

[G.I., M.F., O.M. No. F. 18(7)-E. V/(B)/65-Part V, dated the 24th June, 1966.]

2. Need for proper maintenance of service book to eliminate delay in payment of pension.—

S.R. 203. If a Government servant is transferred to foreign service, the Head of his office or department must send his Service Book to the Audit Officer. The Audit Officer will return it after

noting in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's retransfer to Government service, his Service Book must again be sent to the Audit Officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service including the fact of recovery of leave and pension contributions. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

GOVERNMENT OF INDIA'S ORDERS

1. Procedure for noting and attesting entries regarding period of foreign service with Government of Bhutan.—(1) According to the instructions contained in S.R. 203 all entries connected with the foreign service in the Service Book are required to be noted/attested by the Audit Officer. The entries regarding proceeding to and returning from foreign service as well as recovery of foreign service contributions are made by the Audit Officer to ensure that the period spent in foreign service counts for pension and there may not be any difficulty in granting pension to such a Government servant at the time of his retirement from Government service.

(2) In the case of transfer of Government employees to foreign service under Government of Bhutan, no pension contributions are recovered

from that Government as these have been waived by the Government of India, vide orders contained in the Ministry of External Affairs Letter No. E-1/227/12/65-BH, dated the 15th February, 1966. The entire period spent in foreign service thus counts for pension in India. So far as the leave taken during the period of foreign service to the Government of Bhutan is concerned, the leave earned by the Government servant during the period of deputation is sanctioned by that Government who is also responsible for the payment of the leave salary. It is, therefore, immaterial whether the entries regarding proceeding to and returning from foreign service are made in the Service Book by the Audit Officer or the Head of Office. It has accordingly been decided that in the case of non-gazetted officers/decentralised Gazetted Officers (Section Officers of the Ministry/Departments, etc.), on foreign service to the Government of Bhutan, necessary entries in the Service Books of such officers may be made and attested by the Heads of Offices concerned instead of the Audit Officer.

(G.I., M.F., O.M. No. F. 1 (7)-E. III(B)/71, dated the 28th August, 1971)

S.R. 204. Deleted.

S.R. 205. Deleted.

PART IV—LEAVE

Divisions VIII to XXI

[S.Rs. 206 to 292 Not Printed]

Please refer to Central Civil Services (Leave) Rules, 1972

PART V JOINING TIME

[S.Rs. 293 to 302-A Not Printed]

Please refer to Central Civil Services (Joining Time) Rules, 1979

[S.Rs. 303 to 306-A Deleted]

PART VI FOREIGN SERVICE

Division XXIV—Interest on overdue contributions

[Rules made under F.R. 119 (b)]

307. (1) Contribution for leave salary or pension due in respect of a Government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the President, at the rate of two paise per day per Rs. 100 from the date of expiry of the period aforesaid up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

(2) The leave salary and pension contribution should be paid separately as they are creditable to different Heads of Accounts and no dues recoverable from Government, on any account, should be set off against these contributions.

GOVERNMENT OF INDIA'S ORDER

Clarification regarding amendment to S.R. 307.—

(1) The notification No. F.1(1)-E.III(B)/76, dated 19-4-1976 was issued by this Ministry to substitute the existing S.R. 307(1).

(2) The aforesaid notification was to come into force from the date of its publication in the Gazette. Unfortunately, although this notification

was circulated to all concerned, the said notification was not published in the Gazette and could not, therefore, come into force legally. It has now been found that one of Muthuswamy's compilations has printed the amended version of the rule as quoted above on the authority of the circulated copy of notification. It is accordingly felt that some Departments might have recovered the contribution annually as per amended version of S.R. 307 reproduced above.

(3) However, the notification has since been published in the Gazette and will be effective from 10-8-1983.

(4) In the aforesaid context, the matter regarding regularisation of cases decided between 19-4-1976 to 9-8-1983, has been considered in consultation with C. & A.G. and Ministry of Law. It is clarified that in cases where contributions were not made either on annual basis as per the published notification, dated 19-4-1976 or on monthly basis under the provision of unamended S.R. 307 prior to the issue of unpublished notification, dated 19-4-1976 penal interest may be charged on the basis of the provisions of unamended S.R. 307, as in these cases the facility provided in notification, dated 19-4-1976 was not availed of. On the other hand, in cases where contributions were made on an annual basis assuming

1. Substituted by G.I., M.F., Notification No. F. 1(1)-E. III (B)/76, dated the 19th April, 1976 (not published in the Gazette). Since published in Gazette of India as Notification No. F. (1)-E.III/83, dated the 10th August, 1983 and effective from the 31st August, 1983.

that notification, dated 19-4-1976 had already come into effect, penal interest would be chargeable, with reference to unamended S.R. 307. However, in exercise of the powers available under S.R. 307, it has been decided to remit the penal interest, so chargeable in these cases. The past cases of levy or non-levy of penal interest chargeable under S.R. 307, for the period from 19-4-1976 to 9-8-1983 may be regularised accordingly.

[G.I., M.F., O.M. No. F. 1(1)-E. III/83, dated the 22nd August, 1983.]

Division XXIV-A— Travelling Allowance

S.R. 307-A The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer.

Note.—The above rule applies even in cases where the Government servant lent takes leave on reversion before joining duty under Government.

PART VII
DELEGATIONS
Division XXV

[Orders issued by the President under Fundamental Rules 4, 6 and 7]

S.R. 308 :—(a) *Appendix 4 schedules the delegations of powers made by the President under Fundamental Rules 4 and 6.

(b) *Appendix 13 schedules the authorities subordinate to the President which exercise the powers of a competent authority under the various Supplementary Rules made under the Fundamental Rules by the President. ¹[]

(c) For Convenience of reference, cases in which the Ministry of Finance has declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by a Ministry or Department of the Government of India of powers conferred by the Fundamental Rules upon the Central Government have been included as delegations in both Appendices.

S.R. 309 :—The Ministry of Finance has declared, under Fundamental Rule 7, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the powers delegated by *Appendices 4 and 13.

S.R. 310 :—The delegations made in* Appendices 4 and 13 are subject to the following conditions:—

(a) Except where President by general or special orders directs otherwise, a power may be exercised by an authority to which it is

delegated in respect of those Government servants only who are under the administrative control of that authority.

(b) The nature of each power delegated is shown in column 3 of the appendices. The delegation extends to the power so specified only and not to any other power conferred by the rule quoted in column 2.

(c) If any power conferred upon conferred upon a competent authority by the Fundamental or the Supplementary Rules, as the case may be, is not shown in the Appendices, it is to be understood that such power is not delegated to any authority subordinate to the President.

²(d) Any power delegated by either Appendix to a head of department may be exercised by a Ministry or a Department of the Government of India or an Administrator of a Union Territory.

³(e) Deleted.

³(f) Deleted.

AUDIT INSTRUCTION

The words 'who are under the administrative control of the authority in S.R. 310 (a) should be understood to mean 'who are serving under the orders of that authority'.

[Para 30(G). Sec. II of Manual of Audit Instructions (Reprint).]

*Reproduced as Appendices in Parts I and II of this Compilation.

1 Deleted by G.S. No. 1320, dated the 28th July, 1971.

2 Inserted by G.L., M.F., Order No. 18(13)-E. IV (A)/70, dated the 18th May, 1972. This takes effect from the 20th March, 1971.

3 Deleted by G.L., M.F., Order No. 18(13)-E. IV(A)/70, dated the 27th February, 1971.

PART VIII
GOVERNMENT RESIDENCES
Division XXVI—Allotment of Residences

[Rules made under Fundamental Rule 45]

S.R. 311. When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

(4) An officer shall be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

GOVERNMENT OF INDIA'S ORDER

Competent authority for cancelling allotment of post attached quarters.—The authority empowered to allot a residence to a post under S.R. 311, has the powers to cancel such allotment when the specific post ceases to exist or the functions of the post are so altered as not to require the incumbent of the post to live on Government premises, for the proper discharge of his official duties.

[G.I., M.F., (C's) Endorsement No. NB. 41-13/52, dated the 23rd November, 1953.]

S.R. 312. (1) The incumbent of a post to which a residence has been allotted under Rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) An officer shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with an officer who is in occupation thereof.

(3) An officer shall be considered to be in occupation of his residence when absent on tour or at hill station where he is permitted, but not required by Government to reside.

S.R. 313. (1) The competent authority may suspend the allotment of a residence to a post—

(a) which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence;

(b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence;

(c) to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence; or

¹(d) Deleted.

¹(e) Deleted.

(f) in which an officer is officiating for a period not exceeding two months, if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority, justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the President.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or

¹Deleted by G.I., M.F., Order No. 18(13)-E. IV(A)/70, dated the 27th February, 1971. This takes effect from the 20th March, 1971.

when the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or, if it is not required by any such officer, to any suitable person :

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

D. G., P. & T'S ORDERS

(1) Licence fee-free quarters attached to non-gazetted post.—Heads of Circles may suspend the allotment of a residence to the incumbent of a non-gazetted post entitled to licence fee-free quarters when the incumbent is living in privately rented accommodation and it is not possible to give adequate prior intimation of the allotment to enable him to give the requisite notice of vacation to his landlord.

The period of suspension should ordinarily be equal to the period of notice which the incumbent has to give to his landlord, but it should not extend beyond the end of the ensuing calendar month.

[F.A. (C's) No. N. 705/38, dated the 11th January 1940.]

(2) Quarters attached to Gazetted posts.—Heads of Circles may exercise full powers under S.R. 313 (1) to suspend the allotment of residence allotted to gazetted posts.

Heads of Circles may also suspend the allotment of a residence to the incumbent of a gazetted post when such incumbent is living in privately rented accommodation and it is not possible to give adequate prior intimation of the allotment to enable him to give the requisite notice of vacation to his landlord. The period of suspension should ordinarily be equal to the period of notice which the incumbent has to give to his landlord but it should not extend beyond the end of the ensuing calendar month.

[F.A. (C's) Endorsement No. N. 47-37/45, dated the 20th February, 1947.]

S.R. 314. An officer in occupation of a residence may sub-let it, subject to the following conditions, namely :—

- (a) the lessee shall be approved by the competent authority;
- (b) the sub-tenancy shall not be recognised by Government;
- (c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear;
- (d) the sub-tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted;
- (e) the licence fee payable by the lessee shall not, except with the previous sanction of the competent authority, exceed the licence fee payable to Government by the lessor; and
- (f) the licence fee payable to Government by the lessor shall be the licence fee payable by him if he had not sub-let the residence or the licence fee payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher.

GOVERNMENT OF INDIA'S ORDERS

1. Recovery of licence fee in the case of sub-letting of quarters when lessee and/or lessor entitled to licence fee-free quarters.—It has been decided under S.R. 314(f) that in the case of sub-letting of a Government residence when the lessor is not entitled to licence fee-free quarters or house rent allowance in lieu, but the lessee is so entitled, the licence fee payable by the lessor should be the licence fee payable by him if he had not sub-let the residence, or the licence fee payable by the lessee if the residence had been allotted to him direct by Government otherwise than free of licence fee, whichever is higher.

When a Government residence is sub-let and the lessor and the lessee are, or the lessor is, entitled to licence fee-free quarters or house rent allowance in lieu, the following procedure should be adopted in regard to the recovery of licence fee :—

- (i) when both the lessor and the lessee are entitled to licence fee-free quarters or house rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances; and

- (ii) when the lessor is entitled to licence fee-free quarters or house rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house rent allowance admissible to him or to the licence fee payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

[G.L., F.D., Endorsement No. F. 20(6)-Ex. II/45, dated the 14th August, 1945.]

2. Admissibility of HRA when licence fee-free quarter is sub-let.—A question having arisen whether a Government servant who is entitled to licence fee-free accommodation as a condition of service or house rent allowance in lieu, is entitled to draw house rent allowance if he sub-lets, with proper sanction, the accommodation allotted to him and for which he pays licence fee according to paragraph 2 of item (1) above, it has been decided that in such cases the usual house rent allowance will be admissible.

[G.L., M.F., O.M. No. F. 2(21)-Est. III/50, dated the 26th June, 1950.]

S.R. 315. Officers holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognised by Government. Each officer shall remain responsible for the licence fee of the residence allotted to the post held by him.

S.R. 316. The competent authority may permit an officer during temporary absence from his station to store his furniture and other property at his own risk, free of licence fee in the residence occupied by him prior to such absence, unless—

- (a) the officer, if any, who discharges the duties of the absent officer, is responsible for payment of the licence fee of the residence, or
- (b) arrangements are made to let the residence during such temporary absence :

Provided that if a claim for vacancy remission of property tax or taxes for specific services such as water, electricity, scavenging, etc., becomes

admissible, consequent on the storage of furniture, etc., an amount equal to the vacancy remission of tax(es) that would otherwise have accrued shall be recovered from the Government servant who enjoyed the concession :

Provided further that the permission for storage of furniture, etc., free of licence fee shall be given for a limited period not exceeding eight months.

S.R. 316-A. If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.

[See Order No. (9) below F.R. 45-A for revised concessional periods for further retention in the cases of retirement/terminal leave/death.]

AUDIT INSTRUCTION

In cases covered by S.R. 316-A the recovery of licence fee should be governed by F.R. 45-A and not by F.R. 45-B; that is to say, while the original allotment subsists, licence fee should be charged at the same concessional rate as was being paid by the Government servant before his death, dismissal or retirement, as the case may be. Similarly, the concession of licence fee-free quarters, if it was granted in any case, should continue during the period of grace.

[Para 5-(iv), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

S.R. 317. (1) Rules 311 to 316, both inclusive, shall be deemed to have come into force on the 1st April, 1924 and Rule 316-A on the 31st January, 1950.

