Inland Waterways Authority of India

Ministry of Ports, Shipping & Waterways
Government of India

EMPLOYEE HANDBOOK

Submitted by
National Institute for Smart Government

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Disclaimer

Though all possible care has been taken to ensure accuracy and consistency, in the event of a conflict between the Handbook and Government orders/ instructions on the subject, the latter will prevail.

Any information given herein cannot be cited in any dispute or litigation, nor is it a substitute for legal interpretation/ evidence.

The handbook derives the essence of content through references and rejoinders as applicable from the Department of Personnel & training. In addition, references were made with analogous organisations.

Any request for clarification/ redressal of grievances etc. should be taken up with the concerned administrative authority separately.

Since IWAI follows DOPT and CC conduct rules , the DOPT regulations on service matters issued from time to time shall be applicable.

Chairman's Message

It has been my endeavour to come out with a reference manual in the form of a Handbook for the employees and other end users in IWAI.

Preface

The Inland Waterways Authority of India (IWAI) came into existence on 27th October 1986 for development and regulation of inland waterways for shipping and navigation. The Authority primarily undertakes projects for development and maintenance of IWT infrastructure on national waterways through grant received from Ministry of Shipping.

Since inception, the IWAI has been operating on the rules, regulations, guidelines, as prescribed by the line Ministry in conjunction with the rules framed by the Department of Personnel and Training, Government of India, with respect to Employee recruitments, deputation, training and other relevant aspects.

The first Review of the Organizational restructuring was conducted with the help of National Productivity council in the year 2007. It is felt that the IWAI needs to have a self-explanatory and handy compendium for its officers.

National Institute for Smart Government was hired to undertake a study and come out with a report on Organisation restructuring. As part of the exercise NISG felt honoured to understand the requirements and come out with this handbook. The handbook is compiled based on the inputs received from officers and staff of IWAI and through studies conducted on similar exercises undertaken by various Public Sector Undertakings, Government departments and academic institutions.

This is the first version of the handbook. Adequate care has been taken to ensure that the key information required for the Personnel and HR divisions of the IWAI can refer on first hand in this user-friendly version.

It is believed that digital version of the document will help as a reference point for RTI applicants as well

It is hoped that this handbook will meet the key requirement of the end users who refer this document.

Signed
(Murali K Bommireddy)
Associate Vice President
NISG

1. History of IWAI

India is rich in rivers, lakes, canals, backwaters, and reservoirs. Some rivers are long and perennial, while others are shorter and seasonal. Together, these water bodies form the primary sources of inland waterways in the country.

Inland Water Transport (IWT) in India offers a sustainable and cost-effective alternative for moving goods and passengers across the country's extensive network of rivers, canals, and lakes. Given India's geographical diversity, IWT has the potential to significantly reduce road and rail congestion while minimizing environmental impact. The government has been actively promoting the development of inland waterways through initiatives aimed at enhancing navigability, improving infrastructure, and facilitating multimodal transport systems. Major rivers, such as the Ganges and Brahmaputra, along with various national waterways, serve as vital arteries for trade and commerce, fostering regional connectivity and economic growth. Despite its advantages, IWT faces challenges such as inadequate infrastructure, seasonal variations in water levels, and the need for modernized fleet operations. However, with strategic investments and effective policies, IWT can play a crucial role in transforming India's logistics landscape.

The Inland Waterways Authority of India (IWAI) came into existence on 27th October 1986 for development and regulation of inland waterways for shipping and navigation. The Authority primarily undertakes projects for development and maintenance of IWT infrastructure on national waterways through grant received from Ministry of Shipping. The head office of the Authority is at Noida. The Authority also has its regional offices at Patna, Kolkata, Guwahati, Varanasi and Kochi and sub-offices at Allahabad, Farakka, Sahibganj, Haldia, Swroopganj, Hemnagar, Dibrugarh, Dhubri, Silchar, Kollam, Bhubaneshwar and Vijayawada.

India has about 14,500 km of navigable waterways which comprise of rivers, canals, backwaters, creeks, etc. About 145.8 Million Metric Tonnes(MMT) of cargo is being moved annually by Inland Water Transport (IWT), a fuel - efficient and environment -friendly mode. Its operations are currently restricted to a few stretches in the Ganga-Bhagirathi-Hooghly rivers , the Brahmaputra, the Barak river, the rivers in Goa, the backwaters in Kerala, inland waters in Mumbai and the deltaic regions of the Godavari - Krishna rivers. Besides these organized operations by mechanized vessels, country boats of various capacities also operate in various rivers and canals. and substantial quantum of cargo and passengers are transported in this unorganized sector as well.

1.1 Growth in IWAI's operations since inception

1. The Inland Waterways Authority of India (IWAI) has experienced significant growth in its operations over recent years, reflecting a concerted effort to enhance the role of inland waterways in India's transportation network. This growth is driven by various initiatives, strategic collaborations, and a focus on sustainability.

2. Key Growth Indicators

(a) **Increase in Operational Waterways**: As of now, there are 26 operational national waterways in 2024, which has increased from 3 in 2006-07, with plans to increase this number to over 50 by 2047. This expansion is crucial for improving connectivity and facilitating cargo movement across regions.

(b) **Cargo Traffic Growth**: The total cargo handled by IWAI has surged from approximately 30 million tonnes (MT) in 2014-15 to 145.8 MT in 2024-25, achieving a compound annual growth rate (CAGR) of nearly 20%. Projections suggest that cargo volumes could reach 200 MT by 2030 and 500 MT by 2047, aligning with the government's vision for inland water transport

(c) **Partnerships and E-Commerce Initiatives**: The collaboration between IWAI and major e-commerce players like Amazon India aims to leverage inland waterways for efficient cargo movement. This partnership is expected to streamline logistics, reduce environmental impact, and provide artisans and traders access to broader markets.

(d) **Tourism Development**: The potential for river cruise tourism is being actively explored, particularly on NW-1. Initiatives include launching luxury cruise services like the MV Ganga Vilas, which covers extensive distances across multiple states, thereby promoting tourism and enhancing the economic viability of inland waterways

2. IWAI act and rules

1. The Inland Waterways Authority of India (IWAI) is a statutory body established by the Government of India under the Inland Waterways Authority of India Act, 1985 (Act No. 82 of 1985). This act provides the legal framework for the development and regulation of inland waterways transport in India. IWAI was created with the objective of promoting and developing the country's inland water transport system, which includes the development and maintenance of national waterways, waterways management, and the development of related infrastructure for the safe and efficient movement of goods and passengers.

2. The Authority shall consist of the following members, namely:-

(a) a Chairman;

(b) a Vice-Chairman;

(c) not more than three full-time members; and

(d) not more than three part-time members to be appointed by the Central Government by notification in the official Gazette.

[Annexure -IWAI Act]

2.1 Vision & Mission of IWAI

Vision : To become a world-class organization fostering the development and efficient utilization of India's inland waterways, contributing significantly to the nation's economic progress and environmental sustainability.

Mission :

- To develop and maintain national waterways for safe, efficient, and economical transport of goods and passengers.
- To ensure the sustainable and eco-friendly management of water resources.
- To promote integrated development of inland water transport with other modes of transportation.
- To enhance the competitiveness of the Indian logistics sector by reducing costs and improving efficiency.

2.2 IWAI's role and mandate

To achieve its vision IWAI has enlisted the following as their role.

1. **Infrastructure Development**: The IWAI is pivotal in developing and maintaining essential navigational infrastructure to ensure the smooth operation of inland waterways. This includes the construction of terminals that serve as loading and unloading points for cargo, as well as the establishment of locks to manage water levels and facilitate navigation through varying terrains. Fairway markings, which are crucial for guiding vessels safely along designated routes, are also a key focus. By investing in modern infrastructure, IWAI enhances

the safety and efficiency of transport operations, ultimately making inland waterways a more viable option for commercial shipping.

2. **Promotion of Inland Water Transport:** IWAI actively promotes the use of inland waterways as a cost-effective and environmentally friendly transportation alternative. By organizing awareness campaigns and stakeholder engagement initiatives, the authority educates businesses and the public about the benefits of IWT, including lower logistics costs, reduced congestion on roads, and a smaller carbon footprint compared to traditional transport modes. This promotional effort aims to increase the share of IWT in India's overall transport sector, thus contributing to more sustainable transportation practices.

3. **Policy Formulation:** Formulating effective policies is a critical role of IWAI. The authority develops regulatory frameworks that enhance operational efficiency and safety within the inland water transport sector. This includes establishing standards for vessel operation, safety protocols, and environmental guidelines. By creating a conducive policy environment, IWAI not only encourages investment and growth in the sector but also ensures that best practices are followed, thereby safeguarding both the industry and the waterways.

4. **Capacity Building:** To ensure the effective implementation of IWT initiatives, IWAI provides training and capacity-building programs tailored for various stakeholders, including operators, port personnel, and local communities. These programs cover a range of topics, from safe navigation practices to maintenance of infrastructure. By enhancing the skill sets of individuals involved in IWT, IWAI fosters a knowledgeable workforce capable of managing and operating the inland water transport system efficiently.

5. **Environmental Sustainability**: IWAI is committed to aligning inland water transport practices with sustainable development goals. The authority prioritizes environmental protection by promoting practices that minimize ecological impacts, such as adopting green technologies and sustainable vessel operations. IWAI also conducts assessments to ensure that projects comply with environmental regulations, thereby safeguarding the biodiversity of water bodies and promoting the sustainable use of natural resources.

6. **Intermodal Connectivity:** Enhancing intermodal connectivity is essential for creating an efficient transport ecosystem. IWAI works to improve the linkages between inland waterways and other transport modes, such as roads and railways. By developing multimodal logistics hubs and integrating services, IWAI facilitates smoother transitions between different transport modes. This connectivity not only enhances overall logistics efficiency but also encourages the use of inland waterways as part of a broader supply chain strategy.

7. **Research and Development:** IWAI actively promotes research and development to innovate and improve technologies related to inland water transport. By collaborating with academic institutions, industry stakeholders, and technology providers, the authority seeks

to develop advanced solutions for challenges such as vessel design, navigation systems, and environmental impact mitigation. This focus on R&D helps to modernize the inland water transport sector and enhances its competitiveness against other modes of transport.

8. **Investment Facilitation:** Attracting investment is crucial for the growth and improvement of inland water transport facilities. IWAI plays a key role in creating an attractive investment environment by showcasing the potential of IWT to both the public and private sectors. The authority facilitates partnerships, provides information on investment opportunities, and works to streamline regulatory processes. By mobilizing financial resources, IWAI aims to enhance the infrastructure and services associated with inland water transport, ultimately contributing to the sector's growth and sustainability.]

The Inland Waterways Authority of India (IWAI) was established on October 27, 1986, through the Inland Waterways Authority of India Act, 1985. Its primary mandate is to regulate and promote the development of inland waterways for shipping and navigation across the country. Here's an elaboration on its key functions and responsibilities.

2.3 Powers of Chairman and vice chairman IWAI

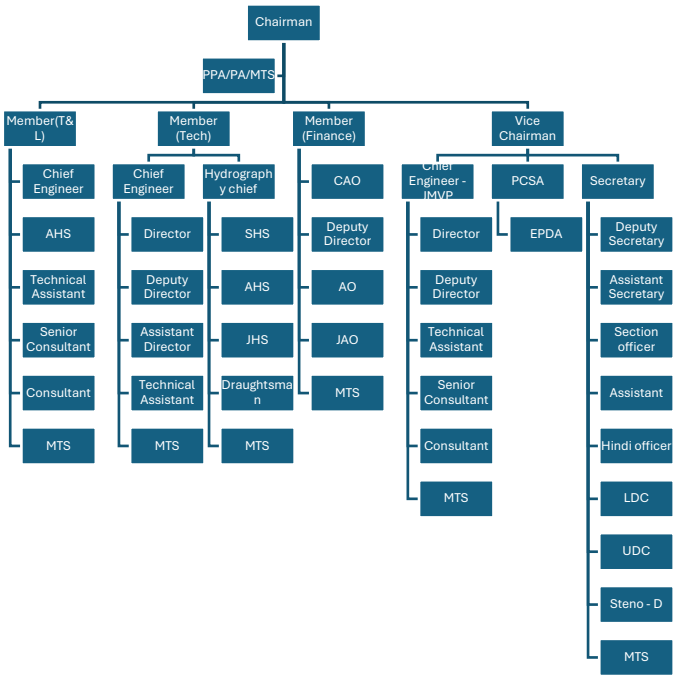
1. The Chairman of the Authority shall, in addition to presiding over the meetings of the Authority, exercise and discharge such powers and duties of the Authority as may be delegated to him by the Authority and such other powers and duties as may be prescribed.
2. The Vice-Chairman of the Authority shall exercise and discharge such of the powers and duties of the Chairman as may be prescribed or as may be delegated to him by the Authority.

[Annexure -IWAI Act]

3. The delegation of powers related to Chairman and Vice chairman has been covered under the “Delegation of power” document created, revised and published on the IWAI

3. Organization structure

The current organization structure, as of August 2025 is as follows :



3.1 IWAI Head quarter, regional offices and sub offices

1. The head office of the IWAI is at Noida.
2. The Authority also has its regional offices at
   a. Patna
   b. Kolkata
   c. Guwahati
   d. Kochi
   e. Bhubaneshwar
   f. Varanasi
   g. Mumbai
3. The Authority also has its sub-offices at
   a. Farakka (West Bengal)
   b. Prayagraj(Uttar Pradesh)
   c. Hemnagar (West Bengal)
   d. Dibrugarh (Assam)
   e. Kollam (Kerala)
   f. Vijayawada (A. P.)
   g. Sahibganj(Jharkhand)
   h. Goa
   i. Dhubri (Assam)
   j. Badarpur (Assam)
   k. Srinagar
4. The number of Regional offices and Sub offices may change based on

the expansion of the operations of IWAI and Government Directives in National waterways.

