

F.No. 4/2/2014-Estt.(Pay-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
dated 16th April, 2015

OFFICE MEMORANDUM

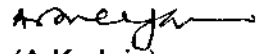
Subject: Clarification regarding application of FR 49 – regarding

This Department undertook a review of FR 49 with a view to ensure that the provisions of the FR are applied in public interest and the spirit of the FR is maintained. It has been decided that the following points may be kept in view by Ministries / Departments while processing cases for giving additional charge –

- (i) The provisions of FR 49 apply only to Government servants. Appointments of an employee of an autonomous body/PSU etc to another such body would be governed by the Rules of the individual's employer;
- (ii) The provisions of FR 49 are applicable to cases where the post held by the Government servant and the post to which he is appointed are under the Government.
- (iii) Additional pay for holding additional charge of the posts in PSUs, autonomous bodies etc. is not permissible under FR-49.
- (iv) Appointments made under FR 49 should follow the spirit of the FR to meet short term requirements only and it may be ensured that the provisions are not used to indirectly confer promotional benefits in lieu of promotion.
- (v) Instructions of Ministry of Finance issued vide OM No. 7(7)/E.Coord/93 dated 3rd May 1993 read with OM No. 7(4)/E.Coord(I)/2001 dated 27th March 2001 regarding 'economy in administrative expenditures – guidelines for abolition of posts' may be kept in view in this regard so that approval of Ministry of Finance for revival of post(s) is obtained wherever necessary before assigning the additional charge of posts.
- (vi) While, the language of the FR 49 provides for appointment to a higher post, no occasion for appointing a Government servant to a post next above or even higher than the post next in hierarchy should arise. Such appointments may not be made without the approval of Department of Personnel and Training.
- (vii) Though appointments covered under FR 49(i) are not promotion, the Government Servant so appointed gets the pay of the higher post. While it may not be necessary to go strictly by seniority in making such stop gap arrangements, as far as possible the senior most officer holding the lower post in the Department may be so appointed. The suitability of the officer for discharging the functions of the post should also be assessed. If the post requires any specialised skill/experience/training, the person most suited for the task may be appointed.

- (viii) No person who is facing a disciplinary proceeding or is otherwise not suitable (for example who has an adverse entry in a recent APAR) should be given the additional charge.
- (ix) The orders for appointments may be issued only after obtaining the approval of the authority competent to make appointments to the post.

2. It is requested that the above information may be brought to the notice of all concerned.


(A.K. Jain)

Deputy Secretary to the Govt. of India

To

- (i) All Ministries / Departments of the Govt. of India as per standard list
- ✓ (ii) NIC, DoPT – with the request to upload the OM on the Department's website under "What's New" and also under "OMs and Orders"