(2) Rules 311 to 316-A, both inclusive, shall not apply to any class of residence in respect of which rules, other than Rules 311 to 316-AA, made by the President under Fundamental Rule 45, are in force.

Division XXVI-A to Division XXVI-G—
Not Printed

Division XXVII—Licence Fee of Government Residences

[Rules made under F.R. 45-A]

S.R. 318. For the purposes of clause II of Fundamental Rule 45-A, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

- (a) a Public Works officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority, or
- (b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department, and when—
 - (i) the residence is in occupation of an officer whose pay does not exceed Rs. 150 a month or
 - (ii) the capital costs of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S.R. 319. For the purposes of clause II of Fundamental Rule 45-A, expenditure incurred on such works as:—

- (a) raising, levelling and dressing sites
- (b) construction of revetments, retaining walls, compound walls, fences and gates
- (c) storm water drainage; and
- (d) approach roads and paths within the compound.

shall be regarded as expenditure upon the preparation of a site.

S.R. 320. For the purposes of proviso (vi) to clause II of Fundamental Rule-45A, the following shall be regarded as fittings, namely:—

Electric Fittings

- (a) Lamps of all kinds (excluding bulbs)
- (b) Fans, including switches and regulators, the hire of which is not charged separately;
- (c) Meters;
- (d) Electric heaters and water heaters, which are fixed to walls floor or ceilings; and
- (e) Electric lifts.

Sanitary and Water Supply Fittings

- (a) Apparatus for hot water supply;

- (b) Baths, basins and lavatory equipment and
- (c) Meters.

S.R. 321. In the calculation of the standard licence fee of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-A, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be:—

- (a) for meeting such charges, for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government plus interest calculated at the rate fixed by the President under sub-clause (b) (i) of clause III of Fundamental Rule 45-A—

- (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or

- (ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed.

S.R. 322. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-A of the standard licence fee of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be—

(a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water supply and electric installations and fittings) plus the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-A as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amount actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate of fixing the percentage referred to in sub-rule (1) :-

(a) "probable cost" shall include all charges which may reasonably be expected to be incurred;

(b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;

(c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and

(d) the cost or probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

S.R. 323. (1) When the standard licence fee of a residence has been calculated minor additions and alterations may be made without the licence fee of the residence being increased, subject to the following conditions, namely :-

(a) the total cost of such additions and alterations shall not exceed 5 per cent of the capital cost on which the standard licence fee was last calculated, and

(b) such additions and alterations shall be made within five years after the last calculation of the standard licence fee.

¹(2) In cases where additions or alterations are made at the specific request of an officer to whom the residence has been allotted, additional licence fee calculated at the rate of 6% of the estimated cost of additions and/or alterations will be recovered from that officer from the date of completion of the work, over and above the licence fee which otherwise would have been charged under the provision of clause IV (b) (i) of F.R. 45-A. Such additional recovery will continue until that residence is allotted to another officer or till the standard licence fee has been recalculated under the provisions of S.R. 324.

S.R. 324. (1) When, by reason of additions and alterations, the capital cost of residence exceeds by more than 5 per cent the capital cost on which the standard licence fee was last calculated, the standard licence fee shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of licence fee, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard licence fee of a residence shall be recalculated on the expiry of five years from the date of the last calculation and the recalculation shall take effect from the 1st April next following, or from such other date as the President may direct.

¹(3) Notwithstanding sub-rules (1) and (2), when a residence referred to in sub-rule (2) of S.R. 323 is vacated by the officer at whose request additions or alterations were made, the standard licence fee of residence on its reallocation to another officer will be the existing standard licence fee plus the additional licence fees sanctioned in accordance with S.R. 323 (2) for works carried out up to the date of reallocation. If the standard licence fee of that residence has been pooled with other residences, its pooled licence fee will be the existing

pooled licence fee plus additional licence fee recoverable under S.R. 323 (2).

¹(4) Notwithstanding anything contained in sub-rules (1) and (2), the flat rate of licence fee prescribed under F.R. 45-A-IV (c) (ii) for residences shall be recalculated on the expiry of three years from the date of the last calculation and the recalculation shall take effect from 1st July next following, or from such other date as the President may direct.

S.R. 325. (1) If a residence is supplied with service other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules other than these rules, made by the President under clause VI of Fundamental Rule 45-A, are in force) the licence fee to be charged for such services in addition to, and during the same period as the licence fee payable under clause IV of Fundamental Rule 45-A, shall be determined by the competent authority subject to the following provisions, namely :-

- (a) the licence fee shall, in the case of furniture, be calculated for durable and non-durable articles separately;
- (b) the licence fee shall be expressed as a monthly licence fee and shall be one-twelfth of the amount annually required for the payment of :-
 - (i) interest at a rate to be fixed from time to time by the President in this behalf on the capital cost of such services;
 - (ii) in the case of furniture, depreciation and repairs; and
 - (iii) in the case of such services, other than furniture, maintenance charges :

Provided that in case of furniture supplied in Government residences in Simla, New Delhi and Delhi, licence fee shall be calculated in the manner specified in Rules 323 and 324, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the licence fee shall be 4 per cent of the capital cost of furniture instead of 5 per cent laid down in those rules. This provision will also apply *mutatis mutandis* in the event of a reduction in the scale of furniture; and

(c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water, the charges for such services shall be recovered in addition to the licence fee payable under sub-rule (1) and under clause IV of Fundamental Rule 45-A and shall be determined by the competent authority subject to the following provisions namely :-

(a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the metres. The rate of the cost per unit shall be so fixed as to include in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

(i) interest at a rate to be fixed by the President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;

(ii) depreciation and maintenance charges on the capital assets; and

(iii) actual running expenses;

(b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.

(c) If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in particular area or of a particular class or classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

(3) The President may in special circumstances by order remit or reduce the additional licence fee and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

¹ Inserted by G.I. M.F. Notification No. 11(7)/W&E/86 dated 30-6-87.

GOVERNMENT OF INDIA'S ORDERS

1. Rate of interest.—The same rate of interest which is applied for purposes of Fundamental Rules 45-A III and 45-B III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45-A and 45-B.

[G.I., F.D. No. F. 3-XLVIII R. I/29, dated the 19th February, 1930.]

2. Rent of furniture.—It has been decided under Supplementary Rule 325 (1) that the standard licence fee of furniture supplied in residential quarters and bungalows of the Posts and Telegraphs Department should be fixed at the rates noted below :—

	Percentages at which standard licence fee should be charged on the capital cost of furniture supplied	
	Durable per cent	Non-durable per cent
I. New Delhi :		
(1) Furniture in residences of Gazetted Officer	11.25	14.25
(2) Furniture in quarters of non-gazetted officials :		
(i) Unorthodox	14.25	21.25
(ii) Orthodox	15.25	21.25
II. Places other than New-Delhi :		
(1) Furniture in residences of Gazetted Officers	11.25	14.25
(2) Furniture in quarters of non-gazetted officials (both orthodox and unorthodox)	14.25	21.25

(F.A. (C's) Endorsement No. N-232/39, dated the 22nd April, 1941.]

3. Rate of recovery of charges towards additional service provided.—A question was raised as to the elements of expenditure incurred by the Government for provision of additional services to the allottees of Government accommodation that should be taken into account for fixing the rate of recovery from the occupants of Government accommodation. It has been decided that besides the actual expenditure on provision of additional services and pay and allowances of staff employed in connection with such services, a suitable percentage on account of their medical reimbursement, children education allowance, leave travel concession, liveries and uniforms.

leave salary and pensionary benefits should also be taken into consideration unless this is already being done.

It may not always be possible to get figures of actual expenditure within a reasonable period of time and as such a reliable approximation of actual expenditure as possible within a reasonable period may be worked out and suitable percentages be evolved for various items of expenditure mentioned above, keeping in view the expenditure incurred during the past two or three years.

[G.I., M.H., Dte. of Estates (Policy Cell), O.M. No. 20012/(1) 69-Pol., dated the 7th April, 1969.]

S.R. 326. Fundamental Rule 45-A shall be deemed to have applied with effect from the 1st April, 1924, to all Government servants not mentioned in the said rule to whom the rules governing the allotment and condition of occupation of Government residences and quarters in Delhi and Simla applied and with effect from the 1st April, 1929, shall apply to all Government servants, other than those occupying residences belonging to the Indian Railways or rented at the cost of Railway revenues, who fulfil the condition set forth in Rule I of these rules.

Division XXVIII—Licence Fee of Government Residence

(Rules made under F.R. 45-B)

S.R. 327. For the purposes of clause II of Fundamental Rule 45-B the present value of a residence including its subsidiary buildings and of the site on which it stands, shall be estimated by—

(a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority; or

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department and when—

(i) the residence is in the occupation of an officer whose pay does not exceed Rs. 150 a month. or

(ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 328. For the purposes of clause II of Fundamental Rule 45-B, expenditure incurred on such works as :—

- (a) raising, levelling and dressing sites;
- (b) construction of revetments, retaining walls, compound walls, fences and gates;
- (c) storm-water drainage; and
- (d) approach roads and paths within the compound; shall be regarded as expenditure upon the preparation of a site.

GOVERNMENT OF INDIA'S ORDER

Expenditure on community gardens.—It has been decided that all expenditure within the compound of a residence, whether for grassing or for storm-water drains, shall be treated as expenditure on preparation of site and shall accordingly be taken into account for calculation of licence fee under F.R. 45-B.

It has also been decided that the expenditure on community lawns or gardens shall not be taken into account for calculation of licence fee under F.R. 45-B of any individual residence and no garden or lawn charges in respect of community ones shall be recoverable from the allottees, if the residence does not have any private lawn or garden attached to it.

[Ministry of Finance Endorsement No. 1417-MF(E)/60, dated the 29th February, 1960 to the A. G. C. R. on G. I., M.W. H.S. Letter No. P3(151/53, Acc., dated the 19th February, 1960.)]

S.R. 329. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-B, the following shall be regarded as fittings, namely :—

Electric Fittings

- (a) Lamps of all kinds (excluding bulbs);
- (b) Fans including switches and regulators, the hire of which is not charged separately;
- (c) Meters
- (d) Electric heaters, and water heaters, which are fixed to walls, floors or ceilings and
- (e) Electric lifts.

Sanitary and Water Supply Fittings

- (a) Apparatus for hot water supply ;
- (b) Baths, basins and lavatory equipment; and
- (c) Meters.

S.R. 330. In the calculation of the standard licence fee of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

- (a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and
- (b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, plus interest calculated at the rate fixed by the President under sub-clause (b) of clause III of Fundamental Rule 45-B—
 - (i) if no part of such charges is to be reimbursed by the lessor, on half such charges; or
 - (ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S.R. 331. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-B of the standard licence fee of a residence owned by Government, the addition to be made for municipal

and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

(a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence plus the amount of the rates or taxes in the nature of house or property tax payable in respect of the residence under any law or custom by the owner to a municipality or other local body; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1)—

(a) "probable cost" shall include all charges which may reasonably be expected to be incurred;

(b) "ordinary repairs" shall include repairs executed annually or periodically, but shall not include special repairs;

(c) "special repairs" shall include renewal of floors and roofs and other replacements recurring at long intervals; and

(d) the cost or probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if a revision has taken place for five years.

S.R. 332. When the standard licence fee of a residence has been calculated, minor additions and alterations may be made without the licence fee of the residence being increased, subject to the following conditions, namely :—

(a) the total cost of such additions and alterations shall not exceed 5 per cent of the

capital cost on which the standard licence fee was last calculated, and

(b) such additions and alterations shall be made within five years after the last calculation of the standard licence fee.

S.R. 333. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent the capital cost on which the standard licence fee was last calculated, the standard licence fee shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of licence fee, whichever is earlier.

(2) Subject to the provisions of sub-rule (1) the standard licence fee of a residence shall be recalculated on the expiry of five years from the date of the last calculation and the recalculation shall take effect from the 1st April next following or, from such other date as the President may direct.

S.R. 334. (1) If a residence is supplied with services such as water supply, sanitary or electric installations and fittings, furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the President under clause VI of Fundamental Rule 45-B, are in force) the licence fee to be charged for such services in addition to, and during the same period as, the licence fee payable under clause IV of Fundamental Rule 45-B shall be determined by the competent authority subject to the following provisions, namely :—

(a) the licence fee shall, in the case of furniture, be calculated for durable and non-durable articles separately ;

(b) the licence fee shall be expressed as a monthly licence fee and shall be one-twelfth of the amount annually required for the payment of :—

(i) interest at a rate to be fixed from time to time by the President in this behalf on the capital cost of such services

(ii) in the case of such services other than tennis court and garden depreciation and repairs; and

(iii) in the case of tennis court and garden maintenance charges :

Provided that in the case of furniture supplied in Government residences in Simla, New Delhi and Delhi licence fee shall be calculated in the manner specified in Rule 332 and 333, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the licence fee shall be 4 per cent of the capital cost of furniture, instead of the 5 per cent laid down in those rules. This provision will also apply *mutatis mutandis* in the event of a reduction in the scale of furniture; and

- (c) if the capital cost of such services is not known, it may be estimated by the competent authority.

(2) If a residence is supplied by Government with electric energy and water, the charges for such services shall be recovered in addition to the licence fee payable under sub-rule (1) and under clause IV of Fundamental Rule 45-B and shall, be determined by the competent authority subject to the following provisions, namely :—

- (a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of cost per unit shall be so fixed as to include in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

- (i) interest at a rate to be fixed by the President from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation;
- (ii) depreciation and maintenance charges on the capital assets; and

(iii) actual running expenses.