3.2 Present strength of staff

1. The present staff strength has been attached in the annexure.

[Annexure- Present strength of staff]

3.3 Distribution of National Waterways and Various regional offices

1. Following is the distribution of National waterways among the Regional offices in IWAI.

Sr. No.	Name of the Regional Office	Jurisdictions Area	Name of NWs	Total No. of NWs	Total Length (in KM)
a)	RO Varanasi	Uttar Pradesh	NW-1, NW-12, NW-19, NW-24, NW-40, NW-42, NW-103, NW-108, NW-110.	9	2566
b)	RO Patna	Bihar	NW-1, NW-37, NW-40 NW-54, NW-58, NW-81, NW-94.	7	1268
c)	RO Kolkata	Jharkhand, West Bengal	NW-1, NW-5, NW-7, NW-15, NW-29, NW-34, NW-35, NW-36, NW-38, NW-44, NW-47, NW-56, NW-60, NW-65, NW-86, NW92, NW-96, NW-97,	18	2845
d)	RO Guwahati	Assam, Arunachal Pradesh, Mizoram, Manipur, Meghalaya, Nagaland, Tripura	NW-2, NW-6, NW-16, NW-18, NW-30, NW-31, NW-32, NW-33, NW-38, NW-39, NW-50, NW-57, NW-61, NW-62, NW-82, NW-93, NW-95, NW-101, NW-102, NW-106.	20	2190
e)	RO Bhubaneswar	Odisha, Chattisgarh, Andhra Pradesh, Telengana	NW-4, NW-5, NW-14, NW-22, NW-23, NW-64, NW-78, NW-79, NW-96, NW-104	10	2907

Sr. No.	Name of the Regional Office	Jurisdictions Area	Name of NWs	Total No. of NWs	Total Length (in KM)
f)	RO Kochi	Kerala, Karnataka, Tamil Nadu, Puducherry	NW-3, NW-4, NW-8, NW-9, NW-13, NW-20, NW- 21, NW-41, NW-43, NW- 51, NW-52, NW-55, NW- 59, NW-67, NW-69, NW- 74, NW-75, NW-76, NW-77, NW-80, NW-90, NW99, NW-104, NW-105, NW-107.	25	2418
g)	IWAI, Head Office, Noida	Delhi, Rajasthan, Haryana	NW-48, NW-63, NW-110	3	1112
h)	RO Mumbai (Proposed)/ Liaison office, Goa	Goa, Maharashtra, Gujarat	NW-4, NW-10, NW-11, NW-25, NW-27, NW-28, NW-48, NW-53, NW-66, NW-68, NW-70, NW-71, NW-72, NW-73, NW-78, NW-83, NW-85, NW-87, NW-88, NW-89, NW-91, NW-100, NW-109, NW-111.	24	3927
i)	Liaison office at Jammu	Jammu & Kashmir, Ladakh, Himachal Pradesh, Punjab	NW-17, NW-26, NW-45, NW-46, NW-49, NW-84, NW-98.	7	955

4. Financial power delegation

1. The delegation of powers related to Members and employees has been covered under the "Delegation of power" document created, revised and published on the IWAI website.

2. Note on Financial delegation :

(a) Delegation is subject to restrictions and directions issued by the Authority from time to time, as also Government guidelines, austerity measures etc.

(b) In case of delegation not expressly provided or in case of doubt, the Competent Authority to exercise delegated powers shall be Chairperson in case of Group A Employees, Vice Chairperson or in his/her absence, Member (Finance) in case of employees below Group 'A' and Secretary in case of employees below Group 'B'

(c) When the Competent Authority at a particular level is not available (by reason of earned leave, transfer, vacation or due to some other reasons), the delegated powers shall be exercised by the officers of the next higher level or by the officer to whom charge has been assigned by the Competent Authority.

3. Note on Administrative delegation

(a) Delegation is subject to restrictions and directions issued by the Authority from time to time, as also Government guidelines, austerity measures etc.

(b) In case of delegation not expressly provided or in case of doubt, the Competent Authority to exercise delegated powers shall be Chairperson.

(c) When the Competent Authority at a particular level is not available (by reason of earned leave, transfer, vacation of office or due to some other reasons), the delegated powers shall be exercised by the officers of the next higher level or by the officer to whom charge has been assigned by the Competent Authority.

[Annexure - IWAI Act]

[Annexure - Delegation of powers]

5. Charter and Duties

1. Office orders are issued on regular intervals to employees mentioning the roles and responsibilities of officers/officials/staff/consultants.
2. These orders are issued with the approval of the competent authority.
3. Employees are expected to perform their duties as per the office order issued.
4. Following are the latest roles and responsibilities.
5. Cadre restricting has been created and forwarded to MOSPW for approval. If approved, New roles will be created in the future.

5.1 Technical wing

1. Technical wing is headed by the Member Technical and consist of Technical and Hydrography section

5.1.1 Technical section

S.No.	Designation	Work allocated
1.	Director, Assistant Hydrographic surveryor, Assistant Director, Technical Assistant (NER & CSS)	1. National Waterways -2 (River Brahmaputra) i) Fairway development & Aids to Navigation (Dredging, Bandalling & R.C.Works, etc) ii) Terminals - Operation & Maintenance of Existing Terminals (excluding given to Pvt. Operators for O&M) iii) Construction of Office -cum- Custom and Immigration Building at Dhubri. iv) License fee payment for BG siding at Pandu Port. 2. Project Management :- i) Construction of Alternate Road from Pandu Port to NH -27. ii) Construction of Ship Repair Facility at Pandu. iii) Construction , Supply, Installation of 2 no's of Floating Jetty at Bogibeel at Pandu. iv) Construction of Cargo-cum-Passenger Terminal at Bogibeel (Extension of Jetty , Construction of Bank Protection , Construction of Office Cum Custom And Immigration Building). 3. Indo- Bangladesh Protocol Route :- i) O&M of Sonarnura Terminal on river Gumti (PIWT&T Route : 9&10). ii) Forwarding of BIWTA Certified Bills for Dredging and PMC for Ashuganj -Zakiganj and Sirqjganj - Daikhowa Stretches of IBP Routes to MEA for payment.

S.No.	Designation	Work allocated
		iii) Conducting JMC Meetings for Dredging in Ashuganj - Zakiganj and Daikhowa to Sirqjganj Stretches of IBP Routes. 4. Central Sector Scheme 5. i) Implementation of projects related to Central Sector Scheme (C S Scheme) for all the NE States including Sikkim.
2.	Director, Technical Assistant (NER & CSS)	1. Construction of Inland Water Transport (IWT) Terminal Jogighopa, Assam. 2. Renovation of the existing shore facilities at Badarpur on river Barak 3. Renovation of the existing shore facilities at Karimganj Terminals on river Bank. 4. Construction of Tourist jetties along National Waterways-2(River Brahmaputra) on deposit work basis (At Neamati, Biswanathghat, Pandu and Jogighopa 5. Construction of building at Fancy Bazar & Dibrugarh office land area through PPP mode expression of interest (EOI). 6. O&M skill Development Center at Guwahati. 7. Scheme for fairway development of River Barak(NW- 16). 8. Construction of boundary wall at Jogighopa. 9. Construction of boundary wall by CPWD (4 locations).
3.	Director, Assistant Director, Technical Assistant (NW-3, NW-4 other NNWs (except Odisha, Maharashtra, Goat Gujarat & Raiasthan))	1. Developmental works related to Kozhikode to Kollam along with Champakara and Udyogmandal Canal (NW-3), Alapuzha- Changaserry Canal (NW-8) & Alapuzha-Kottayam- Athirampuzha canal(NW-9) (in Kerala). 2. Developmental works related to Kakinada to Puducherry Integrated Canal System and rivers Godavari and Krishna (NW-4) (in Andhra Pradesh & Tamil Nadu. 3. Developmental works related to Ghagra river (NW-40) (in UP & Bihar). 4. Developmental works related to Gandak river (NW-37) (in UP & Bihar). 5. Developmental works related to Rupnarayan river (NW-86) (in West Bengal).

S.No.	Designation	Work allocated
		6. Developmental works related to Sunderbans Waterways (NW-97) (in West Bengal). 7. Developmental works related to Icharnati River (NW-44) (in West Bengal). 8. Developmental works related to Ajoy river(NW-7) (in West Bengal).
4	Deputy Director, Assistant Director (Mech -Marine)	1. Budget, Scheme approval for RO's 2. Works pertaining to Mech Marine in NW 1 to 5, 16, NNWS & other NWs. 3. RO PATNA. 4. RO GUWAHATI. 5. RO KOCHI.
5	Assistant Hydrographer surveyor, Technical Assistant (Odisha Waterways (NW-5. 14. 64) & Guiarat. Maharashtra, Goa and Rajasthan waterways)	1. Odisha Waterways (NW-5, 14, 64) & SPV related works. 2. Gujarat, Maharashtra, Goa and Rajasthan waterways. 3. Aids to Navigation 4. IBP Route 5 & 6 (Jangipur lock). 5. EIA EMP Studies.

5.1.2 Hydrography section

S.No.	Designation	Work allocated
1.	Senior Hydrographic surveyor	1. Monitoring of thalweg and detailed survey activities. 2. Water Level Management. 3. QC of Hy. Survey.
2.	Junior Hydrographic surveyor	1. Detailed Hydrographic Survey works. 2. QC of Hy Survey in all NW's. 3. Coordination with P&C section for Parliament matters including PQ's, VIP reference and matter related to Ministry. 4. NINI 5. Reply to RTI.Feasibility study/DPR of newly declared National Waterways (NNWs). 6. All matters related to RIS and AIS. 7. Navigational Clearances (NOC). 8. Vessel Tracker and PANI Portal upgradation. 9. Monitoring of data uploading in Vessel Tracker and PANI Portal.

S.No.	Designation	Work allocated
		10. Hyd. Survey Schemes of all NWs. 11. Annual Report. 12. Collate digital data acquired in the JMVP project "Assured LAD in NW-I and maintenance of digital bank. 13. Procurement of Hydrographic equipment including CAMC. 14. LAD and River Notice. 15. Monitoring of field survey activities and release of fund. 16. Inventory Management and Tracking System. 17. IT related works of Hy. Wing. 18. Shoal Analysis. 19. Water Level Analysis.
3.	Draughtsman	1. All Cartographic works. 2. Database inventory and GIS Application. 3. Repair and CAMC / AMC of Cartographic Hardware's and Software. 4. All Cartographic works. 5. Database inventory and GIS Application. 6. Repair and CAMC / AMC of Cartographic Hardware's and Software.

5.2 Traffic And Logistics wing

S.No.	Designation	Work allocated
1.	Assistant Hydrographic Surveyor, Technical Assistant and Senior consultant (Cargo)	1. Collection of data and its analysis 2. Issues requiring regulatory framework 3. Consultations with stake holders both Government and private 4. MOUs 5. Monitor the movement of vessels and loading/ unloading at terminals 6. Publicity and promotion of IWT and the facilities created on NWS 7. Bare Boat Chartering of Cargo and Ro-Ro vessels 8. Persuasion for modal shift to inland water transportation and comparative economics for the same 9. Framing Guidelines for carrying out pilot movements by IWAI vessels 10. Dealing with R.O.s on cargo data related matters 11. Terminal Management (O&M TSC) Outsourcing of terminal by Technical section. 12. Arbitration with HNPPL 13. Any other works assigned by higher Authority from time to time
2.	Technical Assistant, Sr. Consultant, Data Executive (Passengers)	1. Collection of data and its analysis 2. Issues requiring regulatory framework 3. Consultations with stakeholders both Government and private 4. MoUs 5. Regulations related to fee & charges, budgeting, incentives, etc 6. Chartering 7. Analysis of traffic on New NWs based on DPRs. 8. Work related to IWAI website 9. VIP references related to Traffic Wing

S.No.	Designation	Work allocated
		10. Regulations for construction of private terminals on NWs 11. Any other works assigned by higher Authority from time to time 12. Parliament Questions related to Traffic Wing 13. General Administration, vigilance and audit queries
3.	Assistant Hydrographic surveyor, Assistant, specialist (Cruises)	1. Collection of data and its analysis 2. Issues requiring regulatory framework 3. Consultations with stakeholders, both Government and private 4. MOUs 5. Monitor the movement of vessels and loading/ unloading at terminals 6. Matters related to Indo-Bangladesh protocol and international cooperation. 7. Sade keeping of all the reports/DPR's/other documents related to the traffic section 8. Rajbhasha related works in traffic section 9. Any other works assigned by higher authority from time to time. 10. RTI related matters in traffic section.
4.	Director, Assistant Hydrographic surveyor, senior consultant, Technical assistant	All works related to Regional waterway grid

5.3 Finance Wing

S.No.	Designation	Work allocated
1.	Chief Account officer, Deputy Director, Sr. Account officer	1. Accounting statement as per IWAI act 2. Budget 3. Audit 4. Payment 5. Issues related to parliament/IWAI board/Ministy of Finance etc.

S.No.	Designation	Work allocated
		6. Presentation to senior officer meetings and other meetings 7. Issues related with regional offices, bill status and release of funds 8. Modernisation of accounting system.
2.	Deputy Director, Account assistant	1. JMVP concurrence 2. Bonds (Except payment)
3.	Deputy Director, Junior account officer, Account assistant	1. Waterways other than JMVP (concurrence) 2. NER (Concurrence)

5.4 Administrative wing

S.No.	Designation	Work allocated
1.	Assistant Secretary	1. Direct Recruitment. 2. Deputation appointments. 3. Appointments of Specialists, Sr. Consultants, Consultants etc. 4. Appointments on contract basis. 5. Engagement of Interns (Graduate & PG) 6. Departmental Promotions. 7. Transfer & Posting of Group – A, B & C officers / officials. 8. Work allocation to Group – A, B & C officers / officials. 9. Service matters in respect of Group – A & B officers / officials. 10. Issue of NOC for Passport i.r.o. Regular Employees of IWAI. 11. Amendment of RR / Restructuring of IWAI. 12. Delegation of Powers to officers of IWAI. 13. Organizing Workshops/ Training matters 14. CPIO (Public Information Officer i.r.o. Admin/ Estt.& Rectt.) 15. Organising IWAI Board meeting and submission of files therein.

