

No.AB-14017/2/07-Estt (RR)

Government of India
Ministry of Personnel, PG and Pensions
(Department of Personnel and Training)

New Delhi-110001

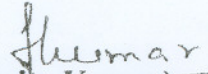
Feb. 29th, 2008

OFFICE MEMORANDUM

Subject: Consolidated guidelines on deputation / foreign service for members of the organized Group A and the Group B Services of the Central Government.

The issue regarding deputation/ foreign service to ex-cadre posts has been reviewed and it has been decided that henceforth , **the appointment for the purpose of deputation / foreign service and provisions regulating tenure & procedure of appointment would be according to guidelines enclosed .**

2. For the time being, the guidelines contained in these instructions will apply only to members of the organized Group 'A and 'B' Services of the Central Government. These orders will take effect from the date of issue and past cases will not be reviewed based on these instructions. Hindi version will follow.


(Smita Kumar)
Director (E.I)

To

All Ministries/Departments of Government of India

Copy to :-

- 1.The President's Secretariat, New Delhi.
- 2.The Vice President's Secretariat, New Delhi
- 3 .The Prime Minister's Office, New Delhi, w.r.t. I D No. 1024270/PMO/2008-Pol.dt.25.2.2008
- 4.Cabinet Secretariat, New Delhi.
- 5.Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
- 6.The Registrar General, Supreme Court of India.
- 7.The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
- 8.The Comptroller and Auditor General of India, New Delhi.
- 9.Secretary, Union Public Service Commission, New Delhi.
- 10.Staff Selection Commission, New Delhi.

11. All attached offices under the Ministry of Personnel, Public Grievances & Pensions.
12. Establishment Officer & Secretary, ACC(10 copies).
13. All Officers and Sections in the Department of Personnel & Training.
14. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
15. NIC (DOPT) for placing this Office Memorandum on the Website of DOPT
16. Establishment (RR) Section with 50 spare copies.
17. All Staff Member of National Council(JCM)
18. Facilitation Center, DOPT(20 copies)

GUIDELINES FOR DEPUTATION / FOREIGN SERVICE OF CENTRAL GOVERNMENT OFFICERS

1.1 Central Staffing Scheme (CSS) :-

Posts that are to be covered:

Ministries/Departments of Government of India

Procedure to be followed for appointment:

Civil Services Board (below JS), with ACC approval for JS and above.

Tenure to be applicable:

US level	-	3 years
DS level	-	4 years
Dir level	-	5 years
JS/AS level-		7 years (subject to 3 years in the second post, and also subject further to a minimum of 5 years in the Centre.)
AS level	-	4 years
Secy level	-	no ceiling.

1.2 Non-Central Staffing Scheme posts:-

1.2.1 Posts that are to be covered:

Autonomous Institutions wholly or substantially funded or controlled by the Central Government.

Procedure to be followed for appointment:

Search-cum-Selection Committee process as laid down in DoPT Office Memorandum No. 28/13/2006-EO(SM.II) dated 03/07/2006 & OM NO.AB 14017/11/2004-Estt(RR)dated 30/7/07, OR as per approved RRs OR as per statutory provisions for institutions covered by specific statutes (with ACC approval for Chief Executives carrying pay scales of Rs.18400-22400 or above).

Tenure to be applicable: As provided under the Central Staffing Scheme.

1.2.2 Posts that are to be covered:

CVOs

Procedure to be followed for appointment:

From DOPT panel with concurrence of CVC and Ministry concerned (with ACC approval for JS and above), i.e. as per current procedure.

Tenure to be applicable:

Maximum of 5 years. (A deputation of 3 +3 years is permissible when an officer moves from one PSU to another).

1.2.3 Posts that are to be covered:

Central PSUs or PSUs of another State or PSUs wholly or substantially owned and controlled by two or more States.

Procedure to be followed for appointment:

Subject to exemption from Immediate Absorption Rule through PESB/Search Committee (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

1.2.4 Posts that are to be covered:

Constitutional Bodies or staff officers of Heads of Constitutional Bodies

Procedure to be followed for appointment:

Civil Services Board OR on request by name, subject to vigilance clearance and suitability (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

1.2.5 Posts that are to be covered:

Statutory Bodies set up by an Act of Parliament or staff officers of Heads of such Statutory Bodies.