- (b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.
- (c) If the capital outlay or cost mentioned in clause (a) (i) is not known, it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for electric energy and water subject to the condition that the basis of assessment is uniform.

- (3) The President may in special circumstances, by order, remit or reduce the additional licence fee and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

GOVERNMENT OF INDIA'S ORDERS

1. Rate of interest.—The same rate of interest which is applied for purposes of Fundamental Rules 45-A III and 45-B III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45-A and 45-B.

[G.I., F.D. No. F. 3-XLVII-R./29, dated the 19th February, 1930.]

2. See item 2 of Government of India's Orders below F.R. 325.

S.R. 335. Rule 327 to 334, both inclusive, shall be deemed to have come into force on the 3rd August, 1927.

APPENDIX 1

ORDERS ISSUED UNDER FUNDAMENTAL RULE 114

The following orders are issued under Fundamental Rule 114, regulating the amount of remuneration which may be sanctioned by the Central Government for a Government servant transferred to foreign service :—

1. When the transfer of a Government servant to foreign service is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession which is not so specified; and if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

2. No order of transfer to foreign service shall be issued by the Central Government without previous consultation with its Ministry of Finance. It shall be open to that Ministry to prescribe, by General or Special order, cases in which its consent may be presumed to have been given.

3. The following two general principles must be observed by the Central Government in sanctioning the condition of transfer :—

(a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the foreign employer which employs him.

(b) The terms granted must not be so greatly in excess of the remuneration which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service—provided that if his transfer to foreign service involves the assumption of duties and responsibilities of far greater importance than those attached to his post in Government service, his pay in foreign service may be specially

fixed with due regard both to his status and pay in Government service and to the nature of the work for which he is transferred.

4. Provided that the two principles laid down in paragraph 3 above are observed, Central Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course but in those cases only in which the Central Government consider that circumstances justify their grant :—

(a) The payment of contributions towards leave salary and pension under the ordinary rules regulating such contributions.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of the Central Government or under the loan rules of the foreign employer, and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) The use of foreign employer's tents, boats and transport on tour; provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

(d) The grant of free residential accommodation, which may be furnished in cases in which the Central Government considered this to be desirable, on such scale as may seem proper to the Central Government.

(e) The use of foreign employer's motors, carriages and animals.

5. The grant of any concession not specified in paragraph 4 above requires the sanction of the President.

[G.I., F.D., No. 1360-E.B., dated the 10th December 1921 and Letter No. (27)-R.I/33, dated the 6th November 1933, as amended.]

GOVERNMENT OF INDIA'S ORDERS

1. Specific terms about T.A. to be prescribed.— Specific terms in regard to travelling allowance to be allowed to Government servants for journeys on transfer to foreign service and on reversion therefrom, should invariably be prescribed in

future by sanctioning authorities in consultation and agreement with the foreign employer.

[G.I., F.D., Letter No. F. 1 (18)-R-I/37, dated the 29th June, 1937.]

2. Medical attendance facilities.—No Government servant to whom the C. S. (M.A.) Rules 1944 apply shall be transferred to foreign service unless the foreign employer undertakes to afford him, so far as may be, privileges not inferior to those which he would have enjoyed under the said Rules if he had been employed in the service of the Government of India.

[G.I., M.F., Cir. Letter No. D-8803-E. IV/48, dated the 27th January, 1949.]

3. Compensatory allowance for periods of leave to be paid by foreign employer.—In the case of a Government servant in foreign service in India a contribution on account of leave salary is recoverable from the foreign employer, and in return for the contribution Government accepts the charge for leave salary. As the rates prescribed for such contribution have been calculated on the basis of the leave on full and half average pay normally taken by a Government servant during the total period of his services and do not take into account any compensatory allowance, which may form part of leave salary as defined in F.R. 9(12), it has been decided that the whole expenditure in respect of any compensatory allowance for periods of leave in or at the end of foreign service shall be borne by the foreign employer. In order to avoid any misunderstanding it is desirable that a condition to this effect should be inserted in the terms of transfer to foreign service.

[G.I., F.D. Endorsement No. F. 1 (12) R. I/43, dated the 6th October, 1943.]

4. Recovery of special disability leave salary charges on account of disability incurred in and through foreign service.—The foreign employers should in the case of Government servants transferred to foreign service accept liability for leave salary in respect of disability leave granted on account of a disability incurred in and through foreign service, even though such disability manifests itself after the termination of foreign service. The leave salary charges for such leave should be recovered direct from foreign em-

ployers, a condition to this effect being inserted in the terms of transfer to foreign service.

[G.I., F.D., Endorsement No. F. 7(13)-R. I/44, dated the 6th April, 1944.]

5. Procedure for payment of leave salary during foreign service.—(1) In accordance with the Order (3) above, contributions on account of leave salary in the case of a Government servant on foreign service in India, are recoverable from the foreign employer, and in return for such contributions, Government accept the charge for the leave salary in respect of any period of leave availed of by the Government servant in or at the end of the foreign service. The expenditure in respect of any compensatory allowance payable for such leave is, however, borne by the foreign employer.

A question was raised in this connection whether the leave salary and allowances should in such cases be paid to the Government servant in the first instance, wholly by the foreign employer, Government's share being subsequently reimbursed, or whether the leave salary and allowances be paid in the first instance by the Government, the foreign employer reimbursing the Government subsequently his liability for the allowances or whether Government and the foreign employer should each pay what are their respective liabilities and thus avoid further adjustments between themselves. The existing practice in the matter was not uniform.

After a careful consideration of the matter, it has been decided in consultation with the Comptroller and Auditor-General of India, that in respect of the leave salary and compensatory allowances payable to the Government servant for periods of leave availed of by him in or at the end of foreign service, the parent Department of the Government and the foreign employer should discharge their respective liabilities directly in accordance with the terms of transfer on foreign service of the Government servant concerned.

(2) The foreign employer, henceforth, will maintain a leave account of the Government servant concerned. An extract of the leave account can be supplied to him by the Accounts Officer in the case of Gazetted Officers and by the Head of the Office in the case of non-gazetted officers. The Foreign employer will determine the leave admissible to the Government servant concerned and sanction it under intimation to the Accounts Officer in the case of Gazetted Government servant and the Head of the Office in the case of non-gazetted servant, as the case may be. The

Foreign employer will then make payment of the leave salary to the officer concerned. Thereafter, he may claim half yearly reimbursement of leave salary so paid, from the Accounts Officer/Head of the Office, as the case may be. For this purpose he may send his claims duly supported with details of the officials on foreign service nature and period of leave sanctioned, rate of leave salary and amount of leave salary paid, to the Accounts Officer in the case of Gazetted Officers and to the Head of the parent department in the case of non-gazetted Officer. The half yearly reimbursement suggested may be in respect of the period from 1st April to 30th September and 1st October to 31st March. The Accounts Officer or the head of the department should verify the claims preferred by the foreign employer and arrange to reimburse the amount through Bank Draft within a month of the receipt of the claim.

[G.I., M.F., O.M. No. F. I (34)-Estt. IV/57, dated the 24th October, 1957 and G.I., M.F., O.M. No. 11(1)-E III (B)/75, dated the 21st May, 1975.]

6. Transit pay and T.A. of a Government servant transferred from one foreign employer to another without reverting to the Government service.—It has been decided that the transit pay and allowances and transfer travelling allowance in the case of a Government servant who proceeds on transfer from one foreign employer to another without reverting to Government service should be borne by the foreign employer to whom the employee proceeds on transfer.

[G.I., M.F., O.M. No. F. 5(29)-E, IV(B)/67 dated the 27th September, 1967.]

7. Lending Department to pay DA as part of cash equivalent of leave salary in case of retirement/death while in foreign service.—(1) Order No. (3) above provides that the whole expenditure in respect of any compensatory allowance for period of leave in or at the end of foreign service should be borne by the foreign employer. The question whether in the case of an officer who retire while on foreign service, the expenditure on Dearness Allowance on the leave salary paid in lieu of unutilised leave is to be borne by the parent department or the foreign employer with whom the Government servant was serving immediately prior to his retirement has been under consideration. It has been decided that the incidence of expenditure on account of Dearness Allowance payable to a Government servant who retires/dies in harness while on foreign service should be paid to him by the lending department as a part of cash equivalent of leave salary admissible to him at the time of his retirement/demise.

(2) These orders take effect from the date of issue of this Office Memorandum. The cases decided otherwise than in accordance with these orders prior to this date need not, however, be reopened.

[G.I., M.F., O.M. No. 21011/21/81-E II(B), dated the 10th August, 1981 and Corrigendum, dated the 24th September, 1981.]

APPENDIX—2

ORDERS ISSUED UNDER
FUNDAMENTAL RULES 116 AND 117

Rates of contribution payable on account of pension
and leave salary during active foreign service

I. Officers other than Military Officers in Foreign
Service

1. In supersession of the rates of contribution for pension and leave salary promulgated earlier, the President is pleased to prescribe, with reference to Fundamental Rules 116 and 117, the rates of contributions set out in the Annexures.

2. (a) For the purpose of contribution for pension Government servants have been classified in the following seven grades :—

- (1) Members of the Indian Civil Service with non-Asiatic domicile.
- (2) Members of the Indian Civil Service with Asiatic domicile.
- (3) Members of the other All India and Group 'A' Central Services with non-Asiatic domicile.
- (4) Members of Group 'A' Services.
- (5) Members of the Group 'B' Central Services.
- (6) Members of the Group 'C' Central Services.
- (7) Group 'D' Central Government servants.

(b) Not printed.

(c) Not printed.

3 to 5. Not printed.

6. A Government servant who is a subscriber to the Contributory Provident Fund (India) and who is transferred to foreign service shall pay monthly subscriptions calculated on the rate of pay drawn in foreign service. The foreign employer or the officer himself, according to the arrangement made under clause (c) of Fundamental Rule 115, shall pay, in addition, for the period of active foreign service, at such times as Government may prescribe in each case, a contribution determined by the formula $X+XY$, where X equals the amount which would have been credited monthly to the subscriber's account in the Provident Fund had he not proceeded on foreign service, the rate of pay drawn by him, in foreign service being regarded as his 'emoluments' for this purpose, and Y equals the fraction

which the amount recoverable as leave salary contribution bears to pay drawn in foreign service.

NOTE.—In the cases of Members of Group 'A'—Group II, Group 'B' and Group 'C' Central Services and Group 'D' employees referred to in columns 3 to 6 of the Annexure above, (printed at the end of this Appendix) the "maximum monthly pay" for the purpose of applying the relevant percentage rate will be the maximum pay of the post substantively held at the time of proceeding on foreign service or the maximum pay of the higher officiating post as provided in the Government of India's Order No. (3) below this Appendix, whichever may be applicable.

The existing rates of pension contribution do not include an element for extraordinary pension and a separate clause is included in the terms of foreign service that the foreign employer will be liable for the payment of gratuity or pension that may be admissible under the Extraordinary Pension Rules applicable to the Officer, if injury is sustained or death occurs while on foreign service. As the revised rates of pension contributions mentioned in the above Annexure include an element for the grant of extraordinary pension also, the liability for the same will, in future, fall on the Government of India and there will be no necessity to include a separate clause in the foreign service terms to indicate the foreign employer's liability in this respect.

[G.L., F.D., Resolution No. F. I. (1)-R.-I. I/37, dated the 1st December, 1938 amended by Resolution No. F. 33 (5)-R. II/40, dated the 8th January, 1941, G.L., F.D. Resolution No. F. 1(1)-R. I/37, dated the 3rd June, 1939 and G.L.M.F., O.M. No. F. 1(10)-E. III (B)/65, dated the 17th April 1967.]

Clarifications.—(1) The term 'active foreign service' is intended to include the period of joining time which may be allowed to an officer both on the occasion of his proceeding to and reverting from foreign service, and accordingly contributions are leviable in respect of such periods.

(2) The expression 'length of service' should be taken to mean the entire continuous service of the Government servant concerned, including temporary service in a pensionable post and also continuous temporary service in a purely temporary establishment. The 'term pensionable post'

includes a temporary post in a pensionable establishment, even if it is not in the same cadre as a pensionable post.

[G.I., M.F., O.M. No. F. 1 (44)-E. IV/57, dated the 3rd February, 1958, and Letter No. 5720-E. IV/A/58, dated the 16th October, 1958 and the 23rd December, 1958.]

GOVERNMENT OF INDIA'S ORDERS

1. Rates for temporary personnel same as for permanent.—When a temporary Central Government servant is transferred to foreign service pension contribution should be recovered as in the case of permanent Government servants.

The question has also been considered whether a rate of pension contribution lower than that in respect of a permanent Government servant should be prescribed in the case of a temporary Government servant on foreign service. Such reduction is considered unnecessary, because the rate of contribution can at best be determined only on a rough basis, and a different basis for temporary personnel would lead to accounting complications.

[G.I., M.F., Endt. No. F. 1(6)-E. IV/52, dated the 6th January, 1953.]

2. Rates of contribution applicable to Group 'D' staff.—(1) It has been decided that the following rates of contributions should apply also to Group 'D' Government servants deputed on foreign service :—

(a) Leave salary contributions will be recovered as under :—

(i) At 12½% of pay drawn in foreign service for persons governed by the Ordinary Leave Rules.

(ii) At 11% of pay drawn in foreign service for persons governed by the Revised Leave Rules, 1933 [now C.C.S. (Leave) Rules, 1972].

(b) Pension contributions in such cases will be at the rates laid down under the last column of the Annexure B.

