

**No.2/29/91-Estt(Pay II)  
Government of India  
Ministry of Personnel Public Grievances & pensions  
Department of Personnel & Training**

New Delhi ,the 5<sup>th</sup> Jan.94

**OFFICE MEMORANDUM**

**Subject :- Transfer on deputation/foreign service of Central Govt. Employees to ex-cadre posts under the Central Govt./ State Govts./Public Sector Undertakings /Autonomous Bodies Universities/UT Administration, Local Bodies etc. and Vice - versa - Regulation of pay, deputation (duty) Allowance, tenure of deputation / foreign service and Other terms and conditions – regarding**

A need has been felt for some time past to consolidate at one place the various instructions/orders that have been issued from time to time and are still in force on the above mentioned subject. It was also felt necessary to review the entire matter and bring about rationalization and uniformity in the instructions/orders. Accordingly it has been decided to bring out a self-contained O.M. on the subject incorporating the provisions of various orders quoted in the margin, with suitable modification, where necessary. The Ministry of Finance, etc. are requested to bring to the notice of all administrative Ministries concerned the contents of this O.M. for information, guidance and compliance.

**2. Application**

**2.1 These orders will apply to all Central Govt. employees who are regularly appointed on deputation/foreign service in accordance with Recruitment Rules of the ex-cadre posts under the same or some other Departments of Central Govt. or under the State Governments/Union Territories Administration /Local Bodies or Under Central/State PSUs/Autonomous Bodies etc. (where such foreign service has been permitted in relaxation of appointment on immediate absorption conditions). These orders will also cover the cases of regular appointment as per Recruitment Rules in the Central Government on deputation/foreign service of employees of State Government /Central/State PSUs/Autonomous bodies, Local Bodies etc. However, the following cases shall not be covered under these orders for whom separate orders exist:-**

- (a) Members of the All India Services and those deputed to posts whose terms are regulated under specific statutory rules or orders;**
- (b) Officers appointed on deputation to posts in the Central Secretariat such as Under Secretary, Deputy Secretary, Director, Joint Secretary, Additional Secretary, Secretary etc. for whom separate orders as issued from time to time will continue to apply:**
- (c) Deputation to posts outside India;**
- (d) Appointments of a specific category of employees to a specified class of posts where special orders are already in existence such as appointments made in the Personal Staff of Minister etc., to the extent the provisions contained therein are at a variance with those contained in these orders;**
- (e) Appointments of the nature of deemed deputation or transfers to ex-cadre posts made in exigencies of service with the specific condition that no deputation(duty) allowance to be admissible –e.g.**
  - (i) interim arrangements in the event of conversion of a Govt. office/organisation or a portion thereof into a PSU/autonomous body or vice versa; and (ii) appointments to the same post in another cadre.**

### **3. Scope of Term 'deputation/foreign service – Restrictions on treating an appointment as On deputation/foreign service.**

**3.1 The term deputation/foreign service will cover only those appointments that are made by transfer on a temporary basis provided the transfer is outside the normal field of deployment and is in the public interest.**

**The question whether the transfer is outside the normal field of deployment or not will be decided by the authority which controls the service or post from which the employee is transferred.**

**3.2 Appointment of serving employees made either by promotion or by direct recruitment with open market candidates whether on permanent or temporary basis shall not be regarded as deputation/foreign service.**

**3.3 Permanent appointment made by transfer will also not be treated as deputation/foreign service.**

**3.4 Temporary appointment made on the basis of personal requests of employees will also not be treated as deputation/foreign service.**

**3.5 In case of appointments on deputation/foreign service from Central Govt. to Central Govt. and in those cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar a person in a higher scale of pay shall not be appointed on deputation to a post in a lower scale of pay.**

**3.6 In case of appointment on deputation/foreign service from Central Govt. to Public Sector Undertaking and in those cases where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar, no appointment on deputation/foreign service shall be made if by raising the grade pay by one increment plus dearness allowance(s) including interim relief, if any, admissible to a person in parent cadre post-exceeds the emoluments comprising pay plus dearness allowance(s) including interim relief, if any at the maximum of the ex-cadre post.**