Procedure to be followed for appointment:

For appointments below JS level – through a Committee under the Chairmanship of Secretary(Personnel) with the approval of MOS(PP).

For appointments of JS and above level- through CSB with the approval Of ACC.

Tenure to be applicable: As provided under the Central Staffing Scheme

1.2.6 Posts that are to be covered:

Non-permanent, Non-Statutory Bodies with a specific term set up through executive orders/notification by the Central Government- like Administrative Reforms Commissions, Pay Commission, National Manufacturing Competitiveness Commission, Sachar Committee, Inquiry Commissions, etc.

Procedure to be followed for appointment:

Civil Services Board (with ACC approval for JS and above)

Tenure to be applicable: As provided under the Central Staffing Scheme.

5

Provided that, if an officer moves from a CSS to a non-CSS post, or vice versa, she/he shall be eligible for an additional tenure of two years, subject to at least two years on either post.

1.3 Ex-Cadre Deputation.

Posts that are to be covered:

To another post in Central Government/ State Government where Recruitment rules /regulations etc. exist and deputation is one of the methods of appointment

Procedure to be followed for appointment:

With the concurrence of the cadre controlling authority, borrowing Department and with the approval of the authority competent for filling up the post.

Tenure to be applicable:

According to the provisions of DOPT OM no. 2/29/91-Estt.(Pay-II) dated the 5th January 1994 as amended from time to time .

2.1 International Organizations.

Posts that are to be covered:

- i) UN Organizations.
- ii) International Financial Institutions like World Bank, IMF, ADB, etc.
- iii) Multilateral organizations of which India is a member, like IAEA, WTO, Commonwealth Organization, International Court of Justice, SAARC etc.
- iv) Bilateral Bodies set up under the Vienna Convention, i.e. Embassies and Bodies set up under them, like USAID, DFID, NORAD, etc.
- v) International NGOs or Funding Organizations from which India receives technical/financial assistance like International Red Cross Society, Action Aid, Aga Khan Foundation, Ford Foundation, etc.

Procedure to be followed for appointment:

A Committee under the Chairmanship of Cabinet Secretary with Secretary(Personnel), Finance Secretary will screen all proposals for deputation on foreign service terms of officers of the level of JS and above, on a case to case basis, after the proposals have been approved by the Cadre Controlling Authority. Such screening in the case of officers below the level of JS will be by a Committee chaired by the Secretary of the Cadre Controlling Ministry/Department with a member each, not below the level of JS from the DOPT and Department of Expenditure. A final decision on the recommendations of the Screening Committee may be taken at the level of Minister-in-charge in the case of officers holding posts below JS-level and with the approval of PM in the case of officers holding JS-level posts or above

6

Provided that for appointment to posts listed at (iv), the Foreign Secretary or the MEA Secretary concerned shall also be a member of the Committee under the chairmanship of Cabinet Secretary for officers of JS and above level. For officers below JS level, a nominee of Foreign Secretary not below the level of JS would be included in the screening committee.

Provided further that for appointments to posts listed at (v), the concurrence of MHA shall be taken.

Tenure to be applicable:

Maximum of 5 years at a stretch.

2.2 Autonomous body, trust, society, etc. not controlled by the Government, or a private body.

Posts that are to be covered :

- i) Registered Societies or Trusts or Foundations or non-profit organizations or NGOs or cooperatives;
- ii) Apex bodies of Industries and Commerce;

Provided that such autonomous or private bodies fulfill all four of the Following criteria:-

- a) they are functionally autonomous of the Central and State Governments;
- b) they are not substantially funded by the Central and State Governments;
- c) the Central or State Governments do not have powers to give them directions; and
- d) they are not companies registered under the Registration of Companies Act.

Procedure to be followed for appointment:

As in Para 2.1

Tenure to be applicable:

Maximum of 5 years at a stretch.