(2) It has further been decided that the rates of leave salary contribution in respect of Group 'D' Government servants deputed from the Central Government to the State Governments or vice versa should be the same as for other Governments servants. This means that—

(a) in respect of persons governed by the Ordinary Leave Rules, to recovery of leave salary contribution should be made. In such cases, allocation of leave salary will be made, in accordance with Appendix 3-B II of the Account Code, Volume I;

(b) in respect of persons governed by the Revised Leave Rules, 1933, recovery of leave salary contribution shall be made in accordance with Rule 9 of Appendix 2-B II *ibid*.

(c) pensionary charges in all cases will be apportioned between different Government on the basis of length of service in accordance with Appendix 3-B IV *ibid*.

[G.I., M.F., O.M. No. 1(33)-E. IV/58, dated the 23rd August, 1961.]

3. Pension contribution to be based on—(a) Maximum of the pay as defined in F.R. 9(21) (a) (i).—

1. Consequent upon revision of Central Government pay scales w.e.f. 1-1-1986 and the decision to calculate pension from 1-1-86 with reference to pay as defined in F.R. 9(21)(a)(i) only, the President is pleased to decide that pension contribution payable in respect of a Government servant during the active period of his foreign service shall be based on the maximum of the pay as defined in Rule 9(21) (a)(i) of the Fundamental Rule of the revised pay scale of the post held by a Government servant at the time of proceeding on foreign service or to which he may receive *pro forma* promotion while on foreign service.

2. These orders will apply w.e.f. 1-1-1986. In respect of persons who are already on foreign service as on 1-1-1986, the rates of pension contribution, will be calculated as per above formula with effect from the date they opt to come over to the revised scale in their parent cadres. For the earlier period, the pension contributions will be as per extant orders.

[D. of Pers & Trg. O. M. No. 2/44/85 Estt (P-II) dt. 5-10-87]

(b) *Plus non-practising allowance.*—A question has been raised whether Non-Practising Allowance which is treated as Special Pay for all purposes should also be taken into account for determining the monthly pension contributions payable in accordance with the formula referred to in para above. It has been decided that as Non-Practising Allowance will count in full under Article 486-C of the C.S.Rs. [Rules 33 of C.C.S. (Pension) Rules, 1972] the monthly contributions recoverable during active foreign service should be calculated on the maximum of the scale of pay of the post *plus* Non-Practising Allowance appropriate to such maximum.

[G.I., M.F., O.M. No. F. 1(14)-E. III(B)/69, dated the 15 July, 1969.]

ORDERS ISSUED UNDER F. Rs. 116 AND 117

ANNEXURE

A. i. Rates of monthly contribution of pension

Effective from 1st April, 1967 to 30th June, 1982

Length of Service	Member of Group 'A' Service		Members of the Group 'B' Central Services	Members of the Group 'C' Central Services	Group 'D' Central Government Servants
	GROUP I—Those who are ordinarily expected to qualify for the maximum pension of Rs. 8,100 per annum (members of the All India Service, Group 'A' Central Services; Officers in the selection grade of the C.S.S. Officers belonging to General Central Services who are in scales of pay whose maximum is Rs. 1,800 or above)	Group II—Others [Grade I officers of C.S.S. and officers of General Central Services (Group 'A') other than those covered by Group I]			
0-1 year	Rs 48	4% of maximum monthly pay	4% of maximum monthly pay	5% of maximum monthly pay	7% of maximum monthly pay
1-2 years	56	4%	5%	5%	7%
2-3 years	64	5%	5%	6%	8%
3-4 years	73	5%	5%	6%	8%
4-5 years	81	5%	6%	6%	8%
5-6 years	89	6%	6%	7%	8%
6-7 years	97	6%	6%	7%	8%
7-8 years	105	7%	7%	7%	8%
8-9 years	113	7%	7%	8%	8%
9-10 years	121	7%	7%	8%	8%
10-11 years	129	8%	8%	8%	8%
11-12 years	137	8%	8%	8%	9%
12-13 years	145	9%	8%	9%	9%
13-14 years	153	9%	8%	9%	9%
14-15 years	161	9%	9%	9%	9%
15-16 years	169	10%	9%	10%	9%
16-17 years	177	10%	9%	10%	9%
17-18 years	185	11%	10%	10%	9%
18-19 years	193	11%	10%	10%	9%
19-20 years	201	11%	10%	11%	9%
20-21 years	209	12%	11%	11%	9%
21-22 years	218	12%	11%	11%	10%
22-23 years	226	13%	11%	12%	10%
23-24 years	226	13%	11%	12%	10%
24-25 years	226	13%	11%	12%	10%
25-26 years	226	13%	11%	12%	10%
26-27 years	226	13%	11%	12%	10%
27-28 years	226	13%	11%	12%	10%
28-29 years	226	13%	11%	12%	10%
Over 29 years	226	13%	11%	12%	10%

[G.L., M.F., O.M. No. F. 1 (10)-E. III(B)/65, dated the 17th April, 1967.]

A-2. Rates of monthly contribution of pension

Effective from 1st July, 1982

Year of Service	Rate of monthly contribution expressed as percentage of the maximum monthly pay of the post in the officiating/substantive grade, as the case may be, held by the officer at the time of proceeding on foreign service.			
	Group 'A'	Group 'B'	Group 'C'	Group 'D'
0-1 year	7%	6%	5%	4%
1-2 years	7%	6%	6%	4%
2-3 years	8%	7%	6%	5%
3-4 years	8%	7%	7%	5%
4-5 years	9%	8%	7%	5%
5-6 years	10%	8%	7%	6%
6-7 years	10%	9%	8%	6%
7-8 years	11%	9%	8%	6%
8-9 years	11%	10%	9%	7%
9-10 years	12%	10%	9%	7%
10-11 years	12%	11%	10%	7%
11-12 years	13%	11%	10%	8%
12-13 years	14%	12%	10%	8%
13-14 years	14%	12%	11%	8%
14-15 years	15%	13%	11%	9%
15-16 years	15%	13%	12%	9%
16-17 years	16%	14%	12%	9%
17-18 years	16%	14%	13%	10%
18-19 years	17%	15%	13%	10%
19-20 years	17%	15%	13%	10%
20-21 years	18%	16%	14%	11%
21-22 years	19%	16%	14%	11%
22-23 years	19%	17%	15%	11%
23-24 years	20%	17%	15%	12%
24-25 years	20%	17%	16%	12%
25-26 years	21%	18%	16%	12%
26-27 years	21%	18%	16%	13%
27-28 years	22%	19%	17%	13%
28-29 years	23%	19%	17%	13%
29-30 years	23%	20%	18%	13%
Over 30 years	23%	20%	18%	14%

B. Rates of monthly contribution for leave salary

Percentage of pay
drawn in
foreign service

II. Military Officers in Foreign Service

[Government of India, Finance Department, Resolution No. F.I.-XV-R.I./30, dated the 29th June, 1923, as amended by Resolution No. F.I./36, dated 1st April, 1936.]

All Classes of Government servants
*(excluding Group "D") servants subject to the C.C.S. (Leave) Rules, 1972 .

APPENDIX 3

DELEGATIONS MADE UNDER FUNDAMENTAL RULE 6

Serial No.	F.R. Number	Nature of power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
1	9 (6) (b)	Power to issue orders that Government servants should in certain circumstances be treated as on duty.	Government of Assam for Tribal Areas, Shillong, acting as Agent to the President and Chief Commissioner.	Full power, provided that they obtain the previous assent of the President to the exercise of power in respect of officers of the Indian Political service, Agency Surgeons and the Indian Educational Service Masters of the Chief's Colleges.
2		<i>Deleted.</i>		
3	9 (19)	Power to appoint a Government servant to officiating a vacant post.	Any authority which has power to make a substantive appointment to the post.	Full Power.
4	10	Power to dispense with a medical certificate of fitness, before appointment to Government service, in individual cases.	<ol style="list-style-type: none"> 1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners. 3. First Class Political Residents. 4. Departments of the Government of India. 5. Railway Board. 6. Director General, Posts and Telegraphs. 7. Inspector General of Forests, Commissioner, Northern India, Salt Revenue. 9. All heads of departments. 	<p>Full power.</p> <p>Full power in the case of Government servants not directly appointed by the Government of India.</p> <p>Full power in the case of non-gazetted Government servants.</p> <p><i>Government of India's Order—</i> See Government of India's Order No. (2) below Fundamental Rule 10.</p> <p>Full Power.</p>
5	14	Power to suspend a line	<ol style="list-style-type: none"> 1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners. 3. First Class Political Residents. 4. Departments of the Government of India. 5. Railway Board. 6. Auditor-General. 7. All heads of departments. 	<p>Full power.</p> <p>Full power, provided that they are authorised to make appoint-</p>

1	2	3	4	5
				ments to the post on which the lien is held.
				Note.—The heads of circles in the P. & T. Department who have been declared as Heads of Departments under S.R. 2(10) shall be competent to suspend the liens of Group 'C' and 'D' officials whom they or some authority subordinate to them are competent to appoint [D.B. P. & T's. Letter No. 99-3/64/SPB II, dated the 5th August, 1965.]
			8. Regional Commissioners and Advisers, Saurashtra, Rajasthan, Madhya Bharat and PEPHU.	Full power.
6	14-B	Power to transfer a lien.	1. Auditor-General. 2. All heads of departments.	Full power. Full power, provided that they are authorised to make appointments to both the posts concerned.
6-A	15	Power to transfer a Government servant from one post to another.	All heads of departments.	Full power.
7	20	Power to fix the pay and allowances of a Government servant treated as on duty.	Any authority which has power to make a substantive appointment to the post with reference to which the pay and allowances of the Government servant are to be fixed.	Full power.
	24	Power to withhold increments.	1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners. 3. Any authority which has power to make a substantive appointment to the post which the Government servant holds or an authority empowered under the Civil Services (Classification, Control and Appeal) Rules to withhold increments. 4. Directors Telegraph Engineering. 5. Divisional Telegraph Engineers. 6. Officers-in-charge of Telegraph Engineering Sub-Divisions. 7. Accounts Officers-in-charge of Telephone Accounting Officers.	Full power. Full power. Full power in respect of non-gazetted Government servants. Full powers in respect of all establishments under them below the rank of Sub-Inspectors provided that a report is sent to the Divisional Engineer Telegraphs in each case. Full powers in respect of the clerical and menial establishments under their control, provided that a report is sent to the Director of the Circle concerned in each case.
8-A	26	Power to allow Government servants to count extraordinary leave for increments.	1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President.	Full power.

1	2	3	4	5
			2. Chief Commissioners.	} Full power.
			3. Any authority which has power to make a substantive appointment to the post which the Government servant holds.	
			4. Director of Wireless	} Full power in respect of non-gazetted Government servants.
			5. Director of Telegraphs.	
			6. Divisional Engineers, Telegraphs and wireless.	
18-B	30	Power to issue declaration under second proviso to F.R. 30 (1) for the purpose of grant of promotion under 'Next below Rule'.	1. Ministries of the Government of India; and 2. The Comptroller and auditor General of India.	Full powers subject to the conditions laid down in Government of India, Ministry of Finance (Department of Expenditure) Office Memorandum No. F. 6 (23)-E. III/62, dated the 22nd June, 1962 [incorporated as Government of India Order No. (5) below F. R. 30.]
			3. Accountants-General.	Full power in respect of staff up to and including Accounts Officers ² [and Audit Officers] borne on their respective cadres.
			4. Chief Auditor, Railways.	
			5. Director of Audit, Defence Services.	
			6. Chairman, Audit Board and ex-officio Deputy Comptroller and Auditor General (Commercial).	
			*7. Chief Pay and Accounts Officer under the Ministry of supply.	
9		<i>Cancelled.</i>		
10		<i>Cancelled.</i>		
11	33	'Power to fix' within certain limits, the pay of a Government servant officiating in a post, the pay of which is personal.	1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners.	} Full power.
12	35	Power to reduce the pay of an officiating Government servant.	Any authority which has power to make an officiating appointment to the post concerned.	Full power.
13	36	Powers to issue general or special orders allowing acting promotions to be made in the place of Government servants treated as on duty.	1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners.	} Full power.
			3. Director General of Posts & Telegraphs.	Full power, provided that the officials in whose place acting promotions are made are not officials directly appointed by the President.
			4. Director-General of Observatories, New Delhi.	Power to sanction officiating appointments in place of Government servants treated as on duty under F.R. 9(6) (b), e.g., during

1. Inserted by G.I., M.F., Correction No. 1058, dated the 4th May 1971.

2. Inserted by G. I., M.F., Corrigendum No. 6(23)-E. III (B)/62, dated the 15th September, 1971.

3. Inserted by G.I., M.F., Notification No. F. 1(7)-E. III(A)/72, dated the 1st September, 1972.

1	2	3	4	5
				training, when the resultant vacancies fall in Group 'B', 'C' or 'D' by the Ministry of Finance from time to time regarding officiating promotions in short term vacancies.
			5. Accountant-General, Posts & Telegraphs. 6. Director of Railway Audit.	Full power in regard to promotion in place of non-gazetted Government servants whom they authorise to undergo a course of training or instruction.
14	40	Power to fix the pay of a temporary post which will probably be filled by a Government servant.	Any Authority which has power to create a temporary post on the pay fixed.	Full power.
15 to 19-A		Deleted.		
19-B	46 (b)	Power to sanction the undertaking of work of which an honorarium is offered and the grant or acceptance of an honorarium.	1. Railway Board. 2. All heads of departments. 3. Public Service Commission. 4. Divisional Engineers, Telegraphs and Gazetted Officers in charge of the Telegraph Offices at Calcutta, Bombay, Madras, Agra, Rangoon, Karachi, Lahore, New Delhi & Simla. 5. The Director, National Academy of Administration. 6. Ministry of the Government of India. 7. The Comptroller and Auditor General of India.	Full power up to a maximum of Rs. 5,000 in each case. Full power up to a maximum of Rs. [2,500] in each case. In the case of recurring honoraria, this limit applies to the total of the recurring payments made to an individual in a year. Full power. Full power to sanction overtime pay to the officials of the Engineering and Traffic Branches of the Indian Posts & Telegraphs Department under their control, in accordance with the Departmental rules and subject to the existence of budget provision. Full power up to a maximum of Rs. 1,000 in each case. In the case of recurring honoraria, this limit applies to a total of the recurring payments made to an individual in a year. Full power up to a maximum of Rs. [5,000] in each case. In the case of recurring honoraria, this limit applies to the total of the recurring payments made to an individual in a year. Full power up to a maximum of Rs. [5000] in each case. In the case of recurring honoraria, this limit applies to the total of the recurring payments made to an individual in a year.
				NOTE 1.—Not Printed. NOTE 2.—The expression "a year" wherever it occurs in this

1. Substituted for 500 by G.I., Min. of Per., Dept. of Per. & Trg., O.M. No. 17011/9/85-Estt. (Allowances), dated the 23rd December, 1985.