### **4. Exercise of option**

**4.1 An employee appointed on deputation/foreign service may elect to draw either the pay in the scale of pay of deputation/foreign service post or his basic pay in the parent cadre plus deputation(duty) allowance thereon plus personal pay, if any.**

**4.2 The borrowing authority should obtain the option of the employee within one month from the date of joining the ex-cadre post unless the employee has himself furnished the option.**

**4.3 The option once exercised shall be final, However, the employee may revise the option under the following circumstances which will be affective from the date of occurrence of the same.**

**(a) When he receives proforma promotion or is appointed to non-functional selection grade in his parent cadre.**

**(b) When he is reverted to a lower grade in his parent cadre;**

**(c) When the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex-cadre post held by the employee on deputation/foreign service is revised either prospectively or from a retrospective date.**

**(d) Based on the revised/same option of the employees, in the event of proforma promotion appointment to non-functional Selection Grade revision of scales of pay in the parent cadre, the pay of deputationists will be refixed with reference to the revised entitlement of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in**

option already exercised is envisaged the pay already drawn in deputation post will be protected if the pay refixed is less.

**Note:** Revision in the rates of DA, HRA or other allowance either in the parent or borrowing organisation shall not be an occasion for revision of the earlier option.

4.4 If the pay of an employee in his cadre post undergoes downward revision, the pay in the ex-cadre post is also liable to be refixed on the basis of revised pay and in accordance with the revised option or existing option if the employee does not revise his option.

## 5. Pay fixation

5.1 When an employee on deputation/foreign service elects to draw in the scale of pay attached to the ex-cadre post, his pay may be fixed as under;

(i) Deputation from Central Govt. to Central Govt.

Pay may be fixed under normal rules.

(ii) In foreign service/Reverse Foreign Service

(a) when the pay scale of the post in the parent cadre and that attached to ex-cadre post are based on same index level and the DA pattern is also same, the pay may be fixed under the normal, Fundamental Rules.

(b) If the appointment is made to a post whose pay structure and/or DA pattern is dissimilar to that in the parent organisation, pay may be fixed by adding to his grade pay, one increment in the scale of his regular parent post ( and if was drawing pay at the maximum of the scale, by the increment last drawn) and equating the pay so raised plus dearness allowance (and additional or ad-hoc dearness Allowance, Interim relief etc., if any) with emoluments comprising of pay plus DA, ADA, Interim relief etc., if any, admissible, in the borrowing organisation and the pay may be fixed at the stage in the pay scale of the ex-cadre post at which total emoluments admissible in ex-cadre post as above equal the emoluments drawn in the cadre and if there is no such stage, pay may be fixed at the next higher stage;

(iii) pay fixed under (i) and (ii) shall neither be less than the minimum of the scale of the ex-cadre post nor shall it exceed the maximum of that scale;

5.2 In cases of appointment from one ex-cadre post to another ex-cadre post where the employee opts 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 as 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 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 employees should have opted to draw pay in the scales of pay attached to the ex-cadre posts.

**Note-1 :** The term parent post basic pay means the post held on regular basis in the parent organisation and pay drawn/admissible in such a post respectively.

**Note-2 :** An officer who may be holding a higher post on adhoc basis in the cadre at the time of proceeding on deputation/foreign service would be considered to have vacated the post held on adhoc basis and proceeded on deputation/foreign service from his regular post. During his

deputation/foreign service, he shall earn notional increments, in his regular post only. On his reversion if he is re-appointed to the higher post on regular or ad-hoc basis his pay will get fixed with reference to the pay admissible in the lower post as on date of promotion. In such cases, if his pay gets fixed at a stage lower than that of his junior(s) who continued to serve in the cadre, no stepping up will be admissible as per extent rules in so far as Central Govt. employees are concerned. However, if the pay so fixed is less than the pay drawn earlier while holding the post on ad-hoc basis the pay earlier drawn will be protected. Therefore, those Central Government employees who are already holding a higher post on ad-hoc basis or expecting it shortly in the parent cadre may weigh all relevant considerations before opting for deputation/foreign service. This note of caution will be applicable to employees of other organisations wishing to apply for posts on deputation in Central Govt. if government by similar rules in parent organisation.