S.No.	Designation	Work allocated
		16. Hospital empanelment/ Medical Reimbursements 17. Works pertaining to Vigilance section. 18. Correspondences with Ministry and other Govt. Dept. pertaining to his works/ Issuance of office orders of IWAI. 19. Any other works assigned by the Secretary & other Senior Officers.
2.	Assistant secretary (Legal and Hindi)	1. All works pertaining to [Sparrow] and APAR 2. Updating the APAR for all IWAI Officers / Staff. In case of missing APAR, email to concerned officer / staff shall be issued for its updation. 3. Works pertaining to Karmyogi, iGOT etc. 4. Committee works pertaining to Procurement Cell and to Review IWAI Act and Rules 5. Matters pertains to Land Policy, Land acquisition and Land disputes 6. All the Legal Matters. 7. Opening of and New IWAI offices and its liaisoning works and lease of existing offices. 8. All matters relating to R.O / S.O and new offices and record keeping of Land matters. 9. Collation of data of Annual Report of IWAI and MoPS&W and further submission to Ministry. 10. All the matters pertaining to Hindi Section / Hindi translation works including Hindi Translation of Annual Report. 11. Matters pertaining to RTI / Appeal as Nodal Officer 12. Public Grievances and CPGRAM matters 13. Works related to Pension Cell. 14. Correspondence with Ministry/ to issue office orders pertaining to works assigned to him. 15. Any other works assigned by the Secretary & other Senior Officers.

S.No.	Designation	Work allocated
3.	Hindi officer	1. All the matters pertaining to Hindi Section / Hindi translation works. 2. Hindi Translation of Annual Report. 3. Carrying out all translation works from English to Hindi and vice-versa and vetting thereof. 4. Acquainting the officers and staff of the concerned Department with the Government orders relating to Official Language and to help them in implementing the same. 5. To ensure proper implementation of the provision of the Official Languages Act and the orders pertaining to the Hindi Teaching Scheme and the Official Language Policy in the Department and subordinate offices, etc. 6. Work of Office of the Member Secretary of the Town Official Language Implementation Committee (T.O.L.I.C) of the Department / Office in the preparation of the Agenda and Minutes of the (T.O.L.I.C) Meetings and ensuring the action on the decision taken in these meetings. 7. To make suggestions from time to time for facilitating the progressive use of Hindi and to keep liaison with the Official Language Department through proper channel. 8. To prepare the reference and help literature and arrange for the training of Hindi Workshops and to assist the officers and staff in learning Hindi and in using Hindi in Official works. 9. Any other works as assigned by Assistant Secretary / Secretary and other senior officers from time to time.
4	section officer (Establishment)	1. Works relating to Service matters, Departmental Promotion & Seniority etc. 2. Pension, Gratuity, Commutation of Pension, Pension contribution etc. (Committee member of Pension Cell). 3. Annual Increment, Pay fixation, grant of Scale etc. MACP / ACP related works.

S.No.	Designation	Work allocated
		4. Cases of compassionate appointment related matters. 5. Forwarding of application, NOC for service matter / passport. 6. All type of leaves – EL, CL, HPL, EOL, Child Care / Study leave etc. LTC & leave encashment. 7. Public Grievance / CPGRAM matters and RTI 8. Coordination with Audit and reply to Audit para for Group 'C' officials. 9. APAR / IPR of all categories of Officials and staff. 10. Maintaining of data, all entries relating to appointment and resignation on IWAI Portal / Intranet / e-HRMS. 11. Preparation of Para-wise comments on Court cases/ RTI related to Group-C officials 12. Correspondence with Ministry relating to Establishment matters of Group-C. 13. House Building Advance / Computer Advance of Group – C Staffs. 14. Annual Report of IWAI and MoPS&W and further submission to MoPS&W. 15. Maintenance of MIS related to all officers and staff of IWAI and reply of the matters reg. MIS and matters pertaining to him previously including updation of Sagarmanthan portal and disposal of the same through AS (L&H). 16. Opening of new offices and its liaisoning works including lease of field offices and opening of new offices. 17. Land matters. 18. Any other works assigned from time to time by the A.S (L&H) / Secretary and other Senior Officers.
5	Section officer (Administration)	1. Printing of Annual Report, Diary & Calendar of IWAI. Annual report of Ministry 2. Organising & arranging IWAI Board meeting & Minutes/ proceedings of the meeting / Yoga day functions etc.

S.No.	Designation	Work allocated
		3. Purchase / Printing and Distribution of Office Stationery / Store/ Photocopy contract. 4. Inventory Management for Stationery / Store 5. All matters relating to Admn. of Regional Offices / Sub-Offices, New Offices, NINI, RTI and Parliamentary matters. 6. Publication of advertisement materials of IWAI in different magazines / website as per proposal received from different media group from time to time including matters related to Gazette publication. 7. Preparation of Para-wise comments on Court cases/ RTI related to Administration. 8. Hiring of vehicles / Monitoring of day to day general duty of vehicle & its allotment. 9. National Holidays functions. 10. Hindi Co-ordinator for quarterly Hindi Progress Report of Administration 11. Liaison related works with other office / department as per directions of Officers 12. Enlistment of Advertising Agencies / Advertisements & Newspaper advertisements. 13. Organising Workshops/ exhibition and works related to Security, horticulture, Sweeping & mopping & drivers (contractual). 14. Protocol Officer to Chairman, IWAI 15. Printing of Annual report, Diary & Calender of IWAI, Annual report of Ministry. 16. All works related to Allotment and vacation of Accommodation including day to day monitoring. 17. Any other works assigned from time to time by the A.S (A&E) / Secretary and other Senior Officers.
6	Section officer (Establishment and training)	1. Promotion & preparation of Seniority list 2. Annual Increment, Pay fixation, grant of Scale etc. MACP / ACP related works. 3. Retirement benefits.

S.No.	Designation	Work allocated
		4. LTC (Home Town / All India). 5. NOC for applying for Indian Passport & Ex-India leave. 6. Foreign Tours & Foreign Service contribution for Group 'B' Officers. 7. Forwarding of applications for outside employment on Direct Recruitment & Deputation basis and its NOC. 8. Pension, Family Pension, Gratuity and PPO and other related works. 9. All type of leave – EL, HPL, EOL and Child Care leave and Study leave etc. LTC and leave encashment. 10. Preparation of Para-wise comments on Court cases / RTI / Appeal and parliamentary matters related to Group 'B' officials. 11. Submission of files / details w.r.t organization restructuring as per the LoA dated 01.08.2024 awarded to NISG and processing of payments and submission of proposals to MoPSW. 12. Any other works assigned from time to time by the A.S (A&E)/ Secretary and other Senior Officers.
7	Assistant	1. Publication of advertisement materials of IWAI in different magazines/website as per proposal received from different media group from time to time. 2. Enlistment of Advertising agencies. 3. Matters related to Gazette publication/ Photocopy contract. 4. Purchase of Office Stationery / Store & GeM portal. 5. Organising Workshops/ exhibition and works related to Security, Sweeping & mopping. 6. Organising Workshops/ exhibition and works related to Security and Sweeping & mopping.

S.No.	Designation	Work allocated
		7. Any other works assigned from time to time by the S.O (A) / A.S (A&E) / Secretary and other Senior Officers. 8. Organising & arranging for Meetings including IWAI Board meeting & Minutes/ Proceedings of the meeting / Yoga day functions etc. 9. Activities related to Inventory Management for Stationery/ Store/OSIM. 10. OTA / Conveyance, Office opening and closing, Lunch and Dinner, Water arrangement, Purchase of flower Bouquet for officers. 11. Medical reimbursement, claims of retired employees. 12. National Holidays functions. 13. TV & DTH repair and maintenance. 14. Sweeping and mopping of the entire IWAI building of IWAI Complex. 15. Maintaining the Imprest. 16. Hiring of vehicles / Monitoring of day to day general duty of vehicle & its allotment. 17. POL / Repairing of Vehicle/ Insurance. 18. Maintenance of fixed assets register. 19. Works related to horticulture & drivers (contractual). 20. Printing of Annual report, Diary & Calender of IWAI, Annual report of Ministry. 21. Any other works assigned from time to time by the S.O (A) / A.S (A&E) / Secretary and other Senior Officers.
8	Assistant	Assistant will be dealing the works pertaining to all the service matters of Group 'A' employees and RTI matters and shall submit the files related to her charter through Section Officer
9	UDC (Establishment)	1. Preparation of APAR extract for granting Promotion & MACP to all Group- A, B & C.

S.No.	Designation	Work allocated
		2. Initiate action for collecting incomplete APAR from all Group-A, B & C Officials/ SPARROW. 3. Initiating file for Vigilance clearance for promotion, MACP, Passport & Tour for Group – C staff. 4. Transfer, Posting, Pay fixation, LTC, HBA, Pension, NOC etc. for Group – C staffs. 5. Public Grievance / CPGRAM matters and shall report to S.O. (Estt-I) / AS (L&H) for the same. 6. Audit reply relating to Estt. Matters for Group – C Staff 7. Process for reply of RTI / Appeal / parliamentary matters relating to Group – C staffs. 8. Dealing matter related to Immovable Property Return, circulation of form to all officers of IWAI posted at H.Q / R.O & S.O, maintenance & keeping record of APAR 9. Annual Report of IWAI and MoPS&W. 10. Maintenance of MIS related to all officers and staff of IWAI and reply of the matters reg. MIS and matters pertaining to Group "C" previously and disposal of the same through SO (E-I) and AS (L&H). 11. Any other works assigned from time to time by the S.O (Estt-I) / A.S (L&H) / Secretary and other Senior Officers.
10	UDC (Establishment and recruitment)	1. Works related to filling up of all vacant Direct Recruitment / Deputation posts in IWAI. 2. Engagement of Sr. Consultants / Specialists / Consultants & Executives. 3. Maintenance of monthly attendance of Sr. Consultants / Specialists/ Consultants / PMC officials & their payments. 4. Engagement of Outsourced manpower such as Accounts Executive, Hindi Executive, DEOs and MTS on contractual basis. 5. Engagement of Internship (Graduate & PG) & their payments.

S.No.	Designation	Work allocated
		6. Bio-metric attendance for HQ, Regional / Sub Offices of IWAI and maintenance of Attendance Register and monthly absentee statement/ TpT allowance 7. Casual leave/ RH of Group – A, B and C employees at Head Office. 8. Any other works assigned from time to time by the S.O (Estt.-III&R) / A.S (A&E) / Secretary and other Senior Officers.
11	UDC (Administration)	1. Dispatch work and distribution of Dak. 2. Maintain IWAI Record room 3. Upkeeping of Dispatch Record 4. Any other works assigned from time to time by the S.O (Admn-I) / A.S (A&E) / Secretary and other Senior Officers.
12	Stenographer -D	1. Collation of data of Annual Report and further submission to MoPS&W. 2. Opening of new offices and its liaisoning works including lease of field offices and opening of new offices. 3. Works pertaining to Karmyogi, IGOT etc. 4. Land matters. 5. Drafting of replies for submission to P&C section and MoPS&W reg. Estt- C and matters pertaining to them. 6. Any other works assigned from time to time by the SO (Estt.-I) / AS (L&H) / Secretary and other Senior Officers. 7. Organizing of workshop / seminars relating to training matters and domestic tours. 8. Works related to the Training policy of IWAI. 9. Ministry correspondence works relating to Circulation of Circular, record etc. 10. Any other works assigned from time to time by the SO (Estt.II&Trg) / AS (A&E) / Secretary and other Senior Officers.
13	LDC	1. Lease accommodation of Officer / Official of Head Office and Field Offices.

S.No.	Designation	Work allocated
		2. Correspondence with Field Offices related to Admin. 3. Children Education Allowance. 4. Booking of Air Tickets through Balmer Lawrie & processing for release of payment. 5. Medical reimbursement claims of serving employees. 6. Empanelment of Hospitals 7. Preparation of Monthly / Quarterly Swachhta Abhiyan Report of IWAI. 8. ID card of working / retired employees / MHA ID card. 9. Library 10. Entry of newspapers in Newspaper Record Register of the Library 11. Entry of periodicals in Periodical Record Register of the Library 12. Issue of periodicals after entry in the Register of the Library 13. Receipt of periodicals and removal of names from the Register 14. Submission of newspaper cuttings relating to water transport and other issues relating to office to Senior Officers. 15. Issue of books and entry in computer, receipt of books and removal from the computer and placing of books in shelf systematically 16. Entry of purchased books in accession register. their classification and enlistment. 17. Systematic placing of books / File related works 18. Newspapers, periodicals and books related bills-for check and payment 19. Systematic placing of IWAI Board Meeting Agenda and Minutes in the Library and making available to Senior Officers on demand.

S.No.	Designation	Work allocated
		20. Any other works assigned from time to time by the SO (Admn.-II) / AS (A&E) / Secretary and other Senior Officers. 21. Promotion & preparation of Seniority list 22. Annual Increment, Pay fixation, grant of Scale etc. MACP / ACP related works. 23. Retirement benefits. 24. LTC (Home Town / All India). 25. NOC for applying for Indian Passport & Ex-India leave. 26. Foreign Tours & Foreign Service contribution for Group 'B' Officers. 27. Forwarding of applications for outside employment on Direct Recruitment & Deputation basis and its NOC. 28. Pension, Family Pension, Gratuity and PPO and other related works. 29. All type of leave – EL, HPL, EOL and Child Care leave and Study leave etc. LTC and leave encashment. 30. Preparation of Para-wise comments on Court cases / RTI / Appeal and parliamentary matters related to Group 'B' officials. 31. Any other works assigned from time to time by the S.O (E – II &Trg) / A.S (A&E)/ Secretary and other Senior Officers.

6. Standard Operating Procedures (SOP)

1. Standard Operating Procedures (SOPs) are detailed, written instructions designed to achieve uniformity in the performance of specific functions across IWAI. SOPs document the approved, best-practice way to complete a routine activity.
2. Following are the SOP for all the wings and sections

6.1 Technical wing

Technical wing consists of Technical and Hydrography section reporting to the same member – Technical.