2. Substituted for 1,000 by G.I., Min. of Per., Dept. of Per & Trg., 10711/9/85-Estt. (Allowances), dated the 23rd December, 1985.

1	2	3	4	5
				item should be taken to mean the "Financial Year" and not the "Calender year".
20	49	Power to appoint a Government servant to hold temporarily or to officiate in more than one post, and to fix the pay of subsidiary posts and the amount of compensatory allowances to be drawn.	All heads of departments.	Full power, provided that they have power to appoint Government servant permanently to each of the post concerned.
21 to 23		<i>Not Printed</i> (See Appendix 8).		
24 to 28		<i>Not Printed</i> (See Delegations under C.C.S. (Leave) Rules, 1972.		
29	110 (c) [now (b)]	Power to sanction transfer to foreign service in India.	<ol style="list-style-type: none"> 1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners, Ajmer-Merwara & Coorg. 3. Chief Commissioner, Delhi. 4. Department of the Government of India. 5. Railway Board. 6. Inspector General, Forests. 7. Commissioner, Northern India Salt Revenue. 	<ol style="list-style-type: none"> (a) Full power subject to the conditions in Serial No. 30. (b) Power to sanction extensions of the period of foreign service, provided that there is no change in the terms originally sanctioned in the case of those Government servants, who were then in Government service, would be entirely under their administrative control, but whose original transfer required the sanction of a higher authority only because one or other of the terms allowed necessitated such sanction.
				Full power, subject to the conditions in Serial No. 30.
				Full power, subject to the conditions in Serial No. 30, in the case of Government servants not directly appointed by the Government of India.
			18. Comptroller and Auditor-General of India.	Full powers in the case of officers below the rank of Deputy Comptroller and Auditor-General subject to the conditions in Serial No. 30.
			9. All heads of departments.	Full power, subject to the conditions in Serial No. 30, in the case of non-gazetted Government servants.

1	2	3	4	5
			10. Accountant-General, Posts & Telegraphs.	Full power in the case of Government servant not above the rank of Asst. Accounts Officer or Asst. Audit Officer Subject to the conditions in Serial No. 30.
			11. Director of Railway Audit.	
			12. Regional Commissioners & Advisers, Saurashtra, Rajasthan, Madhya Bharat and PEPSU.	(a) Full power subject to the conditions in Serial No. 30.
				(b) Power to sanction extension of the period of foreign service provided that there is no change in the terms originally sanctioned in the case of those Government servants, who were then in Government service, should be entirely under their administrative control but whose original transfer required the sanction of a higher authority only because one or other of the terms allowed necessitated such sanction.
			13. Accountants-General Director of Audit Defence Services, Chief Auditor of Railways, Additional Deputy Comptroller and Auditor-General (Commercial). ¹	Full power in the case of Government servants not above the rank of Accounts Officer or Audit Officer subject to the conditions in Serial No. 30.
30	114	Power to fix pay in foreign service.	Authorities to whom power is delegated by Serial No. 29.	Full power, provided that— (a) The pay in foreign service shall be subject to general or special orders of President regulating terms of foreign service. (b) No concessions are sanctioned in addition to pay except— (i) travelling allowance under the rules of the foreign employer; (ii) payment by the foreign employer of leave and pension contribution; and (iii) grant of travelling allowance under Division VI of these rules. The Chief Commissioners Ajmer, Merwara and Coorg, are also empowered to sanction— (1) free residential accommodation which may be furnished in cases in which the sanctioning authority considers this to be desirable on such scale as may seem proper to that authority, and (2) free conveyance or a reasonable conveyance allowance in lieu thereof.

¹ Inserted by G.I., M.F., Correction No. 1053, dated the 3rd August, 1970.

² Substituted by G.I., M.F., Correction No. 1066, dated the 12th July, 1972.

1	2	3	4	5
31	125	Power to decide the date of reversion of Government servant returning after leave from foreign service.	<ol style="list-style-type: none"> 1. Governor of Assam for Tribal Areas, Shilong, acting as Agent to the President. 2. Chief Commissioners. 3. First Class Political Residents. 4. Departments of the Government of India. 5. Railway Board. 6. Auditor-General. 7. Regional Commissioners and Advisers, Saurashtra, Rajasthan, Madhya Bharat and PEPSU. 	Full Power.
32	127 (c)	Power to reduce the amount of recoveries on account of establishment employed for the benefit of particular persons.	Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President and Chief Commissioners.	Full power in cases where the actual expenditure in any period falls considerably short of the sanctioned cost.
33	130	Power to allow previous service under a local fund to count as duty in Government service.	<ol style="list-style-type: none"> 1. Department of the Government of India. 2. Railway Board. 3. Comptroller and Auditor-General. 	Full power.

APPENDIX—4

[Supplementary Rule 2 (6)]

COMPETENT AUTHORITIES UNDER SUPPLEMENTARY RULES

Serial No.	S.R. Number	Nature of power	Authority to which the power is delegated	Extent of power delegated
1	2	3	4	5
1	4	<i>Deleted.</i>		
1-A		<i>Not Printed.</i>		
2	10	Power to sanction the undertaking of work for which a fee is offered and the acceptance of a fee.	Director-General, Indian Medical Service	Full power in respect of medical officers in Civil employ, in regard to work of examiner, on behalf of a University of other examining body.
3	11	Power to sanction the undertaking of work for of a which a fee is offered and the acceptance of a fee.	<ol style="list-style-type: none"> 1. Governor of Assam for Tribal Areas, Shillong, acting as Agent to the President. 2. Chief Commissioners. 3. First Class Political Residents. 4. Departments of the [Government of India. 5. Auditor-General. 6. Railway Board. 7. Director-General of Posts & Telegraphs. 8. Surveyor-General. 9. Commissioner, Northern India Salt Revenue. 10. Controller of the Currency. 11. All heads of departments. 12. Director of the Survey of India. 	<p>Full power.</p> <p>Full power in the case of Government servants not directly appointed by Government of India.</p> <p>Full power up to a maximum of [Rs. 3,000] in each case. In the case of recurring fees this limit applies to the total of the recurring payments made to an individual in a year.</p> <p>Full power up to a maximum of Rs. 250 in the case of Government servants not directly appointed by the Government of India of the Surveyor-General. In the case of recurring fees this limit applies to the total recurring payments made to an individual in a year.</p>
4 to 6		<i>Deleted.</i>		
7 to 13		Printed in Part II of this Compilation.		

1. Substituted by G.I., M.F., Correction No. 16012/2/E. II(B)/76, dated the 29th April, 1976.

(1)	(2)	(3)	(4)	(5)
14 and 15		<i>Deleted.</i>		
16 to 55		Printed in Part II of this Compilation.		
55-A to 67		<i>Not printed</i> [See Delegations under C.C.S. (Leave) Rules, 1972.]		
68 to 70		<i>Not printed</i> [See Rule 5 (5) of C.C.S. (Joining Time) Rules, 1979.]		
71	311	Power to allot a building or part of a building to a specified post.	<ol style="list-style-type: none"> 1. Department of the Government of India. 2. Administrator of a Union Territory. 3. Head of Department. 4. Any other authority to whom the power may be delegated by 1 or 2 above. 	Full power subject to the provisions of Allotment Rules, if any.
72	312 (4)	Power to direct that an officer on leave shall be considered to be in occupation of a residence.		
73	313 (1)	Power to suspend the allotment of a residence.		
74	313 (4)	Power to allot residences of which the allotment has been suspended.		
75	314 (a)	Power to approve sub-tenants.		
76	314 (c)	Power to permit rent paid by a sub-tenant to exceed that paid by lessor of a Government residence.		
77	316	Power to permit an Officer to store furniture, etc., in a residence during temporary absence.	<ol style="list-style-type: none"> 1. Department of the Government of India. 2. Administrator of a Union Territory. 3. Head of Department. 	Full power subject to the provisions of the Allotment Rules, if any.
78	318 and 327	Power to nominate Public Works Officer to estimate the present value of residences, and power to determine the present value.	<ol style="list-style-type: none"> 1. Department of the Government of India. 2. Administrator of a Union Territory. 3. Head of Department. 4. Superintending Engineers of CPWD when the residences are in their charge. 5. Head of Circles when the residence is in charge of Indian P. & T. Department. 	Full power.
79	321 (a) and 330 (a)	Power to estimate probable cost of maintenance and repairs of leased residences.	<ol style="list-style-type: none"> 1. Department of Government of India. 2. Administrator of a Union Territory. 	Full power.
80	321 (b) and 330 (b)	Power to estimate amount to be included for capital expenditure on additions and alterations in rents of leased residences.	<ol style="list-style-type: none"> 3. Head of Department. 4. Any other authority to whom the power may be delegated by 1 or 2 above. 	Full power subject to the conditions of delegation.

1. Items 71 to 89 as substituted by G.I., M.F., Correction No. 2, dated the 27th March, 1976.

1	2	3	4	5
81	322 (1)(a) and 331 (1)(a)	Power to estimate probable cost of maintenance and repairs of Government residences.	1. Department of Government of India. 2. Administrator of a Union Territory. 3. Head of Department. 4. Superintending Engineer in the case of residences in charge of CPWD.	Full power.
82	322 (1)(b) and 331 (1)(b)	Power to fix percentage to be adopted for calculation of cost and repairs to Government residences.		
83	322 (3) and 331 (3)	Power to revise amount or percentage referred to in Supplementary Rules 322 to 331.	1. Department of Government of India. 2. Administrator of Union Territory. 3. Head of Department.	Full power.
84	325 (1) and 334 (1)	Power to determine rent for certain services and the estimated capital cost.	4. Any other authority to whom the power may be delegated by 1 or 2 above.	Full power subject to the condition of delegation.
85	325 (2) and 334 (2)	Power to determine charges for electric energy and water and meters		
86	325 (2)(a) and 334 (2)(a)	Power to fix the amount of profit that may accrue to Government from charges or electric energy and water supplied.	1. Department of Government of India. 2. Administrator of a Union Territory.	Full power.
87	325 (2)(b) and 334 (2)(b)	Power to fix charges for the electric energy and water where no meters are provided.	1. Department of Government of India. 2. Administrator of a Union Territory. 3. Head of Department. 4. Any other authority to whom the power may be delegated by 1 or 2 above.	Full power. Full power subject to the conditions of delegation.
88	325 (2)(c) and 334 (2)(c)	Power to estimate the Capital cost mentioned in clause (a) (f) of Supplementary Rules 325 (2) and 334 (2).	Superintending Engineer when the residence is in charge of the Public Works Department. Heads of Departments in other cases.	
89	Proviso to 325 (2) and 334 (2)	Power to group a number of residences for purposes of assessment of charges for electric energy, water and meters.	1. Department of Government of India. 2. Administrator of a Union Territory 3. Head of Department. 4. Any other authority to whom the power may be delegated by 1 or 2 above.	Full Power

APPENDIX—5

THE CENTRAL CIVIL SERVICES (JOINING TIME) RULES, 1979*

[G.I. Dept. of Personnel & A.R., Notification No. 21011/
2/79 Allowances Unit dated the 8th May, 1979.]

In exercise of the powers conferred by the proviso to Article 309 and clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor-General in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :—

1. Preliminary

(1) These rules may be called the Central Civil Services (Joining Time) Rules, 1979.

(2) They shall come into force on the date of issue of this Notification and shall apply to transfers effected on/or after that date.

(3) These rules shall apply to all Government servants appointed in Civil Services and posts under the Central Government including work-charged staff but shall not apply to—

(a) Railway employees.

(b) Armed Forces Personnel and those paid from the Defence Services Estimates.

(c) Government servants engaged on a contract and those who are not in whole-time employment of Government.

(d) Government servants, paid out of contingencies.

2. (1) When a Government servant to whom these rules apply is transferred to the control of another Government or organisation, which has made separate rules prescribing amount of joining time, his joining time for the journey to join his post under that Government/organisation and for the return journey, will be governed by the those rules, unless different provisions are expressly made in the terms of deputation/foreign

service by mutual agreement between the lending and borrowing authorities.

(2) The joining time of railway employees, Armed Forces Personnel and those paid from Defence Services Estimates and the employees of State Government or any other organisation who are appointed to Civil Services and posts under the Central Government on deputation or on foreign service basis, shall, for joining the Civil Services and posts under the central Government and for the return journeys, be regulated in accordance with these rules, unless different provisions are expressly made in their respective terms of deputation/foreign service, by mutual agreement between the lending and borrowing authorities.