**Note-3 :** Pay of officer appointed on deputation/foreign Service on adhoc basis pending selection of a regular incumbent may also be regulated in accordance with provisions of Para 5.1 & 6.1 of this O.M. subject to the condition that if the said officer does not fulfill the eligibility conditions laid down in the Recruitment Rules of the ex-cadre post, his pay in the scale of the ex-cadre post, if so opted, shall be subject to the restrictions under FR 35. Where the Recruitment Rules of the post have not been notified, such restrictions may be enforced if he is ineligible to hold a post in equivalent/analogous grade in his own cadre. This will also cover appointments in personal staff of dignitaries other than Ministers who have been allowed to make appointments of their personal staff at their discretion.

**Note-4 :** The provisions of this Rule as well as Rule 6 will not apply to appointments on Personal Staff of Ministers. Such appointments will be regulated by separate specific orders issued by the Govt. in that behalf.

## **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;**

The deputation(duty) allowance as above shall be further restricted as under:-

- (i) Pay Plus Deputation (duty) Allowance does not exceed the maximum of scale of pay of ex-cadre post;**
- (ii) In the cases where pay scales are dissimilar then pay plus deputation(duty) allowance plus DA/ADA/IR etc. does not exceed the pay at the maximum of ex-cadre post plus DA & IR etc.**
- (iii) Pay plus deputation (duty) allowance as above 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 persons 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 with in 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 the condition of living there being particularly arduous or unattractive. Where special rate is more favourable then that under para 6.1 above, employees deputed to the area will be given the benefit of the special rate.**

**6.3 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. The officers who opted to draw pay in the scale of the ex-cadre post shall however continue to draw pay in that scale during the extended tenure also.**

**6.4 If an employee with the permission of the competent authority proceeds on deputation/foreign service from one ex-cadre post to another ex-cadre post in the same or another organization 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.**

**6.5 In cases where a person on deputation/foreign service 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 other pay allowances & benefits While on deputation/foreign service.**

**7.1 Any project allowance admissible in a project area in the borrowing organisation may be drawn in addition to deputation (duty) allowance.**

**7.2 Any special pay granted to an employee in the parent Department under FR 9(25) or a corresponding rule of parent organisation should not be allowed in addition to deputation (duty) allowance. However the borrowing department may allow in addition to deputation (duty) allowance under special circumstances any special pay attached to the post held by the employee in his/her parent Department, by suitably restricting the deputation (duty) allowance. This will require the specific and prior approval of department of Personnel & Training.**

**7.3 In case special pay is attached to the scale of pay of the ex-cadre post and the employee has opted to draw pay also in that scale, in addition to his pay in that scale, he will also be entitled to draw such special pay. However, such special pay will not be admissible if he has opted to draw grade pay plus deputation allowance.**

**7.4 Personal pay, if any, drawn by an employee in his parent department will continue to be admissible on deputation/foreign service if he opts to draw grade pay plus deputation allowance. No deputation allowance on this personal pay will however, be admissible.**

**7.5 Increments:- The employee will draw increment in the 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. If he has opted for time scale of the deputation post, notional increment shall also continue to accrue to him in the post held on regular basis in parent cadre/organisation for the purpose of regulation of pay on reversion back to parent post at the end of tenure.**

**7.6 Admissibility of allowances and benefits While on deputation/foreign service.**

**(a) such allowances as are not admissible to regular employees of corresponding status in the borrowing organisation, shall not be admissible to the officer on deputation/ foreign service, even if they were admissible in the parent organisation:**

**(b) Following allowances will be regulated with mutual consent of the lending and borrowing organisation:**

**(i) HRA/CCA**

**(ii) Joining Time and Joining Time Pay.**

- (iii) Travelling Allowances and Transfer T.A.
  - (iv) Children Education Allowance.
  - (v) LTC.
- (c) Following Allowances/Facilities will be regulated in accordance with the rules as explained against each.
- (i) Dearness Allowance- The employee shall be entitled to dearness allowance at the rates prevailing in the borrowing organisation or in the lending organisation depending on whether he has opted for to draw pay on the time scale of the ex-cadre post or his own grade pay plus deputation (duty) allowance.
  - (ii) Medical Facilities – This will be regulated in accordance with the rules of borrowing organisation.
  - (iii) Leave – An officer on deputation/foreign service shall be regulated by the leave Rules of the parent organisation. If however an employee proceeds from vacation department to non-vacation department, or vice-versa, he shall be governed by leave Rules of the borrowing organisation. At the time of reversion from the deputation post to the parent cadre, the borrowing organisation may allow him-her leave not exceeding two months. The employee should apply for further leave to his cadre controlling authority.