6.1.1 Technical section

1. Technical section deals with the mechanical and marine engineering aspects of vessel design, maintenance, and operations. It oversees propulsion systems, machinery installations, fuel efficiency, and emission control for inland vessels, ensuring compliance with safety and environmental standards. The section also focuses on the upkeep of dredgers, tugs, survey vessels, and other support crafts, enhancing their operational efficiency. Additionally, it collaborates with shipyards and technical agencies to implement modern technologies for sustainable and cost-effective inland water transport, ensuring seamless navigation and reliable waterway infrastructure across India's National Waterways.
2. It is also involved in planning and executing civil engineering projects essential for developing National Waterways. Projects relating to manages dredging, terminal construction, bank protection, and navigational infrastructure. Ensuring timely project execution, the wing adheres to engineering standards, sustainability, and safety protocols.
3. Following are the SOPs of the Technical section

S.No.	SOP Name	Brief description
1.	SOP for Bandling works	The SOP contains information about the steps for executing Bandling projects, Roles of HQ and ROs and the timelines.

6.1.2 Hydrography section

1. Hydrography section is responsible for surveying river depths, mapping water channels, and analyzing underwater topography to ensure safe and efficient vessel movement. Leverage advanced technologies like echo sounders, GPS, and GIS, IWAI conducts regular depth assessments, tide observations, and sediment analysis. This data aids in dredging, channel marking, and waterway maintenance.
2. Following are the SOPs of hydrography section

S.No.	SOP Name	Brief description
1.	River information services(RIS) and standard operating procedure	The SOP contains information about the RIS, RIS control and Base station on NWs, Operations at control center, Inspection schedules, Duties and responsibilities, Dos and Don't, Things to do in an event of exigencies.

S.No.	SOP Name	Brief description
2	Hydrographic survey instructions	The SOP contains the procedure for planning and conducting the hydrographic survey in the national waterways

6.2 Traffic and logistics wing

1. Traffic and logistics wing engages with ports, logistics providers, and government agencies to promote seamless cargo movement. enhance multimodal connectivity, optimize supply chains, and improve transport efficiency. Collaborations with railways, road transport, and industry stakeholders ensure integrated logistics solutions.

2. It is also involved in enhancing navigational infrastructure, develop multimodal terminals, and offer incentives for cargo operators. It also facilitate integrating waterways with rail and road networks. Additionally, it create plans for promotions, schemes for migrating cargo movement through IWT.

3. Following are the SOPs of the T&L wing

S.No.	SOP Name	Brief description
1.	SOP for PANI Portal	SOP covers the steps for uploading, managing data on the PANI portal.
2.	SOP for CAR-D portal	SOP covers the process for uploading, approving and managing data on the CAR-D portal.
3.	SOP for immigration & Customs for cruise vessels plying on Indo-Bangladesh Protocol route	SOP covers the procedure for operation of cruise vessels along India-Bangladesh protocol (IBP) border and procedure for customs and Immigration for the cruise vessels plying on the IBP routes.
4.	SOP for operation of RO-RO vessels	SOP shall facilitate a safe, quick, smooth and efficient movement and operation of Ro-Ro / Ro-Pax Vessels on National Waterways and also for safe, efficient and smooth loading or discharge operations of vehicles/trucks and embarking/disembarking of passengers at the Ro-Ro terminals.
5.	SOP for vessels on Inland waterways	SOP is designed to facilitate the safe movement and operations of Inland vessels on various designated National Waterways so as to avoid any incidents or accidents or problems that may be encountered during the navigation of vessels on the National Waterways. Also, this SOP will enhance efficiency of information sharing so as to achieve seamless operations and data sharing on the National Waterways
6.	SOP for organizing webinars/seminars/	SOP designed for conducting webinars/seminars and stakeholder conferences for the promotion of the cruise and cargo in IWT sector.

S.No.	SOP Name	Brief description
	Stakeholder Conferences	
7.	SOP for transportation of the goods between Bangladesh and Bhutan	SOP aims to enhance bilateral trade, transit and commerce ensuring credibility, accuracy, efficiency and transparency in the conduct of trade between Bangladesh and Bhutan.
8.	SOP for the passenger and cruise services on the coastal and protocol route between India and Bangladesh	SOP is designed to promote and facilitate day to day passenger and cruise services and operations of vessels plying between India and Bangladesh and to minimize any hinderance in service and operations.
9.	SOP on the use of Chattogram and Mongla ports for movement of goods between India and Bangaldesh	SOP is designed to facilitate the movement of the goods to and from India through Chattogram and Mongla ports along authorized routes.

6.3 Finance wing

1. The Finance wing efficient financial management by maintaining accurate records, preparing budgets, and monitoring expenditures. It oversees fund allocation, compliance with financial regulations, and audits to ensure transparency. regulatory compliance with respect to fund utilization and reporting.

2. It also checks project feasibility, securing financial resources, and estimating costs for inland waterway development ensures efficient fund utilization, assesses economic viability, and aligns projects with strategic goals. Additionally, it supports sustainable infrastructure growth through proper financial planning, investment and expense management.

3. Following are the SOPs of the Finance wing

S.No.	SOP Name	Brief description
1.	SOP for estimates of different works, Goods and services	SOP for defining the guidelines for estimates of different works, goods and services.
2.	SOP for implementation of treasury single account system	SOP for implementation of treasury single account system in place of EAT module of PFMS
3.	SOP for submission of Utilization certification	SOP for submission of utilization certificate against usage of funds.

6.4 Administration wing

1. The Administration wing looks after the service matters of the employees, Transfers, postings, Cadre management, APAR. compliance with government regulations related to appointments, promotions, transfers, and retirements. manages payroll, benefits, leave records, and disciplinary matters.
2. It also does recruitment process, including job postings, candidate screening, examinations, interviews, and appointment procedures, ensuring transparency and adherence to government regulations.
3. The Administration also looks after facilities management, estate management, land related. It also manages office logistics, record-keeping, correspondence, procurement of office supplies, and facility management.
4. Following are the SOPs of the Administration wing

S.No.	SOP Name	Brief description
1.	SOP for handling of court matters	SOP is aimed to lay down standard procedure for handling of legal case at IWAI.
2.	Hiring of consultant	SOP contains the procedure for hiring of consultants at IWAI
3.	Internship policy	SOP contains the procedure for applying and selection for internship at IWAI

7. IWAI Cadre: Overview of Method of Appointment/Recruitment - Direct recruitment, Promotion and Deputation/Absorption

1. In exercise of the power conferred by the section 35, of the Inland waterways authority of India act 1985 (82 of 1985), the Inland waterways authority of India with the previous approval of the central government made the regulations called "Inland Waterways Authority of India recruitment, seniority and promotion regulations, 1992".

2. All appointments to posts to which these regulations apply shall be made in accordance with the provision of these regulations. Appointments may be made either by:

   a) Promotion, OR
   b) Transfer of employees, OR
   c) Transfer and deputation, OR
   d) Direct recruitment.

3. These regulations applies to sanctioned strength employees.

4. In addition, for other employees (Contract/Consultants and trainees), the regulations are covered in subsequent chapters.

8. Direct Recruitment Standard Operating Procedure (SOP)

1. IWAI follows DoPT Instructions for direct recruitment. Direct recruitment is done by IWAI inhouse or by engaging any outside agency, with the approval of the competent authority.

8.1 Roles and Responsibilities

1. The roles and responsibilities includes
   a) The Admin wing is the process owner for all recruitment activities.
   b) Admin wing is responsible for manpower planning, notification of vacancies, recruitment rule maintenance, conducting selection, and onboarding.
   c) Recruitment for various departments/projects will be centrally coordinated by Admin wing.

8.2 Recruitment Process Overview

1. The recruitment process follows the below process
   a) Manpower Planning – Initiated based on organizational needs and board-approved strength.
   b) Post Creation & Approval – New/replacement posts created with appropriate justification.
   c) Vacancy Notification – Published via online and print media.
   d) Application Submission – Online application portal only.
   e) Screening & Shortlisting – Based on eligibility and reservation norms.
   f) Selection Tests – Conducted as per category (written, interview, GD, etc.).
   g) Medical Fitness – Pre-employment examination required.
   h) Offer & Appointment – Issued to selected candidates.
   i) Joining & Induction – Completion of onboarding formalities.

8.3 Recruitment rules

1. Recruitment rules would be governing the recruitment
   a) Every post will have defined eligibility criteria: qualifications, experience, age, pay scale, and job description.
   b) Recruitment Rules will be maintained and periodically updated by the Admin Wing with necessary approvals of the competent authority.
   c) The chairman of IWAI shall be the Competent Authority to approve the recruitment rules of all categories of posts. Based on specific job requirements, Admin Wing shall propose amendments in qualification / experience requirements

as deemed necessary and notify the rules with the approval of the Competent Authority.

8.4 Approval for Filling up Posts on Direct Recruitment Basis

1. Before initiating the recruitment process, it is required to:
   a) Assess the number of vacancies based on sanctioned strength and actual manpower requirement.
   b) Verify the vacancies against the Reservation Roster to ensure adherence to the Government of India's guidelines on reservation for Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC), Economically Weaker Sections (EWS), and Persons with Benchmark Disabilities (PwBD).
   c) Obtain necessary administrative and financial approval from the Competent Authority.
   d) Recruitment may be conducted by the IWAI directly or through an external agency .
   e) Recruitment must be conducted strictly as per the Recruitment Rules (RRs) of IWAI

8.5 Age limits for appointments

1. Age limits for recruitment to Central Services/posts are prescribed in the Recruitment Rules for the Service/post concerned, having regard to the qualifications and experience prescribed therefor. In the case of Services/posts, other than technical, professional and specialist Services/posts, the age limits as laid down in the relevant Recruitment Rules are, by and large, based on the general orders issued by the Government of India from time to time.

2. The chairman of IWAI has power to relax the age in recruitment. The same has been covered in the recruitment section.

1. IWAI follows recruitment and promotion policy as per the DOPT guidelines w.r.t service matters. This Recruitment Policy ensures that recruitment is:
   a) Based on organizational need, sanctioned manpower strength, or project requirements.
   b) Conducted through a fair, transparent, and merit-based process.
   c) Aligned with Government of India (DOP&T) guidelines on reservations, age relaxations, and selection criteria.
   d) Designed to provide equal opportunity to all eligible candidates.

2. The recruitment process, including age limits, education, training, minimum experience (essential or desirable), post classification (selection or non-selection), and other appointment-related details, will follow the schedule attached to IWAI's Recruitment Rules.

8.5.1 Age Relaxation Rules

The upper age limit may be relaxed under the following conditions:

a) General Relaxation (by Chairman's discretion):

(i) Up to 3 years if the required minimum experience is 10+ years.

(ii) Up to 2 years if the required minimum experience is 5–9 years.

(iii) Applies only if there is a shortage of suitable candidates or if the selected candidate is more qualified than required.

b) Experience Relaxation (by Chairman's discretion):

If a candidate is otherwise well-qualified and suitable, the experience requirement may be waived with written justification.

c) Ex-Servicemen (Defence Force Veterans):

(i) For reserved vacancies (ex-servicemen/dependents of those killed in action): Age relaxation = Years of service + 3 additional years.

(ii) For unreserved vacancies: Age relaxation = Years of service only.

Applies only if the candidate has served at least 6 months continuously in the Defence Forces.

d) Scheduled Caste (SC) / Scheduled Tribe (ST) Candidates:

Age relaxation will follow Central Government guidelines for SC/ST appointments. Experience requirement may also be waived if the Chairman believes there are not enough qualified SC/ST candidates to fill reserved vacancies.

[Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992]

8.6 Constitution of Committee for preparing Indicative Recruitment Document and syllabus

1. A Recruitment Committee shall be constituted by the Competent Authority for the following:

a) Preparing the Indicative Recruitment Document (IRD) which outlines eligibility, qualifications, pay scale, age limit, exam pattern, and selection methodology.

b) IRD consists of the following:

(i) IRD no.

(ii) Test date

(iii) POC email id and contact information

(iv) Test duration

(v) Total questions

(vi) Total Marks and distribution

(vii) Additional details
(viii) Recruitment rules for the position
(ix) Syllabus for the test

c) Finalizing the Syllabus and exam structure for each post in consultation with subject experts and as per the job profile.

8.7 Creation of advertisement

1. A detailed advertisement is created, which contains the following information
   a) Name of the Post
   b) Pay level
   c) Maximum age limit
   d) Category(UR/SC/ST/OBC/PWD/EXSM) wise distribution
   e) Physical Requirements and Suitable Category of Benchmark Disability
   f) Educational qualifications and other qualifications
   g) Upper Age limit
   h) Application fee
   i) Process for applying
   j) General Instructions
   k) Relevant Indexes
2. Upper age limit follows the following pattern:
   a) Up to 3 years for OBC candidates (Non Creamy Layer)
   b) Up to 5 years for SC/ST candidates
   c) Persons with Benchmark Disabilities :
      (i) By 10 years for General (UR)
      (ii) By 13 years for OBC (Non-creamy Layer)
      (iii) By 15 years for SC/ST
   d) Up to 5 years for Govt. servants /employees of Autonomous /Statutory organization/PSUs in accordance with the instructions /orders issued by the Central
   e) For Ex-serviceman category candidates as per the extant Govt. of India instructions
   f) Cut off date for calculation of age is closing date of receipt of application.
3. In case of direct recruitment by open competition, Reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 15%, 7.5% and 27%, respectively.

8.8 Publication of Advertisement

1. A detailed advertisement shall be published in the following:
   a) Employment News (Hindi/English weekly)

b) At least two leading national daily newspapers (one in English and one in Hindi)

2. The advertisement must also be uploaded on the IWAI official website

3. The advertisement shall include key details such as post name, number of vacancies, reservation details, eligibility criteria, application process, examination dates (tentative), and contact information for queries.

8.9 Receipt of Application

1. Applications shall be received online through the recruitment portal designated for the process.

2. The application window shall remain open for a minimum period as mentioned in the advertisement

8.10 Screening of Application

1. If recruitment is conducted by IWAI:
   a) A Screening Committee shall be constituted to scrutinize all received applications based on eligibility criteria mentioned in the advertisement.
   b) Applications not meeting minimum qualifications or age limit, or lacking supporting documents, shall be rejected.

2. If recruitment is conducted by an external agency, the agency shall conduct initial screening based on agreed-upon criteria and admit cards are issued.

8.11 Medical Examination on first appointment

1. Requirement:

All new hires in Government service, including part-time employees, must submit a medical certificate from an authorized doctor confirming they are physically and mentally fit.