2.3 Terms and conditions for deputation/ foreign service not covered under this OM , would be as per DOPT OM No. 2/29/91-Estt.(Pay-II) dated the 5th January 1994 as amended from time to time. For the foreign service, terms and conditions in Annex I amend the guidelines of 1994 to the extent they are at variance .

2.4 The total period of foreign service under Para 2.1 and 2.2 above shall not exceed a maximum of 7 years in the entire service.

2.5 There shall be a mandatory 'Cooling Off' requirement after every period of deputation and foreign service. The length of 'Cooling Off'

shall be as follows:

- (i) For JS level (Rs. 18400-22400/) and below –3 years
- (ii) For AS level (Rs. 22400 - 2500/) – 1 years
- (iii) For Secretary level- nil

2.6 The Consolidated Deputation/ Foreign service guidelines for organized Gr. 'A' & 'B' services shall come into force with prospective effect.

2.8 Appointments for which orders have already been issued shall not be affected by these guidelines

Annexure- I**Terms And Conditions For Foreign Service**

1. The general principle of public interest shall be the overriding factor in deciding foreign service under this rule. The competent authority shall also see whether there is any enrichment of the experience of the officer by such deputation.
2. Officers who are on foreign service would run the disqualification of not being considered for empanelment under the Central Staffing Scheme during the currency of their foreign service and also till they earn ACRs on return to their cadre
3. FCRA clearance shall be required for foreign service to an organization receiving foreign donations.
4. All such cases of foreign service shall be considered only with the consent of the officer concerned and the approval of the cadre controlling authority.
5. The foreign service will not be considered, under any circumstances, as a mandatory posting.
6. A Central Government Officer shall be eligible for foreign service only after he has completed 9 years of service.
7. A Central Government Officer shall be eligible for foreign service only if he is clear from vigilance angle.
8. For foreign service, the officer should not have dealt with the borrowing organization in the last five years.
9. An officer shall not be allowed to proceed on foreign service to organizations in which he or any of his blood relations is connected with the setting up/management of the organization.
10. Mode of selection for the post may be based on advertisement, nomination or direct offer.
11. The limit of 5 years in one stretch and 7 years in the entire career for foreign service to organizations covered under Para 2.1 and 2.2 shall not be extended under any circumstances. The officer shall be deemed to have resigned from service in case he/she fails to join the Government within one month of completion of his/her approved tenure with the concerned organization.

12. While serving in Constitutional /statutory / multilateral or bilateral organization /international financial organizations, the officer shall be eligible to draw pay and allowances as per the scheme of the borrowing organization. In the other organizations, the officer may opt for his grade pay or the pay of the post, whichever is more beneficial to him.

13. While on foreign service, the service conditions of the officer shall continue to be regulated under the relevant Service Rules. Other terms and conditions may be in accordance with standard terms devised from time to time.

14. The provisions of paying to the Government 1/3rd of the amount of fee earned by the officer during short-term assignments with international organizations may also be removed. There will not be any distinction between international organizations and other national organizations in this respect.

15. Participation in the pension scheme - The officers on foreign service, except to Constitutional bodies, which may have their own regular pension schemes, shall not be permitted to join the pension schemes of the organization under any circumstances. A Central Government Officer may join the Pension scheme of the UN bodies in accordance with the relevant rules. On joining the same, the service rendered by the officer during the deputation period shall not be counted as qualifying for pension.

16. The entire expenditure in respect of pension and leave salary contribution for the period of foreign service shall be borne by the borrowing organization, failing which by the officer. However those allowed joining the pension schemes of the organizations mentioned above shall not be required to make pension contributions.

17. Performance appraisal /ACRs during the period of foreign service – The competent authority in the organization accepting the officer shall provide an ACR/Performance appraisal written in such form as prescribed under rules.

18. The terms and conditions of foreign service shall be finalised by the concerned administrative Ministry/Department, in accordance with the standard terms and conditions prescribed by the DOPT.

19. Notwithstanding anything above, the Government shall have the absolute right to refuse permission or recall an officer from foreign service.

20. An officer on foreign service shall be considered for promotion on his turn.