#### **7.7 Leave salary and Pension Contribution.**

- (i) As at present allocation of leave salary and pension contribution between different Ministries/Departments of Central Govt. and between Central and State Govt. has been dispensed with . In such cases of deputation from Central Govt. to State Govt. and vice-versa, liability for bearing leave salary vests with the Department from which the officer proceeds on leave or which sanctioned leave and no contributions are payable to the landing organisation. Liability for pension/employee's contribution to CPF will be borne by the parent department, to which the officer permanently belongs at the time of retirement and no proportionate contribution will be recovered.
- (ii) In case of deputation of central Govt. employees on foreign services to Central Govt. employees on foreign services to Central Public Sector Undertakings/state Public Sector Undertakings and Autonomous Bodies/etc. leave salary contribution (except for the period of leave availed on foreign service) and pension Contribution/CPF (Employer's share) contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Govt.
- (iii) In cases of reverse deputation from Central Public Sector Undertakings/State Public Sector Undertakings, Autonomous Bodies to Central Govt. the question regarding leave salary and pension contribution will be decided by mutual consent.

#### **8. Tenure of deputation/foreign service.**

- 8.1 The period of deputation/foreign service 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 Ministry/borrowing organisation may grant extension beyond this limit upto one year, after obtaining orders of their Secretary (in the Central Govt. and Chief Secretary in the State Govt.). Equivalent level officer in other cases where such extension is considered in public interest.
- 8.3 The borrowing Ministries/Departments/Organisations 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 extension 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 and in respect of other organisation, with the approval of the Minister of Ministry/Department with which they are administratively attached.
- (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 UPSC/State Public Service Commission and Appointments Committee of the Cabinet (ACC).
- (v) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action as above for seeking concurrence of lending organisation, individual concerned etc. 6 months before the date of expiry of tenure. In no case it should retain an officer beyond the sanctioned term unless concurrence of lending organisation has been received.

**Note:-** For extension of foreign service of Central Government officers to Public Sector Undertakings beyond 3 years, approval of ACC would be necessary in terms of instruction of Department of Public Enterprises on the subject.

- 8.4 In cases where extension is beyond the fifth year or second year in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the approval of the Department of Personnel and Training whether Central Govt. is the lending organisation or the borrowing organisation, proposal in this regard should reach this Department with the approval of the Minister of the borrowing department at least three months before the expiry of the extended tenure with full particulars. A check-list for such particulars is annexed.
- 8.5 When extension of period of deputation/foreign service for the first and the second year in excess of period prescribed in the Recruitment Rules is considered by the borrowing organisation under power delegated to them, the period for extension may be so decided upon so as to ensure that officer concerned is allowed to continue on deputation till the completion of academic year in cases where the officer has school/college going children. No proposal for further extension beyond the second year in excess of period prescribed in the RRs shall be forwarded to this Department on the consideration that the officer has school/college going children. Extension beyond this period will be considered only if it is strictly in public interest.
- 8.6 For computing the total period of deputation/foreign service the period of deputation/foreign service in another ex-cadre post(s) held preceding the current appointment without a break in the same or some other organisation shall also be taken into account.
- 8.7 If during the period of deputation/foreign service 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/foreign service of the employee should be restricted to a maximum period of six months from the date on which his pay 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 further extension of the period of deputation should be allowed in such cases.

**9. Premature reversion of deputationist to parent cadre.**

Normally, when an employee is appointed on deputation/ foreign service, his services are placed 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 advance intimation of reasonable period of the lending Ministry/Department and the employee concerned.

**10. Relaxation of conditions.**

Any relaxation of these terms and conditions will require the prior concurrence of the department of Personnel & Training.

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

12. These orders take effect from the date of issue. In case of persons already on deputation/foreign service, if the modification incorporated in these orders are not beneficial, he/she may opt to retain the earlier term(s).

(Hindi version will follow).

*Revathy Iyer*  
(Smt. Revathy Iyer )  
Deputy Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India etc