2. Timing for Permanent Roles:

If the position is permanent and the appointment is substantive, the fitness certificate must be provided before the appointment is finalized.

[Annexure - Medical examination on the first appointment]

8.12 Verification of Character and antecedent

1. Two Character Certificates from two different Gazetted Officers (not related to the candidate) must be submitted.

2. Only candidates found medically fit and of good character shall be allowed to assume duties

8.13 Conduct of Computer Based Test (CBT)

1. The eligible candidates shall be called for a Computer-Based Test (CBT).

2. The CBT will be conducted in multiple cities across India, based on:

a) The number of applications received
b) Logistics and accessibility for candidates

3. The exam shall be conducted in a secure and transparent manner, with biometric verification, CCTV monitoring, and real-time invigilation where feasible.

4. After the Computer-Based Test (CBT) is conducted, a link for objection management is generated to allow candidates to raise any concerns or objections regarding the questions presented in the CBT.

8.14 Conduct of second stage examination (wherever applicable)

1. For posts requiring further assessment (e.g., skill based post, stenographers, etc.), a Second Stage Examination may be conducted.

2. The Second Stage Examination shall be based on the IRD and Syllabus prepared by the Recruitment Committee

8.15 Interview

1. For Group A posts, Interviews are conducted.

2. For Group B and C posts, the process for interview is not required.

8.16 Preparation of Final Merit List

1. The final merit list shall be prepared based on:
   a) Marks obtained in the CBT
   b) Marks in the Second Stage (if applicable)
   c) Interview (If applicable)

2. Tie-breaking rules, reservation norms, and minimum qualifying marks shall be applied as per government guidelines.

3. The merit list shall be approved by the Competent Authority and published on the official website.

8.17 Validity of result

1. The result is valid for a period of 1 year, from the date of announcement.

8.18 Payment of travelling allowance for attending interview test.

1. In the case of posts filled by direct recruitment, the candidates (including persons already in service of the Authority) shall be paid first class/2nd AC rail fare in the case of the posts of the level of Director and above; and 3rd AC/second class rails fare in the case of other. Candidates for the posts below Director level, for journeys from the railway station nearest at the candidate's normal place of residence or from which he/she actually performs the rail journey, whichever is nearer to the place of interview and back to the same station. In respect of journey by sea from and to any place in India, not connected by rail a single return second class steamer fare exclusive of diet charges will be paid.

[Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992]

8.19 Probation

1. Employees appointed to positions listed in Column 2 of IWAI's recruitment rules (whether through direct recruitment or promotion) will serve a probation period as specified in Column 9 of the rules.

2. Probation does not apply to contract-based roles, deputations, tenure-based appointments, re-employment after retirement, or permanent transfers.

[Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992]

3. Purpose of Probation:

Probation assesses an employee's suitability for permanent absorption. It is not a mere formality. The appointing authority may:

a) Confirm the employee upon successful completion.
b) Extend the probation period.
c) Terminate the employment if performance is unsatisfactory.

8.19.1 Key Probation Rules

1. **Applicability**: Probation applies to direct recruits, promotions across different groups (e.g., Group B to Group A), and re-employed officers below superannuation age.

2. **Completion**: Probation ends only upon written confirmation. Prolonged probation is discouraged.

3. **Performance Evaluation**: Supervisors must rigorously assess probationers. Focus areas include:

a) Ability to pass required exams (e.g., departmental or Hindi proficiency tests).
b) Attitude, character, and job aptitude.

4. **Multiple Assessments**: Probationers should work under different officers, with separate probation reports (distinct from Annual Performance Appraisals) to gauge fitness for confirmation.

8.19.2 Period of probation

1. The period of probation may, if the appointing authority deems fit, be extended for a specific period at a time, but the total period at a time, but the total period of such extensions shall not save where any extensions shall not save where any departmental or legal proceedings pending against the employees, exceed the initial period of probation prescribed.

[Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992]

2. The period of probation is prescribed for different posts/services in Central Government on the following lines:

Sl. No.	Method of appointment	Period of probation
PROMOTION		
1	Promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C'	No probation.
2	Promotion from one Group to another e.g. Group 'B' to Group 'A'	2 years or the period of probation prescribed for the direct recruitment to the post, if any
DIRECT RECRUITMENT		
3	For direct recruitment to posts except clause (ii) below (ii) For direct recruitment to posts carrying a Grade Pay of Rs. 7600 or above or to the posts to which the maximum age limit is 35 years or above and where no training is involved; Note: Training includes 'on the job' or 'Institution training'	2 years 1 year
4	Officers re-employed before the age of superannuation	2 years
5.	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation

[Annexure - probation]

8.19.3 Employee Rights during probation

1. **Warnings**: Unsatisfactory probationers must be notified of shortcomings before probation ends, with a chance to improve.

2. Leave Rules:

a) Probationers are entitled to leave per CCS (Leave) Rules, 1972, but leave cannot extend beyond the probation period.

b) Child Care Leave (CCL) is rarely granted during probation and only in extreme cases.

c) Joining time during leave counts toward probation if the employee would otherwise have been working**.**

8.20 Confirmation Process

1. **Successful Probationers:**
   a) Must receive written confirmation orders.
   b) Confirmation is effective from the day after probation ends.
   c) Delays in confirmation mean the employee remains on probation.

2. **Unsuccessful Probationers:**

May be reverted to their previous role (if lien exists) or terminated without compensation.

3. Confirmation requires rigorous screening; unsatisfactory performance may leads to reversion.

8.21 Training Requirements

1. Mandatory Induction Training:

Direct recruits must complete at least 2 weeks of training before probation ends. Syllabus is set by cadre authorities in consultation with DOPT.

8.22 Termination and extension

1. Termination: Appointing authorities may discharge probationers at any time if progress is inadequate.
2. Extensions:
   a) Granted for incomplete training/exams or excessive leave (up to 75% of probation missed).
   b) Total probation (initial + extensions) cannot exceed double the standard period.

9. Promotions Standard Operating procedure (SOP)

1. Promotion is the process of moving an employee from a lower-level position to a higher-level one within the organization, as per the Recruitment Rules. Only regular service (not temporary or ad hoc) counts toward the required years of service for eligibility.

[Annexure - Promotions]

9.1 Eligibility

1. The Inland Waterways Authority of India (IWAI) follows specific regulations governing promotions within its organization, as outlined in the Inland Waterways Authority of India Recruitment, Seniority and Promotion Regulations, 1992. These regulations establish a structured framework for assessing employee eligibility for promotion based on seniority, qualifications, and performance.

2. Key Eligibility Criteria

a. Minimum Qualifications:

Employees must possess the necessary qualifications for the higher post they are being considered for promotion. This ensures that only those who meet the educational and professional requirements advance to higher position.

The period of qualifying service varies from one post to another depending on the pay of scale and experience, required for the higher post.

b. Seniority and Merit:

Promotions are generally based on a seniority-cum-fitness or seniority-cum-merit basis. This means that while seniority plays a crucial role, the fitness or merit of an employee is also assessed to ensure that the most capable individuals are promoted.

c. Departmental Promotion Committee (DPC):

A DPC is constituted for each category of posts to evaluate candidates for promotion. Members of the DPC must be at least one scale above the post under consideration, ensuring that the assessment is conducted by experienced personnel. The DPC meets regularly to create panels for promotions based on vacancies arising throughout the year.

d. Field of Selection:

For promotions to non-selection posts, the field of selection includes candidates who are senior-most in the seniority list, with a selection pool typically being three to five times the number of vacancies available. This allows for a broader assessment of potential candidates while maintaining a focus on seniority.

e. Seniority Determination:

The seniority of promoted employees is determined based on their recommendation by the DPC. In cases where promotions are made based on

seniority with rejection of unfit candidates, their seniority in the higher grade will correspond to their relative seniority in the lower grade from which they were promoted.

f. Disqualifications:

Candidates convicted of offenses involving moral turpitude or those adjudged as insolvent are disqualified from promotions, ensuring that ethical standards are upheld within the organization.

9.2 Procedures

1. The Inland Waterways Authority of India (IWAI) follows the Recruitment, Seniority, and Promotion Regulations, 1992 to decide promotions. Eligibility depends on:

a. Qualifications
   (i) Employees must meet the educational and professional requirements for the higher position.
   (ii) The required years of service vary based on the role and pay scale.
b. Seniority and merit
   (i) Promotions are based on either seniority-cum-fitness (experience + performance) or seniority-cum-merit (experience + skills).
c. Departmental promotion committee
   (i) A committee evaluates candidates for promotion. Its members must hold positions at least one level above the role being filled.
   (ii) The DPC meets regularly to create promotion lists based on vacancies.
d. Selection pool
   (i) For non-selection posts, the pool includes 3–5 times the number of vacancies, focusing on seniority.
e. Seniority rules
   (i) Promoted employees retain their relative seniority from their previous role.
f. Disqualification
   (i) Employees convicted of serious offenses or declared insolvent are ineligible.

[Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992]

9.3 Promotion process

1. Basic Rule: No employee is promoted unless they meet the higher role's qualifications.
2. Departmental Promotion Committee (DPC):
   a) Formed for each job category.
   b) Members must be at least one level above the role being filled (but not below Assistant Director/Accounts Officer).

c) Meets annually to prepare promotion lists unless no vacancies exist.

3. Efficiency Bar: Employees must pass performance or skill tests (if required) to advance further.

9.4 Departmental Promotion committee

1. The DPC ensures fair, transparent, and merit-based promotions.
2. Committee Composition:
   a) Formed as per Recruitment Rules.
   b) Includes a chairperson and members, with representation for SC/ST/OBC groups if required.
3. Responsibilities:
   a) Evaluates employees using service records and performance reviews.
   b) Prepares promotion lists based on merit or seniority.
   c) Follows reservation policies (SC/ST/OBC/EWS) and addresses backlog vacancies.
4. Review DPC
   a) It is Held if Recruitment Rules change or new vacancies arise after the initial DPC
5. Documentation
   a) Detailed records of DPC decisions are maintained.
   b) Employees shall receive clear communication about promotion outcomes.
6. Grievances
   a) Employees can raise concerns through the IWAI's grievance process.

[Annexure - promotions]

10. Deputation and Absorption

10.1 Deputation/Foreign Services

1. Deputation/Foreign Service Eligibility
   a) Employees may be allowed to work on deputation or foreign service with Central/State Governments, local authorities, statutory bodies, or Government funded institutions.
   b) The maximum period duration period is 5 years
   c) Employees selected for permanent absorption in another organization must resign and will not retain any lien in this organization
2. Deputation/Foreign service applies only to temporary transfers outside normal duties, approved as being in public interest.
3. The following are not treated as deputation
   a) Permanent transfers or promotions.
   b) Temporary roles based on personal requests.
   c) Internal office reorganizations (no deputation allowance applies)
4. Pay Fixation rules
   a) Employees can choose to draw either
      (i) The pay scale of the deputation post, or
      (ii) Their parent cadre pay plus a deputation allowance
   b) Central Government to central government deputation
      (i) If the deputation post has a higher grade, pay is fixed by adding one increment to the parent pay
      (ii) If grades are the same, the existing pay continues.
   c) In Foreign Service with dissimilar pay scales, Pay is adjusted to match total emoluments (pay + allowances) in the new role.
5. Deputation allowance
   a) Same station: 5% of basic pay (Max. 2000 per month)
   b) Different station: 10% of basic pay (Max. 4000 per month)
   c) Special rates may apply for difficult postings
6. Allowances and Benefits
   a) Only allowances applicable to regular employees in the borrowing organization are admissible.
   b) Transport, joining time, travel, children's education and LTC is regulated by mutual agreement.
      c) Medical/Leave Rules: Follow the borrowing organization's medical rules. Leave rules default to the parent organization unless moving between vacation/non-vacation departments
7. Tenure and extensions
   a) Standard tenure: 3 years (or as per recruitment rules).
   b) Extensions up to 5 years require approvals:
      (i) Up to 4 years: Secretary/Chief Secretary approval.
      (ii) 5th year: Minister-level approval.

c) Cooling-off period: 3 years (Joint Secretary level) or 1 year (Additional Secretary level) before next deputation.

8. Premature revision

Employees may be sent back to their parent cadre early with a 3-month notice to the lending organization and the employee

[Annexure – Deputation/transfer]

10.2 Absorption in Central / Autonomous bodies

1. General Rule on absorption

As per the Ministry of Finance (Bureau of Public Enterprises), Central Government employees can only join Central Public Enterprises or Autonomous Bodies on an immediate absorption basis, except in rare cases. Deputation is generally not allowed.

1. Appointment Regulations

The terms and conditions for appointing Government servants in Central Public Enterprises are governed by the Department of Personnel and Training (DOPT) guidelines dated 31.1.1986.

2. Relaxation of rules

Later, some exceptions were introduced, allowing deputation for specific posts in Autonomous Bodies. These were consolidated in the DOP&PW guidelines dated 31.10.2007

3. Current policy on deputation

Vide OM dated 12th Oct 2015 keeping in view the difficulties being faced by Autonomous Bodies in filling up the posts due to tile application of Rule of Immediate Absorption, the matter has been reviewed in partial modification of the instructions contained in this Department's OM dated 31.10.2007.

a. This relaxation will be subject to the following conditions:

i. The general principle of public interest shall be overriding factor in providing deputation as a method of recruitment. The general criteria for providing deputation as a method of recruitment would be non-availability of suitable persons for joining a post on regular basis from within or outside the organization. In other words deputation as a method of recruitment would be provided only if there are not enough posts in the feeder grade for appointment by promotion or if the candidates from Central Government are not likely to join the Autonomous Body on immediate absorption basis.

ii. Deputation as a method of recruitment may generally be provided in respect of the following categories of posts in the Autonomous Bodies.

a) Posts requiring specialized personnel in connection with scientific research or development of technology.

b) Posts in executive or senior management level i.e. post carrying a Grade pay of not less than Rs.7600/- in Central Autonomous Body having very close inter-action with policies and programmes of the Government.

c) Posts where the nature of the work requires employment of Government officers for

security reasons or vigilance purposes.

d) Posts in newly established/temporary organizations (upto a period of 5 years from the date of establishment).

e) Posts limited in number particularly in specialized fields where creation of a regular cadre is not feasible.

f) The number of posts to be exempted may be decided in each CAB on a case to case basis.

iii. The recruitment rules for a post in an Autonomous Body, which provide for deputation from Central Government employees, must have the approval of the Competent Authority in the Administrative Ministry /Department.

iv. In case the recruitment rules for a post in the Autonomous Body have not been notified or recruitment rules do not provide for deputation as a method of recruitment, then the existing instructions regarding seeking exemption from the rule of immediate absorption would continue to apply. Deputation and absorption has been xthe mode of Recruitment in IWAI RR.

v. The recruitment rules must specify the maximum number/percentage of posts in a particular grade that can be filled on deputation. Appointment on deputation beyond the number specified in the Recruitment Rules would not be made by the autonomous body.

vi. In case it is proposed to make recruitment by deputation of Government employees in excess of the deputation quota provided in the recruitment rules, specific approval of Administrative Ministry for making such recruitment by deputation would be obtained. If such a relaxation is approved by the Administrative Ministry, no further exemption from rule of immediate absorption would be required.

vii. There should be an entry in recruitment rules to the effect that the exemption from rule of immediate absorption is not required for appointment on deputation.