3. Definitions

Unless there is something repugnant in the subject or context, the terms defined in these rules are used in these rules in the sense hereinafter explained :—

(a) "Department of Government of India" means a Ministry or Department of the Central Government as notified from time to time and any other authority which exercises the powers of a Department/Ministry of the Government of India.

¹[In respect of the persons serving in the Indian Audit and Accounts Department the Comptroller and Auditor-General of India shall exercise the same powers as the Ministries/Departments of Government of India, under these rules.]

(b) "Head of Department" means the authority declared as such under the Delegation of Financial Powers Rules, 1978. In the case of the Indian Audit and Accounts Department, Head of Department means the authority declared as such by the Comptroller and Auditor-General of India.

*Published in the Gazette of India, dated the 19th May, 1979 and takes effect from 8th May, 1979.

¹ Inserted by G.I. M.H.A., Deptt. of Personnel & A.R., Notification No. 19011/2/82-Allowances, dated the 27th December, 1982.

(c) "Joining time" means time allowed to a Government servant in which to join a new post or to travel to a station to which he is posted.

(d) "Transfer" means the movement of a Government servant from one post to another either within the same station or to another station to take up duties of a new post or in consequences of change of his headquarters.

4. Joining Time

(1) Joining time shall be granted to a Government servant on transfer in public interest to enable him to join the new post either at the same or a new station. No joining time is admissible in cases of temporary transfer for a period not exceeding 180 days. Only the actual transit time, as admissible in case of journeys on tour, may be allowed.

(2) The surplus staff transferred from one post to another under the Scheme Regulating Redeployment of Surplus Staff shall be eligible for joining time.

(3) Government servants who are discharged due to reduction of establishment from one Central Government Office and reappointed to another Central Government office shall be entitled to joining time, if the orders of appointment to the new post are received by them while working in the old post. If they are appointed to the new post after being discharged from the old post, the period of break may be converted into joining time without pay by the Head of Department provided that the break does not exceed 30 days and the Government servant has rendered not less than 3 years continuous service on the date of his discharge.

(4) For appointment to posts under the Central Government on the results of a competitive examination and/or interview open to Government servants and others, Central Government employees and permanent/provisionally permanent State Government employees will be entitled to joining time under these rules. But temporary employees of the Central Government who have not completed 3 years of regular continuous service, though entitled to joining time would not be entitled to joining time pay

5. (1) The joining time shall commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date if the charge is made over in the afternoon.

(2) The joining time shall be calculated from old headquarters in all cases including where a Government servant receives his transfer orders or makes over charge of the old post in a place other than his old headquarters, or where the headquarters of a Government servant while on tour is changed to the tour station itself or where his temporary transfer is converted into permanent transfer.

(3) Not more than one day's joining time shall be allowed to a Government servant to join a new post within the same station or which does not involve a change of residence from one station to another. For this purpose, the term 'same station' will be interpreted to mean the area falling within the jurisdiction of the municipality or corporation including such of suburban municipalities, notified areas or cantonments as are contiguous to the named municipality, etc.

(4) In cases involving transfer from one station to another and also involving change of residence, the Government servant shall be allowed joining time with reference to the distance between the old headquarters and the new headquarters by direct route and ordinary mode (s) of travel as indicated in the following schedule. When holidays(s) follow(s) joining time, the normal joining time may be deemed to have been extended to cover such holiday(s).

<i>Distance between the old headquarters and the new headquarters</i>	<i>Joining time admissible</i>	<i>Joining time admissible where the transfer necessarily involves continuous travel by road for more than 200 km.</i>
1,000 km. or less	10 days	12 days
More than 1,000 km.	12 days	15 days
More than 2,000 km.	15 days except in cases of travel by air for which the maximum will be 12 days.	15 days

NOTE.—Distance means actual distance and not weighted mileage for which fare is charged by the Railways in certain ghat/hill sections

(5) Extension of joining time beyond the limits indicated in Rule 5 (4) can be granted up to the maximum limit of 30 days by the Head of Department and beyond 30 days by the Department of the Government of India, the guiding principle being that the total period of joining time should be approximately equal to 8 days for preparation *plus* reasonable transit time *plus* holidays, if any, following the extended joining time. While computing the transit time, allowance could be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities, or the period spent awaiting the departure of the steamer.

*6. (1) When a Government servant joins the new post without availing of the full joining time, the number of days of joining time, as admissible in sub-rule (4) of Rule 5 subject to the maximum of 15 days, reduced by the number of days actually availed of shall be credited to his leave account as earned leave subject to a ceiling of 180 (now 240) days as laid down in Rule 26 (1) (b) of the C.C.S. (Leave) Rules, 1972.

(2) Joining time may be combined with vacation and/or regular leave of any kind or duration except casual leave.

(3) If a Government servant in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to joining time already availed of up to the date of receipt of revised orders *plus* fresh spell of full joining time from the date following the date of receipt of the revised orders. The fresh spell of joining time in such cases shall be calculated from the place, at which he received the revised orders as if he is transferred from that place.

7. Joining time pay

A Government servant on joining time shall be regarded as on duty during that period and

shall be entitled to be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled to Dearness Allowance, if any, appropriate to the joining time pay. In addition, he can also draw compensatory allowances like City Compensatory Allowance, House Rent Allowance as applicable to the old station from which he was transferred. He shall not be allowed conveyance allowance or permanent travelling allowance.

8. Miscellaneous

Where any Ministry/Department of Government of India is satisfied that the operation of these rules causes undue hardship to any particular case, that Ministry or Department of the Government of India may by order, for reasons to be recorded in writing, dispense with or relax the requirement of that rule to such extent and subject to such exceptions and conditions as it may consider necessary for dealing with the case in a just and equitable manner provided that no such order shall be made except with the concurrence of the Ministry of Home Affairs, Department of Personnel and Administrative Reforms.

9. If any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India, Ministry of Home Affairs, Department of Personnel and Administrative Reforms.

10. All rules and instructions on the subject of joining time in force immediately before commencement of these rules and applicable to Government servants to whom these rules apply, are hereby repealed.

GOVERNMENT OF INDIA'S ORDERS

1. Transit time/Joining time to cover journey from/to a remote locality while proceeding on/ or returning from leave.—With the promulgation of the Central Civil Services (Joining Time) Rules, 1979, certain provisions of F.Rs. and S. Rs. and Government Orders there under relating to transit time/joining time admissible to Government servants to cover journeys from/to a remote locality while proceeding on/ or returning from leave or on transfer became inoperative. As regards joining time to remote localities on transfer, no difficulty was anticipated because

*Substituted *vide* G.I., Dept. of Per. & Trg., Notification July, 1985, published as G.S.R. 670 in the Gazette of India, dated the 20th July, 1985.

Heads of Departments could allow joining time under Rule 5 (5) of the C.C.S. (Joining Time) Rules, 1979. As regards joining time to remote localities during leave, it was proposed to make suitable provisions in the Central Civil Services (Leave) Rules. Pending amendment to the Leave Rules, some administrative instructions were issued *vide* this Department's Office Memorandum No. 21011/12/79-Allowances, dated the 16th November, 1979 and No. 19011/30/81-Allowances, dated 13th October, 1981 (*not printed*). Since revision of the Leave Rules has not been finalised, the following administrative instructions are issued in supersession of those Office Memorandums to cover cases of journey to/from remote localities while on leave.—

(i) A Government servant proceeding on leave from/to a place in the remote locality mentioned in column 1 of the Annexure to this O.M. or returning from leave to/from the said place shall be entitled, once in a calendar year, to transit time each way to cover the period spent in journey between the said remote locality and the specified station at the scale prescribed in column 3 of that Annexure.

(ii) The concession is also admissible, while on leave, to a Government servant:—

(a) who is domiciled in any part of India other than the remote locality concerned and has been specifically recruited from outside for service in remote locality, and

(b) who, though not specially recruited outside the Union territory of the Andaman and Nicobar Islands or the Union territory of the Lakshadweep, as the case may be, for service in the respective Union territory, is domiciled in any part of India other than the Union territory concerned.

(iii) A Government servant domiciled in the Union territory of Andaman and Nicobar Islands or the Union territory of Lakshadweep and proceeding on leave to his hometown in another Island or the Union territory concerned, shall be entitled, once in a calendar year, to transit time to cover the period spent in journey by sea to the island in which his hometown is located and vice versa while returning from leave. The

transit time thus admissible shall be the actual number of days taken in the journey by sea subject to a maximum of seven days for each journey.

(iv) Where the outward journey falls in one calendar year and the return journey falls in the succeeding calendar year, the concession shall be counted against the calendar year in which the leave commences. In calculating transit time, holidays falling before or at the end of it shall be excluded while those falling during transit time shall be included.

(v) A Government servant domiciled in the Union territory of Andaman and Nicobar Islands or the Union territory of Lakshadweep and recruited for service in the respective territory, when posted for service on mainland in public interest shall be entitled to joining time, once a year, while proceeding to and returning from the Union territories of Andaman and Nicobar Islands and Lakshadweep on leave.

(vi) A Government servant, domiciled in any part of India other than Union territory of Andaman and Nicobar Islands or the Union territory of Lakshadweep and recruited whether within or outside that Union territory for service there, while proceeding on leave from his post in one island in that Union territory to his hometown on the mainland to join his post in another island in that Union territory, shall be entitled to joining time on the same scale as provided in para. (i) above.

2. When a Central Government servant posted in the remote areas spends his leave outside the Union territory, the journey time from the place in the remote area to the specified station indicated in the annexure and vice versa will be treated as free joining time if admissible under this office Memorandum and in addition the remaining journey time if any, in excess of 2 days could be allowed as free joining time under the provisions of Finance Ministry O.M. No. 20014/3/83-E. IV, dated the 14th December, 1983.

[G.I. M.H.A., D.P. & A.R., O.M. No. 19011/30/81-Estt. (Allowances), dated the 17 September 1984.]

ANNEXURE

Transit Time Admissible to cover Journey from/to a Remote Locality while Proceeding on/or Returning from Leave

Station in the remote locality	Specified station	Transit time/joining time admissible	Remarks
1	2	3	4
Andaman and Nicobar Islands :			
1. Port Blair	1. Calcutta 2. Madras 3. Vishakhapatnam	Actual time taken by the steamer subject to the maximum of 7 days.	(1) The Lt.-Governor, Andaman and Nicobar Islands with reference to Government servants of that administration, the Ministries/Departments with reference to their employees and the C. & A. G. with reference to the employees of the I.A. & A.D. have full power to increase the maximum period of joining time in special circumstances, when a voyage to or from Calcutta or Madras takes a longer time.
2. (1) South Andaman : (a) Baratang (b) Havelock (c) Neil			
(2) Nicobar Group of Islands : (a) Nancovrie (b) Car Nicobar	1. Calcutta 2. Madras 3. Vishakhapatnam	Actual time taken in the journey by the steamer including halt at Port Blair awaiting connecting steamer subject to a maximum of 15 days.	(2) The Lt.-Governor, Andaman and Nicobar Islands with reference to staff in that Administration, the Ministries/Departments with reference to their employees and the C. & A. G. with reference to the employees of I.A. & A.D. shall be empowered to grant extended joining time up to 15 days to Government servants while proceeding to and on returning from leave in cases of enforced halt at Calcutta-Madras on account of delayed sailing of the ship. The Lt. Governor, the Ministries/Departments and the C. & A.G. as the case may be, shall further be authorised to re-delegate these powers to Heads of Offices under their Administrative control.
(3) Middle Andamans : (a) Long Island (b) Rangat (c) Nimitatula			
(4) North Andamans : (a) Mayabander (b) Diglipur			
(5) Little Andaman : (a) Hut Bay			
(6) Any other places in the A & N Islands connected with Port Blair by steamer/boat.			
Arunachal Pradesh :			
3. Any station in Kamang District	(a) Tepur for Seppla area and Thrizno Circle and (b) Bomdila for the rest.	Actual time taken in airlift to/ from the specified station plus the actual number of days taken for the land journey on foot but not exceeding the time calculated at the rate of one day for 15 kms. of such journey or part thereon between the stations in the remote locality and the specified stations.	
4. Any station in Subansiri District.	Kimin.		
5. Any station in Daperijo Sub-Division	Likablai		
6. Any station in Siang District	(a) Likabali for Along. (b) Mohanbari for those airlifted to		

1	2	3	4
	Mechuka and Tut- ing sub-divisions. (c) Likabali or Pasi- ghat for Vingkiang and Mariyang Sub- division.		As against entries at Sl. No. 3 to 5 on previous page.
7. Any station in Lohit Dis- trict	Roing or Tezu provid- ed that if rivers are in spate, it will be Dholia instead of Roing or Tezu.		
8. Any Station in Tirap Dis- trict.	(a) Mohanpari for per- sons airlifted to Vijoyanagar area. (b) Changlang for pla- ces under Chang- lang Sub-Division. (c) For places in Miao sub-division (i) Miao in Wint- er and (ii) Namchikin in Summer. (d) Khonsa for the rest		As against entries at Sl. No. 3 to 5 on previous page.
9. Lakshadweep	1. Mangalore 2. Cannanore 3. Kozhikode 4. Cochin	(i) Actual time taken for the journey by steamer. (ii) One day for each 15 miles of journey by country boats.	(1) The administrator, Laksha- dweep with reference to staff in that Administration, the Ministries/Departments with reference to their employees and the C. & A. G. with reference to the employees of the I.A. & A.D., is empowered to grant joining time up to a maximum period of 15 days in cases involving enforced halts due to non-availability of stea- mer at stations indicated in column 1 or column 2. The Administrator or the Ministries/ Department or the C. & A.G. as the case may be shall, further be authorised to re- delegate these powers to Heads of Offices under their Administrative Control. (2) The Administrator, Laksha- dweep or the Ministries Departments or the C. & A.G. as the case may be is delegated full powers to increase the maximum period of 7 days joining time in special circum- stances when a Voyage to/ from Chocin or Calicut takes a long time.
Addrethi			
Ameni			
Bitra			
Chetlat			
Kiltan			
Agathy			
Evarathy			
Suleli			
Kalpeni			
Minicoy			

2. Guiding principles.—The term 'new post' occurring in the rule (Rule 4) is not subject to any definition. It is for the competent authority to consider having regard to the relevant circumstances whether joining time should be allowed or not; and when the charge report is received through the proper channel it would be appropriate for the Audit Office to assume that the authority is satisfied about the time taken in joining the new post.