4. All other provisions in the OM dated 31.10.2007, which have not been specifically modified in the O.M. of 2015, would continue to be applicable.

10.3 Lien on a post

1. Lien is the right of a government employee to hold a regular post (permanent or temporary) either immediately or after a period of absence. This right applies to employees who:

a) Are confirmed in their post, service, or cadre.
b) Have completed their probation period after promotion.
c) Are promoted regularly to a higher post where probation is not required.

However, if there are more employees than available posts, the junior-most employee may be reverted to a lower post.

1. An employee with a lien on a post retains that lien in the following situations:
   a) While working in that post.
   b) While on foreign service, holding a temporary post, or officiating in another post.
   c) During joining time when transferred to another post (unless transferred to a lower-paid post, in which case the lien shifts to the new post).
   d) While on leave or under suspension.

Once an employee acquires a lien on a new post, they lose the lien on their previous post.

2. Retaining Lien When Joining Another Department
   a) Permanent Employees: If appointed to another Central/State Government department, they must resign from their parent department unless they return within 2 years (or 3 years in exceptional cases). An undertaking must be given at the time of application.
   b) Exceptional Cases: If not confirmed in the new department within 2 years, the employee may retain the lien for one more year with a fresh undertaking
   c) Temporary Employees: Must resign and will not retain any lien when joining another organization.
   d) If a Central Govt. servant is allowed to proceed to a Central autonomous body on deputation basis without obtaining specific exemption for the post by the autonomous body, the official will have to be treated as having resigned from the Central Govt. and absorbed in the Central autonomous body. A Lien of 15 days is only allowed for a central government servant joining an autonomous body.

Timely action must be taken to ensure employees return, resign, or face consequences for violating their undertaking.

3. Termination of Lien
   (i) A lien cannot be terminated if it leaves the employee without a permanent post.
   (ii) Lien ends when the employee acquires a permanent post outside their cadre.
   (iii) No lien is retained if:
   - The employee is absorbed into another service.
   - The employee is on foreign service/deputation beyond the allowed limit.

4. An employee's lien can be transferred to another post in the same cadre if he/she is not currently working in the original post, following the rules under Fundamental Rule 15. This ensures clarity and fairness in employee rights and responsibilities regarding post retention and transfers.

[Annexure – Technical resignation and lien]

10.4 Technical Resignation

1. A technical resignation occurs when an employee resigns from their current government post to join another position within the same or a different department, without losing the benefits of their past service.
2. This applies if:
   a) The employee applied for the new post through the proper channel.
   b) The resignation is required for administrative reasons.
   c) The word "technical" need not be mentioned in the resignation letter.
3. Past service benefits are not forfeited unless
   a) The resignation is not for joining another government post.
   b) The employee was not permitted to apply through the proper channel.
   c) The post held was temporary (ad hoc).
4. Special cases :

If an employee applied for a government job before joining their current post, past service benefits may still apply if:

   a) They inform their current employer about the application upon joining.
   b) They clearly state in their resignation that they are leaving to take up another government job.
   c) The resigning authority confirms that the application would have been forwarded through the proper channel if the employee had been in service at the time
5. Leave benefits
   a) Unused leave (including Child Care Leave) is carried forward after a technical resignation.
   b) If permanently absorbed in PSUs/Autonomous Bodies/State Governments, the employee may receive cash equivalent for up to 300 days of unused Earned.
6. LTC(Leave concession benefits)
   a) LTC entitlements can be carried forward after a technical resignation.
   b) If an employee resigns within 8 years of joining, they are treated as a fresh recruit in the new department for the remaining period.
7. Pay protection and increments
   a) Pay is protected if the new post's salary is lower than the previous one.
   b) Past service counts toward eligibility for annual increments in the new role.
   c) If rejoining the previous post, increments for the absence period are granted.
8. GPF (General Provident fund transfer)
   a) GPF balance is transferred as per the General Provident Fund Rules, 1960
9. Seniority
   a) Seniority in the substantive post is protected.
   b) Time spent in another department after technical resignation does not count toward promotion eligibility in the original post.

10. Pension benefits
    a) Employees who joined before 01.01.2004 retain pension benefits if the new post is pensionable.
    b) For those under the National Pension System (NPS), the PRAN (Permanent Retirement Account Number) and balance are transferred to the new office.
11. Service Book transfer
    a) The Service Book follows the employee from their first appointment and is maintained by the current office.
12. Medical Examination
    a) No fresh medical exam is needed if the employee was previously examined for a post with the same medical standards.
13. Character & Antecedents Verification
    a) If rehired within a year, a simple verification from the previous office suffices.
    b) If more than a year has passed, a fresh verification is required.

[Annexure – Technical resignation and lien]

11. Reservation Policy

11.1 Reservation for SC/ST/OBC

1. Reservation to the SCs, STs and OBCs in case of direct recruitment on all India basis by open competition is given at the rate of 15%. 7.5% and 27% respectively.
2. In case of direct recruitment to Group C posts which normally attract candidates from a locality or a region, percentage of reservation for SCs/STs is generally fixed in proportion to the population of SCs and STs in the respective States/UTs. For OBCs it is fixed keeping in view the proportion of their population in the concerned State/UT and the fact that total reservation för SCs/STs/OBCs remains within the limit of 50% and reservation for OBCs remains within the limit of 27%.
3. Reservation in promotion by' non-selection method is available to SCs and the STs in all groups of services viz. A. B. C at the rate of 15% and 7.5% respectively. In case of promotion by selection method reservation is available upto the lowest rung of Group 'A at the same rates. In promotion by selection to posts within Group •A • which carry an ultimate salary of Rs. 18,300/- or less (in pre-revised scale). there is no reservation, but the Scheduled Caste/Scheduled Tribe officers who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list is to be drawn up, would be included in that list provided they are not considered unfit for promotion.
4. The Reservation rules for SC, ST, OBC are as per the governing principal. These rules mentioned are as of August 2025.
5. Refer to DOPT OM dt 1997 [Annexure-Reservation]

11.2 Reservation for Ex-Service personnel

11.2.1 Rules Governing Reservation

The reservation policy for ex-servicemen in Central Government jobs (Group 'C' and 'D' posts) is based on the *Ex-servicemen (Re-employment in Central Civil Services and Posts) Rules, 1979*.

11.2.2 Reservation Quota

10% of vacancies in Group 'C' and similar posts are reserved for ex-servicemen.
This applies to:

a. Permanent jobs first filled temporarily.
b. Temporary jobs likely to become permanent or last at least three months.

11.2.3 Adjustment in Reservation Percentage

The 10% reservation can be increased or decreased in a recruitment year.

This ensures that the total reservations (for ex-servicemen, SC/ST, and other categories) do not exceed 50% of the vacancies filled that year.

11.2.4 Priority for Disabled Ex-Servicemen

If extra vacancies are given to ex-servicemen, disabled ex-servicemen get first priority. Only if seats remain unfilled will other ex-servicemen be considered

11.3 Reservation for Economic weaker section

11.3.1 10% Reservation for Economically Weaker Sections (EWS)

People from the EWS category who do not qualify for SC, ST, or OBC reservations will get 10% reservation in direct recruitment for central government jobs.

11.4 Reservation for persons with Disabilities

1. Reservation in direct recruitment
   a) 4% of total vacancies in each group (A, B, C) are reserved for persons with benchmark disabilities.
   b) This 4% is divided equally (1% each) for the following categories:
      (i) Blindness and low vision
      (ii) Deaf and hard of hearing
      (iii) Locomotor disabilities (e.g., cerebral palsy, dwarfism, acid attack victims, muscular dystrophy)
      (iv) Other disabilities (autism, intellectual disability, mental illness, etc.) and multiple disabilities (combination of the above).
   c) Reserved vacancies are allocated only for posts identified as suitable for each disability category.
2. Reservation in Promotion
   a) 4% of vacancies in Group C posts (where direct recruitment is ≤75%) are reserved for persons with benchmark disabilities.
   b) The distribution (1% each) follows the same categories as above.

[Annexure-Reservation]

11.4.1 Definitions of Disabilities

Following are the specified disabilities for the purpose of applicability of reservation for Persons with Benchmark Disabilities:

1. Blindness: Total absence of sight or severe vision impairment (even with corrective lenses).

2. Low Vision: Partial vision loss (even after correction) but can perform tasks with assistive devices.

3. Hearing Impairment:

a) Deaf: 70 dB or higher hearing loss in both ears.
b) Hard of Hearing: 60–70 dB hearing loss in both ears.

4. Locomotor Disability: Difficulty in movement due to musculoskeletal or nervous system issues, including:

a) Cerebral palsy, leprosy-cured individuals, dwarfism, acid attack victims, muscular dystrophy.

5. Intellectual and Developmental Disabilities:

a) Autism: Affects communication and social interaction.
b) Specific Learning Disabilities: Difficulties in reading, writing, or math (e.g., dyslexia).
c) Mental Illness: Severe disorders affecting thinking, mood, or behavior (excluding intellectual retardation).

6. Multiple Disabilities: A combination of two or more disabilities (e.g., deaf-blindness).

11.4.2 Degree of disability for claiming reservation in posts/services under the Central Government

1. Only persons with ≥40% disability (certified by a competent authority) qualify for reservation benefits.

11.4.3 Person with Disability be appointed against an unreserved vacancy

1. Persons with disabilities can compete for unreserved vacancies if the post is identified as suitable for their disability category.

11.5 Appointment on Compassionate Grounds

1. **Objective of the Scheme**

The scheme aims to provide a government job on compassionate grounds to an eligible family member of a government employee who either:

a) Dies while in service, or
b) Is medically retired, leaving the family in financial hardship with no means of support. This assistance helps the family overcome the crisis and avoid extreme financial distress.

2. A dependent family member includes:

a) Spouse,
b) Son (including adopted son),
c) Daughter (including adopted daughter),
d) Brother or sister (if the employee was unmarried),
e) Any other eligible member of the Armed Forces (as specified in the rules).

The dependent must have been fully reliant on the deceased or medically retired employee at the time of their death or retirement.

Note: A married son can also be considered if he meets all other eligibility criteria under the scheme (as per DoPT guidelines dated 16th January 2013)

3. Compassionate appointments under this scheme are made only for Group C posts under the direct recruitment quota.

[Annexure-Reservation]

12. Appointment Phase – Joining Formalities in IWAI

12.1 Record of Service Book

1. A Service Book is an official document that records all important events and details of a government employee's career, from their initial appointment until retirement. It serves as a complete history of their service (as per SR 199).

2. Key Points About the Service Book

a) Maintenance and Custody

(i) The Service Book is created when an employee first joins government service.

(ii) It is kept by the Head of Office where the employee works and moves with them if they transfer to another office (SR 198).

(iii) It is maintained in duplicate: one copy stays with the Head of Office, and the other is given to the employee for safekeeping.

b) Contents of the Service Book

(i) Part I (Bio-data): Includes personal details like date of birth, caste category (SC/ST/OBC), and educational qualifications at the time of joining. These entries are verified and attested by the Head of Office.

(ii) Part II-A (Certifications): Contains verified records such as:

i. Medical examination reports.
ii. Character and background checks.
iii. Marital status declaration (confirming no bigamous marriage).
iv. Oath of allegiance to the Constitution.
v. Declaration of hometown for Leave Travel Concession (LTC) benefits.
vi. Family details and insurance scheme nominations.

(iii) These documents are stored in Volume II of the Service Book.

c) Updates and Verification

(i) Entries must be attested by the Head of Office or a delegated officer.

(ii) Every year, the Service Book is reviewed for accuracy, and the employee must inspect and sign it.

(iii) In January, employees submit their copy for updates, which must be returned within 30 days. If lost, a replacement costs ₹500.

d) Pension Preparation

When an employee completes 18 years of service or has 5 years left before retirement, their qualifying service is verified and communicated to them for pension processing.

12.1.1 Verification of documents against appointment

1. The offer to appointment at IWAI is subject to verification of the documents against appointment.
2. Submitting false information or fake certificates can lead to termination, even for permanent employees, after a formal inquiry.

[Annexure – verification of documents against appointment]

12.2 Police Verification and Attestation

12.2.1 Police verification

1. Before issuing appointment letters, the character and antecedents of candidates are verified by local police.
2. This process can take 2–6 months, but provisional appointments may be granted if delays occur.

[Annexure – police verification]

12.2.2 Attestation forms

1. Candidates must truthfully provide:
   a) Personal and educational details.
   b) Criminal history (if any).
   c) References (non-relatives) for character verification.
2. False declarations can result in disqualification or termination.

12.3 Declarations

12.3.1 Declaration of Hometown (under the LTC rules)

1. Employees declare a hometown for LTC benefits, which is usually final. Changes are rare and require approval.
2. Criteria for acceptance include family ties, property ownership, or prior residence.

[Annexure – LTC]

12.3.2 Declaration of Movable/Immovable property

1. Employees must submit details of their assets (movable/immovable), liabilities, and investments upon joining.
2. Annual property returns are mandatory for all employees by January 31 each year.

[Annexure – Declaration of Movable and Immovable property]

13. Career Growth and performance

13.1 Seniority Rules

1. Seniority in Central Civil Services and Posts is determined based on guidelines issued by the Government of India. These rules apply unless specific separate rules exist for certain services or posts. Below are the key principles for determining seniority in Central Government roles.

[Annexure- Seniority Rules]

13.1.1 Seniority of Direct recruits and promotees

1. The Seniority is assigned fairly based on appointment dates and vacancy rotations. The Department of Personnel and Training (DoPT) sets these guidelines, which are updated through office memorandums and court rulings.

2. Direct Recruits

a) Seniority is based on the merit order in which candidates are selected by the UPSC or other selecting authorities.
b) Those appointed earlier are senior to those appointed later.
c) Earlier rules where seniority was based on confirmation dates (instead of merit order) were discontinued on 04.11.1992.

3. Promotees

a) Seniority in the promoted grade matches their seniority in the feeder grade.
b) If an employee is initially deemed unfit and later promoted, they cannot rank above juniors who were promoted earlier.
c) Earlier rules linking seniority to confirmation dates were discontinued on 04.11.1992.

4. For Multiple Feeder Grades

a) If promotions come from multiple feeder grades with fixed quotas, employees are arranged by seniority in their respective grades.
b) If no quotas exist (due to fewer posts), a combined eligibility list is prepared based on:
   (i) Completion of qualifying service.
   (ii) If equal, the date of completing service in the feeder-to-feeder grade.
   (iii) Maintaining inter-se seniority within each feeder grade

13.1.2 Seniority of SC/ST Employees Promoted via Reservation

1. SC/ST employees promoted under reservation rules retain consequential seniority.
2. General/OBC candidates promoted later will rank below SC/ST employees promoted earlier, even if the reservation roster applies.

3. Clarification : Reservation rosters only identify vacancies for specific categories; they do not determine seniority. Seniority follows the feeder grade order for employees marked 'fit' by the Departmental Promotion Committee (DPC).

13.1.3 Relative Seniority of Direct Recruits and Promotees

1. A vacancy register tracks vacancies filled each year by direct recruitment or promotion, as per recruitment rules.
2. Seniority is determined by rotating vacancies between direct recruits and promotees based on their quotas.
3. Key points:
   a) If direct recruits are unavailable in a year, promotees fill the vacancies, and seniority is adjusted accordingly. Unfilled direct recruitment vacancies are carried forward
   b) From 19.11.2019, seniority is based on the year of appointment (not the vacancy year).
   c) If employees join in subsequent years, their seniority is assigned to the year they join, not the year the vacancy arose.
   d) Rotation of quotas stops if adequate candidates are unavailable in a year.

13.1.4 Seniority of Absorbees (Transferred Employees)

1. Employees absorbed from other departments are ranked by their selection order for absorption.
2. If absorption is against a quota, seniority is determined by rotating vacancies among direct recruits, promotees, and absorbees.
3. For employees first on deputation and later absorbed:
   a) Seniority starts from the earlier of:
      (i) The deputation start date.
      (ii) The date of regular appointment in the same/equivalent grade in their parent department.
   b) This does not affect promotions made before absorption.

13.1.5 Seniority After Pay Scale Mergers (Sixth Pay Commission)

1. For merged pay scales, seniority as of 29.08.2008 is protected.
2. Employees in higher pre-revised pay scales rank above those in lower scales. Within the same scale, original seniority continues.
3. New appointees after 29.08.2008 are placed below existing employees.

13.2 Modified Assured Career Progression (MACP)

1. The Modified Assured Career Progression (MACP) Scheme ensures career growth for employees who do not get regular promotions. It provides financial upgrades after 10, 20, and 30 years of service or after 10 years in the same pay level, whichever comes first.

2. Key points
   a. Timings of the upgrade
      (i) First upgrade after 10 years of service.
      (ii) Second upgrade after 20 years.
      (iii) Third upgrade after 30 years.
   b. Pay level movement
      (i) Employees move to the next higher pay level in the Pay Matrix.
      (ii) Upgrades are available up to Level 15 (Higher Administrative Grade - HAG).
   c. Eligibility
      (i) Regular Group A (except Organized Group A Services), Group B, and Group C employees.
      (ii) Not eligible: Casual, temporary, ad-hoc, or contract employees.

d. Effective date

The scheme has been in effect since September 1, 2008 - [Annexure – MACP]

13.2.1 Implementation of MACP

1. Screening committee
   a) A committee reviews and approves MACP upgrades.
   b) It meets twice a year (January for April-September cases, July for October-March cases).
   c) Approvals are done by the Appointing Authority or Department Head.
2. Pay fixation rules
   a) On upgrade, pay is fixed as per CCS (Revised Pay) Rules, 2016.
   b) If an employee later gets a regular promotion to a higher level, their pay is adjusted accordingly.
3. Important conditions
   a) No change in job role: Upgrades only improve pay, not designation.
   b) Past service counts
      (i) Only regular service in Central Government is considered.
      (ii) Service in State Government, PSUs, or private sector does not count.
      (iii) Leave, deputation, and study leave periods are included.
   c) Transfers
      (i) Service in previous departments counts if transferred without a break.
      (ii) Voluntary demotions may affect eligibility.
4. Upgrades can be deferred due to :

a) Poor performance
b) Voluntary demotion may affect eligibility

5. Delay in one upgrade will affect subsequent ones.

13.3 Annual Performance assessment (APAR)

1. The Annual Performance Assessment Report (APAR) is a yearly evaluation (April–March) of every government employee's performance. It helps assess suitability for promotions, confirmations, deputations, foreign assignments, and career growth. The goal is to support employees in realizing their potential through constructive feedback.

2. Keys steps in APAR:

b. Setting targets
   (i) At the start of the year, employees and their Reporting Officer agree on clear, measurable targets.
   (ii) Priorities should reflect the nature of the work.

c. Self Initiation
   (i) Employees begin the process by filling out their part of the APAR form.

d. Assessment by reporting officer
   (i) The Reporting Officer evaluates performance against set targets, noting achievements, challenges, and areas of excellence.
   (ii) This report is then sent to the Reviewing Officer (a higher-level supervisor) for further review.

e. Reviewing officer's role
   (i) The Reporting Officer evaluates performance against set targets, noting achievements, challenges, and areas of excellence.
   (ii) This report is then sent to the Reviewing Officer (a higher-level supervisor) for further review.

3. Special cases

a) **Multiple reports in a year** : If an employee works under different supervisors, each can write a report for their respective period (minimum three months).
b) **Transfer or retirements** : Reports must be completed before a Reporting/Reviewing Officer transfers or retires.
c) **Suspended officers**: Reports must be completed before a Reporting/Reviewing Officer transfers or retires.
d) **Leave adjustments**: Leave exceeding 15 days may reduce the three-month supervision period required for assessment.

4. Important Rules

a) **No Tempering :** Handwritten or typed strips pasted on APAR forms are strictly prohibited.
b) **Gaps in Reporting:** If no report is available for three months, a "No Reporting Certificate" must explain the reason (e.g., leave, unauthorized absence).

5. Performance assessment Guidelines
   a) **Work Plans**: Employees and supervisors should agree on annual goals, which can be quantitative (e.g., field targets) or qualitative (e.g., policy objectives).
   b) **Skill Development**: Employees should identify training needs, and supervisors can recommend skill upgrades.
   c) Grading systems
      (i) Low grades (1–2) require justification for poor performance.
      (ii) High grades (9–10) must highlight exceptional achievements.
   d) **Objectivity**: Reviews should be fair, consistent, and based on direct supervision. Close relatives must not assess each other.
6. Adverse remarks
   a) **Definition:** A remark pointing out work or conduct deficiencies (not general advice).
   b) **Communication**: Adverse remarks must be shared with the employee within two months, along with a summary of the full report.
   c) **Appeals**: Employees can challenge adverse remarks within 45 days (extendable to three months with valid reasons). The government may modify or remove remarks after review.
7. Interpretation and Online tool
   a) The Central Government resolves any doubts about APAR rules.
   b) Electronic systems like SPARROW may be used for online appraisals

13.4 Vigilance Clearance

1. Vigilance clearance is a process to check an employee's integrity and suitability for certain roles, promotions, or administrative actions. It is governed by the Department of Personnel and Training (DOPT) and ensures that employees meet ethical and professional standards.
2. Vigilance clearance is applicable in below cases
   (a) Inclusion in the offer list
   (b) Empanelment
   (c) Ex-India study leave
   (d) Any deputation for which clearance is necessary and extension thereof
   (e) Appointments to sensitive posts
   (f) Assignments to training programmes except mandatory training
   (g) Confirmation in service
   (h) Retirement on VRS
   (i) Post-retirement commercial employment
   (j) Pre-mature repatriation (voluntary) from any deputation

In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

[Annexure - Vigilance]

13.4.1 Denial and approval of Vigilance clearance

1. Vigilance clearance shall be denied on the following grounds:
   a) Complaints or Investigations
      (i) A verified complaint exists involving corruption, disproportionate assets, misappropriation, forgery, moral misconduct, or violation of conduct rules
      (ii) A preliminary inquiry is pending for more than three months.
   b) Disciplinary or Legal Issues
      (i) The employee is under suspension.
      (ii) Disciplinary proceedings are ongoing (chargesheet issued).
      (iii) A criminal case is filed or under investigation (e.g., FIR registered, chargesheet pending in court).
      (iv) The employee is on the Agreed List (a watchlist for vigilance cases).
   c) Penalties
      (i) Minor penalty imposed: No clearance for 3 years after the penalty ends.
      (ii) Major penalty imposed: No clearance for 5 years after the penalty ends.
   d) Property Returns
      (i) Failure to submit the annual Immovable Property Return by January 31
2. Exception and special cases:
   a) If an investigation remains pending for over 2 years, clearance may be granted only for non-sensitive posts.
   b) If an investigating agency recommends closing a case, but the court does not permit it, the case is reviewed individually.
   c) For senior roles (Joint Secretary and above), additional checks are conducted, including feedback from the Central Vigilance Commission (CVC).
3. Approval of vigilance cases:
   a) Deputy Secretary/Director or below: Approved by the Head of the Vigilance Division.
   b) Joint Secretary and above: Approved by the Secretary of the concerned Ministry/Department. [Annexure - Vigilance]

14. Compensation and benefits

14.1 Pay Scale

14.1.1 Scale of Pay on Initial Appointment

1. The scale of pay for positions within the Inland Waterways Authority of India (IWAI) varies significantly based on the job role and level of responsibility. The salary structure is aligned with the recommendations of the Seventh Pay Commission, ensuring that it adheres to government norms.

7th Pay Commission Pay Matrix Table for Central Government Employees w.e.f.1.1.2016

Pay Band	5200-20200					9300-34800				15600-39100			37400-67000			67000-79000	75500-80000	80000	90000
Grade Pay	1800	1900	2000	2400	2800	4200	4600	4800	5400	5400	6600	7600	8700	8900	10000				
Entry Pay (EP)	7000	7730	8460	9910	11360	13500	17140	18150	20280	21000	25350	29500	46100	49100	53000	67000	75500	80000	90000
Level	1	2	3	4	5	6	7	8	9	10	11	12	13	13A	14	15	16	17	18
Index	2.57	2.57	2.57	2.57	2.57	2.62	2.62	2.62	2.62	2.67	2.67	2.67	2.57	2.67	2.72	2.72	2.72	2.81	2.78
1	18000	19900	21700	25500	29200	35400	44900	47600	53100	56100	67700	78800	118500	131100	144200	182200	205400	225000	250000
2	18500	20500	22400	26300	30100	36500	46200	49000	54700	57800	69700	81200	122100	135000	148500	187700	211600		
3	19100	21100	23100	27100	31000	37600	47600	50500	56300	59500	71800	83600	125800	139100	153000	193300	217900		
4	19700	21700	23800	27900	31900	38700	49000	52000	58000	61300	74000	86100	129600	143300	157600	199100	224400		
5	20300	22400	24500	28700	32900	39900	50500	53600	59700	63100	76200	88700	133500	147600	162300	205100			
6	20900	23100	25200	29600	33900	41100	52000	55200	61500	65000	78500	91400	137500	152000	167200	211300			
7	21500	23800	26000	30500	34900	42300	53600	56900	63300	67000	80900	94100	141600	156600	172200	217600			
8	22100	24500	26800	31400	35900	43600	55200	58600	65200	69000	83300	96900	145800	161300	177400	224100			
9	22800	25200	27600	32300	37000	44900	56900	60400	67200	71100	85800	99800	150200	166100	182700				
10	23500	26000	28400	33300	38100	46200	58600	62200	69200	73200	88400	102800	154700	171100	188200				
11	24200	26800	29300	34300	39200	47600	60400	64100	71300	75400	91100	105900	159300	176200	193800				
12	24900	27600	30200	35300	40400	49000	62200	66000	73400	77700	93800	109100	164100	181500	199600				
13	25600	28400	31100	36400	41600	50500	64100	68000	75600	80000	96600	112400	169000	186900	205600				
14	26400	29300	32000	37500	42800	52000	66000	70000	77900	82400	99500	115800	174100	192500	211800				
15	27200	30200	33000	38600	44100	53600	68000	72100	80200	84900	102500	119300	179300	198300	218200				
16	28000	31100	34000	39800	45400	55200	70000	74300	82600	87400	105600	122900	184700	204200					
17	28800	32000	35000	41000	46800	56900	72100	76500	85100	90000	108800	126600	190200	210300					
18	29700	33000	36100	42200	48200	58600	74300	78800	87700	92700	112100	130400	195900	216600					
19	30600	34000	37200	43500	49600	60400	76500	81200	90300	95500	115500	134300	201800						
20	31500	35000	38300	44800	51100	62200	78800	83600	93000	98400	119000	138300	207900						
21	32400	36100	39400	46100	52600	64100	81200	86100	95800	101400	122600	142400	214100						
22	33400	37200	40600	47500	54200	66000	83600	88700	98700	104400	126300	146700							
23	34400	38300	41800	48900	55800	68000	86100	91400	101700	107500	130100	151100							
24	35400	39400	43100	50400	57500	70000	88700	94100	104800	110700	134000	155600							
25	36500	40600	44400	51900	59200	72100	91400	96900	107900	114000	138000	160300							
26	37600	41800	45700	53500	61000	74300	94100	99800	111100	117400	142100	165100							
27	38700	43100	47100	55100	62800	76500	96900	102800	114400	120900	146400	170100							
28	39900	44400	48500	56800	64700	78800	99800	105900	117800	124500	150800	175200							
29	41100	45700	50000	58500	66600	81200	102800	109100	121300	128200	155300	180500							
30	42300	47100	51500	60300	68600	83600	105900	112400	124900	132000	160000	185900							
31	43600	48500	53000	62100	70700	86100	109100	115800	128600	136000	164800	191500							
32	44900	50000	54600	64000	72800	88700	112400	119300	132500	140100	169700	197200							
33	46200	51500	56200	65900	75000	91400	115800	122900	136500	144300	174800	203100							
34	47600	53000	57900	67900	77300	94100	119300	126600	140600	148600	180000	209200							
35	49000	54600	59600	69900	79600	96900	122900	130400	144800	153100	185400								
36	50500	56200	61400	72000	82000	99800	126600	134300	149100	157700	191000								
37	52000	57900	63200	74200	84500	102800	130400	138300	153600	162400	196700								
38	53600	59600	65100	76400	87000	105900	134300	142400	158200	167300	202600								
39	55200	61400	67100	78700	89600	109100	138300	146700	162900	172300	208700								
40	56900	63200	69100	81100	92300	112400	142400	151100	167800	177500									

14.2 Protection of Pay

1. Pay protection at the Inland Waterways Authority of India (IWAI) is governed by guidelines that ensure employees transitioning to new roles within the organization do not experience a reduction in their salary. This mechanism is particularly relevant for personnel moving from other government departments or public sector undertakings (PSUs) to IWAI.