The following guiding principles are, however, laid down for the benefit of the competent authority to arrive at a decision whether in a particular case, joining time under this rule may be allowed :—

- (i) The transfer involves a formal handing over/ taking over charge and the process is likely to take some time;
- (ii) The new post is in an office other than the one from where the Government servant has been transferred;
- (iii) The transfer involves a change of building located at a considerable distance even though the two posts are in two different branches of the same office.

[G.I., M.F., Letter No. 3 (2)-E. IV(B)/62, dated the 12th October, 1964.]

3. Joining time and transit pay for inspection and verification of stores.—The Government of India have had under consideration the question as to how (i) the period of taking over charge of a new post by a relieving officer is to be treated and (ii) the pay and allowances for such period should be regulated in cases, where the charge transferred consists of several stores and/or scattered works which the relieving and the relieved Government servants are required to inspect together before the transfer of charge is completed. It has been decided after consultation with the Comptroller and Auditor-General of India, that the relieving Government servant should be treated as on duty if the period spent, in carrying out these inspections is not considered excessive by the Head of the Department. While so taking over, the relieving officer will draw—

(ii) if he is transferred from a post, which he held in an officiating capacity or on return from leave while working in such post, the officiating pay admissible in that post or the pay he would draw after the transfer is complete, whichever is less, and

(b) City Compensatory allowance/House Rent allowance as admissible at the new station on the basis of the pay drawn as at (i) or (ii) above, as the case may be.

NOTE.—The powers of the Head of the Department may be delegated to the Superintending Engineer or officers of equivalent rank in so far as they relate to officers subordinate to them.

It has also been decided that in each case where the Head of the Department or the officer to whom the power is delegated under the preceding paragraph decides to treat the period of taking over charge of a relieving officer as 'duty' under the provisions of the above decision, a declaration as in the pro forma given below should be issued.

DECLARATION

I,
(Name) (Designation)
declare that Shri
(Name and designation of the officer to be relieved)
and Shri
(Name of the relieving officer) (Designation)
were engaged in joint inspection of several scattered works and/or stores during the period from to in connection with handing over and taking over charge and I do not consider the above period as excessive during which Shri
(Name of the relieving officer)

shall be treated as on duty.

Station	⌘	⌘	Name
Date			Designation

[G.I., M.F. O.M. No. F. 2(9)-Est. III/59, dated the 4th April, 1959, 19th August, 1959 and the 17th November, 1959.]

(a) (i) if he is transferred from a post which he held substantively his presumptive pay in that post, or

4. Time allowed for pre-departure formalities before departure for training abroad may be treated as **cansit** time.—Before their departure for training abroad, Central Government servants,

stationed outside Delhi are required to attend pre-departure formalities, e.g., medical examination, passport, travel arrangements, etc., and some time is spent on these. The question arises as to how this period should be treated. It has been decided that up to a maximum of four days may be allowed for the completion of pre-departure formalities in connection with the deputation abroad, and the same may be treated as transit time.

[G.I., M.F., O.M. No. F. 12(3)-EIV(B)/63, dated the 5th February, 1964.]

5. Treatment of Sundays/holidays in case of local transfer.—A Government servant was relieved of the post of Senior Superintendent of Post Offices, East Calcutta Division, Calcutta from the afternoon of 6th June, 1964, and joined as Deputy Director of Postal Life Insurance, Calcutta on the forenoon of 9th June, 1964—7th and 8th June, 1964 being Sunday and a holiday respectively. A question arose as to how joining time should be regulated in such cases.

It has been decided in consultation with the Comptroller and Auditor General of India that in such cases the first holiday (i.e., on 7th June, 1964, in the present case) may be treated as joining time while the succeeding holiday (i.e., 8th June, 1964) may be treated as a holiday affixed to joining time.

[G.I., M.F., U.O. No. F. 2873/E, IV(B)-1/64, dated the 21st July, 1964.]

6. In the case of own request transfer.—Under Rule 4 (i) of the Central Civil Services (Joining Time) Rules, joining time is admissible in cases of transfer in public interest. The question as to how the period between the date of handing over charge of an old station and that of taking over at another station should be regulated in the case of Government servants who are transferred on their own request, has been under consideration. It has now been decided that in the case of transfer of a Government servant at request, there is no objection to his being granted regular leave as admissible by the competent authority under the leave rules applicable to him to cover the period between the date of handing over charge at the old station and

that of taking over at another, if the Government servant applies for it and the competent authority is willing to sanction it.

These orders will take effect from 8-5-1979, i.e., the date from which the C.C.S. (Joining Time) Rules came into force.

[G.I., M.H.A., Deptt. of Personnel & A.R., O.M. No. 19011/33/81-Estt. (Allowance), dated the 29th January, 1983.]

AUDIT INSTRUCTIONS

The time reasonably required for the journeys between the place of training and the station to which a Government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers holding "training posts", which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

[Para. 1-A, Cl. XI, Sec. I of Manual of Audit Instructions (Reprint).]

AUDIT RULING

A Government servant sent for medical examination from Simla to Meerut for appointment in the Military Department, and returned to Simla as unfit, should be considered to be on joining time during his absence on transfer and re-transfer.

[Ruling (34), Sec. IV of Compilation of Audit Rulings.]

COMPTROLLER AND AUDITOR-GENERAL'S DECISIONS

A question has been raised whether any joining time is admissible to a Government servant who is transferred from one place to another but whose transfer is subsequently cancelled, after he has handed over charge of his old post but before he could take charge of the new post. It has been held that the period intervening between the date of handing over charge of the old post and taking over the same later on account of cancellation of transfer orders should be treated as joining time.

[C. & A.G.'s Letter No. 997-Audit/161-67, dated the 30th August, 1967.]

APPENDIX 6

INCENTIVES UNDER HINDI TEACHING SCHEME

I

[Depatt. of Official Language (Ministry of H.A.) O.M.
No. 12013/5/83-O.L. (D), dated the 29th October, 1984.]

Subject—Incentives on passing in the Hindi Typewriting and the Hindi Stenography Examinations of the Hindi Teaching Scheme through one's own efforts and on passing the recognised Hindi Examinations of Voluntary Hindi Organisations, etc.—Consolidation of orders relating to the grant of Lump Sum Award.

1. In supersession of the orders issued so far on the above subject, the undersigned is directed to convey the sanction of the President to the grant of lump sum award at the following rates to the Central Government employees on passing (i) the Hindi, the Hindi Typewriting and the Hindi Stenography examinations of the Hindi Teaching Scheme through their own efforts, and (ii) such Hindi Examinations conducted by the recognised Voluntary Organisations, as have been recognised by the Government of India (Ministry of Education and Social Welfare) as equivalent to or higher than the Matriculation Examination :—

Examination	Award
(1) Prabodh Examination of the Hindi Teaching Scheme	Rs. 250.00 (Rupees two hundred and fifty) only.
(2) Praveen Examination of the Hindi Teaching Scheme	Rs. 250.00 (Rupees two hundred and fifty) only.
(3) Pragya Examination of the Hindi Teaching Scheme	Rs. 300.00 (Rupees three hundred) only.
(4) Hindi Typewriting Examination of the Hindi Teaching Scheme	Rs. 200.00 (Rupees two hundred) only.
(5) Hindi Stenography Examination of the Hindi Teaching Scheme	Rs. 500.00 (Rupees five hundred) only.
(6) Such Hindi Examinations conducted by the voluntary Hindi Organisations as have been recognised by the Government of India (Ministry of Education and Social Welfare) as	Rs. 300.00 (Rupees three hundred) only.

Examination	Award
	equivalent to or higher than the Matriculation Examination
(7) Hindi Parichaya Examination of the Central Hindi Directorate.	Rs. 300.00 (Rupees three hundred) only.

On passing the recognised examination of the Voluntary Hindi Organisations and the Parichaya Examination of the Central Hindi Directorate, the non-gazetted employees may be granted, in addition to the lump sum award, personal pay equal in amount to one increment for a period of 12 months. The instructions issued from time to time in regard to the grant of personal pay will also be applicable to the aforesaid personal pay.

Provided that :—

(1) An employee, who has already passed Matriculation or an equivalent or a higher examination conducted by a Board or a University or a Government Agency or a Private Body with Hindi as a subject (in any form) or through Hindi medium, or whose mother tongue is Hindi, or who has been exempted from the in-service training in Hindi, will not be eligible for the grant of lump sum award on passing any of the Hindi examinations;

(2) An employee, who has already passed the Middle (Class VIII) or an equivalent or a higher examination conducted by a Board or a University or a Government Agency or a Private Body with Hindi as a subject (in any form) or through Hindi medium, will not be eligible for the grant of lump sum award on passing the Hindi Praveen or the Hindi Prabodh Examination;

(3) An employee, who has already passed the Primary (Class V) or an equivalent or a higher examination conducted by a Board or a University or a Government Agency or a Private Body with Hindi as a subject (in any form) or through Hindi medium, will not be eligible for the grant of lump sum award on passing the Prabodh Examination;

(4) An employee:—

- (i) who, before joining the employ of the Government, had declared that he had a speed of 25 w.p.m. or more in the Hindi Typewriting; or
- (ii) who has already received training in Hindi Typewriting from an institution recognised by the Government and has passed a test in Hindi Typewriting therefrom; or
- (iii) for whom training in Hindi typewriting is not obligatory; will not be eligible for the grant of lump sum award on passing the Hindi Typewriting Examination;

(5) An employee—

- (i) who, before joining the employ of the Government, had declared that he had a speed of 80 w. p. m. or more in the Hindi Stenography; or
- (ii) who has already received training in Hindi Stenography from an institution recognised by the Government and has passed a test in Hindi Stenography therefrom; or
- (iii) for whom training in Hindi Stenography is not obligatory; will not be eligible for the grant of lump sum award on passing the Hindi Stenography Examination.

2. The other conditions regarding the grant and the payment of the lump sum award will be as follows:—

- (1) The above mentioned lump sum award will be granted, in addition to the operational staff—to only those employees who are posted at places, where there are no training centres under the Hindi Teaching Scheme or where there are no arrangements for imparting training in the concerned courses.
- (2) The employees who pass an examination higher than the one prescribed for them as the final examination, will not be granted lump sum award therefor.
- (3) The lump sum award will be granted in addition to the personal pay and the cash award to which an employee may be eligible in accordance with the instructions issued from time to time in this regard.
- (4) For the grant of lump sum award, the employees concerned will have to pass the prescribed examination within a period of 15 months from the date of their first appearance at the said examinations.

- (5) The employees, who had at any time received training at any centre of the Hindi Teaching Scheme, for howsoever small a period, will not be eligible for the grant of lump sum award on passing the examination pertaining to the said training.

However, no deduction will be made from the lump sum award of the operational staff, if they are otherwise eligible for it, merely because they had occasionally attended the classes of the Hindi Teaching Scheme.

3. The employees, who prepare privately for the examinations conducted by the Hindi Teaching Scheme, will be provided with text-books free of cost, as in the case of other trainees, who attend Hindi classes during office hours. However, the employees, preparing for the recognised examinations of the Voluntary Hindi Organisations or the Parichaya Examination of Central Hindi Directorate, will not be given the facility of the free text-books.

The employees preparing privately for the examinations will be entitled only for the lump sum award; the conveyance charges incurred by them or the fees paid by them to the institutions will not be reimbursed.

4. These lump sum awards will be granted to those Central Government employees, who pass the above examinations held up to January, 1985.

5. It is clarified that it is for the administrative Ministry concerned to decide as to which category of their staff should be classified as "Operational" for the purpose of this Office Memorandum. The term "Operational staff" has, however, been generally defined to cover such staff as have no fixed place of duty or uniform hours of work or who remain mostly on tour and for that reason, cannot be spared or are unable to attend Hindi classes regularly.

6. A specimen of the Declaration Form, which would require to be filled in by every employee for the grant of lump sum award and on the basis of which the eligibility of the employees for the grant of lump sum award will be determined, is enclosed (*not printed*).

7. The lump sum award will be sanctioned and paid by the respective Ministries/Departments and the expenditure on this account will be borne by them.

The Ministries/Departments of the Government of India may, if they so desire, delegate powers for the grant of lump sum award to the Heads of Departments only in respect of the employees under their administrative control.

In the case of employees of Union Territories, the lump sum award will be sanctioned and paid by the respective Union Territory administrations and the expenditure on this account will be borne by them.

8. In the case of employees of the autonomous organisations, corporate bodies, public sector undertakings, etc., the administrative Ministries/Departments of the Government of India concerned may suggest to such bodies to apply the scheme of lump sum award on the same lines and sanction the same themselves. The expenditure on this account shall be met by those bodies.

9. These orders will take effect from 1-10-1984.

II

(Deptt. of Official Language (Ministry of H.A.) O.M. No. 12016/3/76-O.L. (D), dated the 31st August, 1977,

Subject : Grant of advance for payment of fees to the Government employees acquiring training in Hindi Typewriting and Hindi Stenography at the private training institutions.)

1. Under Presidential Order of 27th April 1960; training in Hindi Typewriting and Hindi Stenography is obligatory for the L.D.Cs./Typists and Stenographers/Stenotypists respectively of the Central Government. Arrangements for imparting departmental training in these skilled under the Hindi Teaching Scheme have been made in some big cities only. At present such centres exist in Delhi, Bombay, Madras, Calcutta, Jabalpur, Kanpur and Patna. Due to practical difficulties it is not possible to set up such training centres under the Hindi Teaching Scheme in all the cities where there are Central Government offices. With a view to encouraging the employees posted at places, where there are no such centres, to acquire training in these skills privately, it has been provided that on their passing the Hindi Typewriting and Hindi Stenography examinations of the Hindi Teaching Scheme privately, they may, in addition to other incentives, be granted lump sum award also—Rs. 150 for Hindi Typewriting and Rs. 300 for Hindi Stenography.

2. Mostly, these employees have to depend on the private institutions for acquiring the training privately. Although there is a provision for grant of lump sum award to these employees on their passing the concerned examination, they do not take particular interest in the training since they have to meet the expenditure of fees, etc., in advance, on their own. Keeping this in view, it has been decided that such employees, for whom training in Hindi Typewriting or Hindi Stenography is obligatory and who are eligible for grant of lump sum award on passing the concerned examination held on the conclusion of the training as per the provisions

made, may be granted a sum not exceeding Rs. 100 and 200 respectively, as interest-free advance, on the following terms and conditions for acquiring training privately in Hindi Typewriting and Hindi Stenography in the private institutions :—

- (1) The amount of advance will be limited to the actual amount paid as fees by the employees to the private institution (Fees for six months in respect of Hindi Typewriting and fees for 12 months in respect of Hindi Stenography) or the amount mentioned above, whichever is less.
- (2) An employee will be granted advance after three months from the time of admission of the employees in the said institutions provided that the Head of the office is satisfied with the training acquired by the employee till then. For this purpose, the Head of the Office may *inter alia* ask for a certificate from the said institution to the effect that the employee has been attending the training regularly and that his progress is satisfactory.
- (3) This advance will, ultimately, be recovered by making deductions from the lump-sum award admissible to him on passing the Hindi Typewriting/Hindi Stenography examination of the Hindi Teaching Scheme.

If the employee does not pass the Hindi Typewriting Examination within one year and the Hindi Stenography Examination within $\frac{1}{2}$ years from the date of drawing the advance, the amount of advance shall be recovered from his pay in four equal instalments immediately after the expiry of this period.

The period for passing the Examination shall in no case be extended.

3. Besides the above terms and conditions, the advance shall be granted to the eligible employee on the personal responsibility of the Head of Office, under the general terms and conditions, applicable to other interest-free advances granted to Government employees and its account will also be maintained in the same manner.

The employees of the Union Territories will also be eligible for this advance on similar terms and conditions.

The amount of advance may be debited to '766—Loans to Government servants, etc.

—Other Advances—Loans for training in Hindi typewriting/Stenography.

In the case of employees of the Government Undertakings, etc., the concerned Administrative Ministries and Departments of the Gov-

ernment of India may suggest to these undertakings, etc., to extend the above facilities to their employees.

4. This order issues with the concurrence of the Ministry of Finance *vide* their U.O. No. 852 E. II(A), dated 4th April, 1977, and Ministry of Finance (Department of Economics Affairs) U.O. No. D. 1174/BAC/77, dated 22-7-1977.

III

Grant of personnel pay for qualifying in Hindi examination.—See G.I.O. (3) below F. R. 9 (23).

IV

[Deptt. of Official Language (Ministry of H.A.) O.M. No. F. 14012/55/76-OL (C) dated the 12th August, 1983.]

Subject : Grant of Hindi Incentive Allowance to Stenographers and typists for doing official work in Hindi, in addition to English.

1. The Official Language Policy of the Central Government is contained in the Official Language Act, 1963, and the Official Language (Use for the Official Purposes of the Union) Rules, 1976 wherein regular provisions have been made for the progressive use of Hindi for the official purposes. Based on these provisions of the Act and the Rules, and annual programme to encourage progressive use of Hindi in Official work of the Central Government is issued every year and all the Ministries/Departments are requested to ensure compliance thereof. In order to ensure compliance of these provisions and the instructions contained in the annual programme it has been considered necessary that there should be adequate availability of stenographers and typists who could do their stenography/typing work in Hindi. Since the appointment of Hindi Stenographers and Hindi Typists in addition to their English counterparts would entail enormous expenditure, a proposal to increase the availability of bilingual stenographers and typists by granting a special allowance to the English Stenographers/Typists has been under consideration in this Department.

2. It has now been decided with the concurrence of the Ministry of Finance (Department of Expenditure) that a special allowance of Rs. 60 per month and Rs. 40 per month may be granted to the Stenographers and typists respectively working in the Ministries, Departments and their attached and subordinate office who

know English typing/shorthand and are actually doing their official work in Hindi in addition to English. Only those English Stenographers/Typists would be entitled for the allowance who type on an average of 5 notes/drafts/letters in Hindi in a day or about 300 notes/drafts/letters in Hindi in a quarter. This will not include one or two line drafts/notes. This special allowance will not be treated as pay and no D.A., H.R.A., C.C.A. and other allowances, would be admissible on this amount.

3. The employees to whom this allowance is granted will have to produce a certificate in the prescribed proforma to prove that the employee was actually doing his work in both the languages. In the case of Stenographers this certificate will be given by the officer with whom he is posted and in the case of typist, the certificate will be signed by the Under Secretary concerned or Head of Office, as the case may be. This certificate will be required every month for the first six months when a Stenographer/typist starts Working bilingually and thereafter once in every three months.

4. The existing scheme under which advance increments in the shape of personal pay are granted for successful training in Hindi Stenography and Hindi Typewriting shall continue but the benefit of advance increments will cease with the benefit of special allowance under this scheme is granted.

5. Head of Offices as well as the officer exercising supervisory control over the stenographers and typists will have the responsibility to ensure that special allowance is drawn only when the bilingual work is done by the concerned stenographer/typists as envisaged in this O.M. In case of any misuse of these instructions and drawal of special allowance without actually working will mean 'misuse' of the facility in charging travelling allowance or any other allowance under Central Government rules. Head of Offices may utilise the services of their Hindi Officers to keep watch over this aspect.

6. ¹This scheme may continue even after 15th May, 1987.

V

(Government of India, Ministry of Home Affairs, Department of Official Language, O. M. No. II/12013/3/87-O.L. (A-2) dated 16-2-1988)

Subject : Incentive Scheme for doing work in Hindi.

¹ Revised *vide* Government of India (Department. Official Language (M.H.A.) O.M. No. 13034/31/85-OL(C) dated 16-7-1987.

1. This Department have been receiving suggestions from time to time for further liberalising the incentive scheme for original Hindi noting/drafting. Suggestions for making changes in the above Incentive Scheme for working in Hindi were made at the meeting of the Central Official Language Implementation Committee held on 27th May, 1987. After considering all these suggestions and in consultation with the Ministry of Finance, it has now been decided to introduce a new Incentive Scheme which will replace the scheme issued vide O.M. dated 25th May, 1984. The details of the Scheme are as follows :—

2. (1) *Scope of the Scheme* :—All Ministries/Departments/Attached and Subordinate offices of the Central Government may introduce this scheme independently for their officers/employees.

(2) *Eligibility* :

- (A) Officers/Employees of all categories who do their Official work wholly or partly originally in Hindi can participate in this scheme.
- (B) Only those Officers/Employees will be eligible for award who write at least twenty thousand words in Hindi in a year in regions 'A' and 'B' (i.e., Bihar, Haryana, Himachal Pradesh, Madhya Pradesh, Rajasthan, Uttar Pradesh, Gujarat, Maharashtra and Punjab States and the Union territory of Andaman & Nicobar Islands, Union Territories of Delhi and Chandigarh) and at least ten thousand words in Hindi in a year in region 'C' (which comprises all other States and Union territories except region 'A' and 'B'). In addition to original noting and drafting this will also include such other items of work done in Hindi which can be verified, such as entry in the registers, preparation of lists, accounting work etc.
- (C) Stenographers/typists who are covered under some other Scheme for encouraging the use of Hindi in Official work will not be eligible to participate in this scheme.
- (D) Hindi officers and translators who generally do their work in Hindi will not be eligible to participate in this scheme.

3. *Prizes*.—The following cash awards will be given to the participants every year according to the work done by them in Hindi :—

(a) *Independently for each Ministry/Deptt./attached office of Central Government :*

	Rs. each
First Prize (2 prizes)	500
Second Prize (3 prizes)	300
Third Prize (5 prizes)	150

(b) *Independently for each subordinate office of any Deptt. of Central Government :*

	Rs. each
First Prize (2 prizes)	400
Second Prize (3 prizes)	200
Third Prize (5 prizes)	150

(4) For purposes of this scheme every geographically separate locate office may be treated as an independent unit. For instance an office on an Assistant Commissioner etc. under Commissioner of Income Tax or Area Superintendent's office etc. under Divisional Railway Managers of the Railways will be Independent units for operation of this scheme. Same will be the case in respect of Subordinate and Attached offices of the Ministry of Defence or the P & T Deptt. etc.

(5) *Criteria for awarding prizes :*

- (a) For facilitating assessment a total of 100 marks will be allotted. Out of this 70 marks will be earmarked for the quantum of work done in Hindi and 30 for clerk in expression of thoughts.
- (b) The competitors whose mother tongue is Tamil, Telugu, Kannada, Malayalam, Bengali, Oriya or Assamese may be given additional weightage upto 20%. The exact weightage to be given to such an employee will be determined by the Assessment Committee. While doing so the Committee will also keep in view the standard of work of those officers/employees who otherwise rank higher to him/her.
- (c) The competitors will maintain a record of the words written by them every day in the attached proforma. Each week's record will be verified and countersigned by the next higher officer. If Section head himself keeps a record then it won't be necessary for the employee to maintain such record.
- (d) At the end of one year every competitor will submit the record of his/her work done in Hindi to the Assessment Committee through the countersigning officer.

If countersigning officer or section head himself keeps an overall watch and account of the work, then this would not be necessary and he would furnish details.

(6) *Assessment Committee :*

The Assessment Committee in the Ministries/Depts. may consist of the Joint Secretary in charge of Hindi, the Under Secretary incharge of O & M and the Senior Hindi Officer/Hindi Officer. In the Attached and Subordinate Offices it may comprise of the Head of Deptt./Office, Hindi Officer and one more gazetted officer or Rajbhasha Adhikari. However, the composition of the Committee may be

changed to suit the availability of officers in various concerned offices.

3. Mention of winning a prize will also be made in Service records of the officer/employee concerned in a suitable form. A list of the prize winners may please be endorsed to this Department also.

4. The expenditure on operating this scheme will be met by each Ministry/Deptt./Office from its own budget provision. A Head of Deptt./Office can sanction the prizes on the recommendations of the Assessment Committee under the authority of this circular. The scheme has been approved by the Ministry of Finance (Deptt. of Expenditure), vide their u.o. No. H-78/E/III/87, dated 27-1-1988.

5. This scheme will come into force with effect from 1st April, 1988.

PROFORMA

Weekly statement of the original work done in Hindi by Sh./Smt./Kum..... for the week ending

STATEMENT

Sl. No.	Date	Total No of files & Registers wherein work was done in Hindi	No. of Words used in note/draft written in Hindi	Other items of work done in Hindi		Signature of Senior Officer (once in a week)
				brief description	No. of words	
1	2	3	4	5	6	7

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This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules.

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- Central Government may delegate to subordinate officers certain—conferred upon it by Fundamental Rules—F.R. 6.
- Interpretation of Fundamental Rules. Power reserved to the President—F.R. 8.
- To relax the provisions of rules—F.R. 5-A.

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- Government servant may accept a—F.R. 48.

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- May class certain emoluments as pay —F.R. 9(21)(a)(iii).

Presumptive Pay of a post—

- Definition of—F.R. 9(24).
- Government servant officiating in a post will draw the—F.R. 31.

Sumptuary Allowance—

Compensatory allowance does not include a—F.R. 9(5).

Supernumerary Post—

Creation of—to provide a lien in the new post on transfer/reduction—F.R. 15 (G.I. Order 1).

Principle governing creation of—F.R. 9(22)(G.I. Order 1).

Suspension—

A Government servant retains lien on his post while under—F.R. 13.

Amount of subsistence allowance of a Government servant under—F.R. 53.

Government servant under—on a charge of misconduct not required or permitted to retire on reaching the date of compulsory retirement—F.R. 56(k).

Leave not admissible to a Government servant under—F.R. 55.

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T**Temporary Post—**

Definition of—F.R. 9(30).

Extension of—of an employee under suspension—F.R. 53 (G.I. Order).

Fixing of pay—F.R. 39-40.

Tenure Post—

Pay and allowances attached to the—begin from the date on which a Government servant assumes the duties of that post—F.R. 17(1).

Time-scale Pay—

Definition of—F.R. 9(31).

Initial pay of a Government servant appointed substantively to a post on—F.R. 22, 22-C and 23.

Initial pay on transfer from a post on a—to another—F.R. 22.

Option of retaining pay on the old—when the pay of a post is changed—F.R. 23.

When two posts are on the same or identical scale of pay—F.R. 9(31).

U**Unauthorised absence—**

Competent authority in invoke provision—F.R. 17-A, Note 2.

Deemed to cause interruption/break in service for specific purposes—F.R. 17-A.

Invoking penal provision only after giving reasonable opportunity—F.R. 17-A (G.I. Order 1).