2. Eligibility for pay protection

a. Employees from Public Sector Undertakings (PSUs):

(i) If the employee is joining from a PSU through direct recruitment and the job requires specific PSU experience, the pay will be protected.

(ii) The employee must have successfully completed his/her probation in the previous PSU role to qualify.

(iii) The employee's new pay will be set at the same level as the employee pay or the next higher level if an exact match isn't available. If the new role's maximum pay is lower, the employee's pay will be adjusted to the highest possible in the new role.

b. Employee from state government

(i) If the employee is moving from a state government to a central government role here, the employee can continue drawing his/her previous pay during probation if it is higher than the minimum pay of the new role.

(ii) After completing probation, the employee's pay will be fixed according to rules, ensuring it does not exceed the maximum pay for the new position.

c. Central Government employees

(i) If the employee is a central government employee joining a new role here after resigning from his/her previous post, he/she may be eligible for pay protection.

(ii) The employee must have a lien (permanent claim) on his/her previous post to qualify.

(iii) Senior employees will not get a pay increase just because a junior employee received pay protection.

3. Pay fixation

a) During probation, the employee may receive the previous pay if it is higher than the minimum pay of the new role. Increments will also be based on this pay during probation.

b) Once probation is completed, the employee's pay will be fixed under the relevant rules, ensuring it does not exceed the maximum pay for the new role.

[Annexure – pay protection]

14.3 Annual Increment

1. Eligibility for increment

a) If the employee is selected for a regular position and need to undergo training before joining, the training period (whether paid or unpaid) will count as active service for increment purposes.

b) The annual increment date is fixed as 1st July every year. Employees who have completed 6 months or more in their current pay level by 1st July will receive the increment.

2. Increment during leave

a) If the employee's increment date falls while the employee is on Earned Leave, Commuted Leave, Half-Pay Leave, or Leave Not Due, the increment will be applied only after the employee return to duty. However, the employee's next increment date will not change.

3. Increment for employee who passes away on leave

a) If an employee passes away while on leave, his/her family will receive a one-time payment. This payment covers the difference between:

(i) The leave salary and benefits already paid, and

(ii) The amount the employee would have received if the pending increment (due during the leave period) had been applied before their passing.

b) The Head of the Department will approve and process this payment.

[Annexure – Pay protection]

14.4 Leaves

1. Types of leaves & eligibility

1. IWAI follows the Central Civil Services(Leave) Rules, 1972, which is revised time to time, for all kinds of leaves

2. The various types of leave, as outlined in the CCS (Leave) Rules, 1972, are detailed below.

Sl. No	Leave types	Number of leaves
1	Casual Leaves	Casual Leave is eight (8) at present for a normal person and 12 in respect of a differently abled person
2	Earned leave	15 days advance credit on 1st January and 1st July of each year.
3	Half-Pay Leave (HPL)	10 days' advance credit on 1st January and 1st July each year. The credit of HPL should be calculated at the rate of 5/3 days per completed calendar month.
4	Commuted Leave	Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant
5	Maternity Leave	180 days for females, including apprentice, with less than two surviving children
6	Abortion leaves	45 days to a female Government servant (irrespective of the number of surviving children) during the entire service of

Sl. No	Leave types	Number of leaves
		that female Government in case of miscarriage including abortion on production of medical certificate
7	Paternity Leave	15 days for a male Government servant (including an apprentice) with less than two surviving children during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.
7a	Paternity leave for Adoption	15 days, within a period of six months, from the date of accepting the child in pre-adoption foster care or on valid adoption . Applicable for a male Government servant (including an apprentice) with less than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year.
7b	Child Adoption Leave	180 days, immediately after accepting the child in pre-adoption foster care or on valid adoption. Applicable for female Government servant, with fewer than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year
8	Child Care Leave (CCL)	730 days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.
9	Work Related Illness and Injury Leave (WRLL)	Full pay and allowances shall be granted to all employees during the entire period of hospitalization on account of WRILL. A Government servant (other than a military officer) — full pay and allowances for the six months immediately following hospitalization

Sl. No	Leave types	Number of leaves
		and Half Pay for twelve months beyond the said period of six months. The Half Pay period may be commuted to full pay with corresponding number of days of Half Pay Leave debited from the employees leave account.
9	Study Leave	ordinarily twelve months at any one time and during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).
10	Leave not due	Maximum of 360 days during the entire service on medical certificate subject.
11	Extra ordinary leave	Given under the following special circumstances (a) when no other leave is admissible: (b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

2. General Conditions for leave

1. Right to Leave
   a) Employees do not have an automatic right to leave.
   b) Leave may be denied or cancelled if work demands require it. However, the type of leave applied for cannot be changed unless the employee requests it in writing.
   c) Medical leave applied under specific rules (CCS Leave Rule 1972, Rule 20) cannot be refused or revoked without consulting a Medical Authority, whose decision is final.
2. Leave Rules
   a) Leave eligibility is determined by the rules in place at the time of application.
3. Leave after resignation, dismissal or removal
   a) Leave balances are forfeited upon resignation, dismissal, or removal, unless otherwise specified.
   b) If an employee resigns to take up another government post (with proper approval), their leave balance remains intact.
   c) Reinstated employees after dismissal/removal can count their prior service for leave.

d) Re-employed retirees (with past service counted for pension) can also count past service for leave.

4. Changing leave type
   a) Employees may request to convert one type of leave into another, but approval is not guaranteed. Requests must be submitted within 30 days of returning to work.
   b) Any overpayment or underpayment due to leave conversion will be adjusted.
5. Combining leave type
   a) Different types of leave can be combined, except casual leave, which cannot be mixed with other leave categories.
6. Maximum leave duration
   a) No employee can be granted leave for more than five years continuously.
   b) Absence exceeding five years (without foreign service) may result in resignation, unless exceptional circumstances apply. Employees must be given a chance to explain their absence.
      (i) Exception: Leave taken for medical reasons (disability-related).
7. Applying for leave
   a) Employees must use the latest leave forms available on the IWAI's website or from the Admin section.
   b) If an employee cannot submit a leave application due to a disability, a family member or legal guardian may do so on their behalf.
8. Leave account
   a) Leave balances are tracked in the employee's service book (maintained at HQ or Regional Offices).
9. Leave approval process
   a) Leave is granted only after verifying the employee's leave balance.
   b) In urgent cases, provisional leave (up to 60 days) may be granted based on available information.
10. Restriction on leave
   a) Leave will not be granted if an employee is facing disciplinary action leading to dismissal, removal, or compulsory retirement.
11. Leave for long term illness
   a) If a Medical Authority states an employee is unlikely to return to duty:
      (i) Leave (up to 12 months) may still be granted if recovery is uncertain.
      (ii) Leave granted after a disability diagnosis will not be deducted from the leave balance.
   b) Employees with disabilities are protected under the Rights of Persons with Disabilities Act, 2016.
12. Leaves start and end dates

a) Leave begins on the day charge is handed over and ends the day before resuming duty.

13. Combining leaves with Holidays
    a) Holidays before/after leave may be automatically added to leave, unless administrative reasons prevent it.
        (i) For medical leave, adjacent holidays are treated as part of the leave period.
    b) Compensatory leave (for working on holidays) can be treated as a holiday.
14. Recall from leave
    a) If recalled early, employees are entitled to:
        (i) Travel allowances and leave salary until rejoining (for leave in India).
        (ii) Free return passage, refunds (if applicable), and travel allowances (for leave abroad).
15. Returning from leave
    a) Employees must not return before leave ends without permission.
    b) Those on pre-retirement leave need approval to return.
    c) Medical leave requires a fitness certificate to resume work.
    d) Returning employees must report and await posting orders—they cannot automatically reclaim their previous role.
16. Overstaying leave
    a) Unauthorized absence after leave ends will be deducted from leave balances (as half-pay or extraordinary leave).
    b) Deliberate overstaying may lead to disciplinary action

[Annexure – Leaves]

14.5 Leave Travel Concession (LTC)

1. The Leave Travel Concession (LTC) scheme allows government employees to travel to their hometown or any place in India at a subsidized cost. This benefit is available once every two years for hometown visits and once every four years for travel to any place in India. The current four-year block is 2022-2025, split into two-year blocks (2022-2023 and 2024-2025). Employees can travel with their family, and the government covers the travel expenses. Family members may travel separately or to different places during the same block.

2. LTC rules apply to:
    a) Permanent civil service employees of the Central Government.
    b) State Government employees on deputation to the Central Government.
    c) Contract-based employees.
    d) Re-employed retirees.

3. LTC is not eligible for
    a) Part-time or casual workers.

b) Railway and Armed Forces personnel.
c) Employees already receiving other travel concessions

4. Special cases for LTC
   a) Employee on Deputation: Employees on deputation can choose between their organization's LTC rules or Central Government rules, whichever is better.
   b) Contract Employees: Eligible after one year of continuous service, provided they are likely to serve for at least two more years.
   c) Re-employed Retirees: Their re-employment period counts as continuous service for LTC.
5. Family includes :
   a) Spouse and up to two unmarried dependent children.
   b) Divorced, abandoned, or widowed daughters living with and dependent on the employee.
   c) Dependent parents or stepparents.
   d) Unmarried minor siblings if parents are dependent on the employee.
6. Exception for Family includes :
   a) Employees with more than two children before October 1997 are exempt from the two-child limit.
   b) Only one spouse is included unless legally permitted otherwise.
7. Travel options under LTC
   a) Hometown LTC: Once every two years, regardless of distance.
   b) Anywhere in India LTC: Once every four years, replacing one hometown LTC.
   c) Separate Travel: Family members can travel at different times or to different places
8. Key rules for LTC
   a) Change of Hometown: Allowed only once during service, with approval.
   b) Journey Proof: Employees must submit tickets and proof of travel.
   c) Travel Class: Entitlement is based on the employee's rank.
   d) Reimbursement: Covers only the shortest direct route; local expenses are not included.
9. Advance and claims for LTC
   a) Employees can get an advance of up to 80% of the estimated travel cost.
   b) Claims must be submitted within three months of completing the journey.
   c) Late submissions may result in forfeiture of the claim.
10. Leave encashment

a) Employees can encash up to 10 days of earned leave while availing LTC, subject to a lifetime limit of 60 days.

11. Penalties for fraud

a) Fraudulent claims can lead to disciplinary action and loss of LTC benefits for future blocks.

12. Important notes for LTC

a) Employees must book air tickets through authorized agents (Balmer Lawrie, Ashok Travels, or IRCTC) unless exempt.

b) Special concessions are available for travel to remote areas like the Northeast, Ladakh, and Andaman & Nicobar Islands.

[Annexure – LTC]

15. Exit and retirement

15.1 Termination of service

15.1.1 Premature Retirement

1. Premature retirement of government employees is a significant aspect of personnel management aimed at enhancing efficiency and accountability within public services. The guidelines set forth by the Department of Personnel and Training (DoPT) establish a framework for evaluating the performance of government servants and determining their suitability to continue in service.

2. The primary objectives of these guidelines include:

(a) **Enhancing Administrative Efficiency**: By identifying and retiring non-performers, the government aims to strengthen administrative machinery and ensure effective service delivery.

(b) **Public Interest**: Premature retirement is often justified on the grounds of public interest, particularly when an employee's conduct is deemed unbecoming or obstructive to efficient public service.

3. The current committee for periodic review of IWAI employees is given below

(a) For Group A employees

(i) Chairman, IWAI
(ii) Vice chairman, IWAI
(iii) Member (Finance)
(iv) Member (Technical)

(b) For Group B employees

(i) Chairman, IWAI
(ii) Member (Finance)
(iii) Member (Technical)
(iv) Secretary, IWAI

(c) For Group C employees

(i) Secretary, IWAI
(ii) Chief Accounts officer
(iii) Director

[Annexure- premature retirement]

4. **Rules for Premature Retirement:**

a) **FR 56(j):** Employees in Group A or B can be retired after age 50 (if they joined before 35) or 55 (other cases) with 3 months' notice or pay.

b) **FR 56(l):** Group C employees with 30 years of service can be retired with 3 months' notice or pay.

c) **Rule 48(1)(b) of CCS (Pension) Rules:** Employees with 30 years of service may be retired in public interest, with pension benefits and 3 months' notice.

5. **Process:**

a) Reviews are done quarterly based on a set schedule.

b) A register tracks employees nearing retirement age or completing 30 years of service.

c) Authorities can review cases again if circumstances change.

15.1.2 Voluntary Retirement

1. IWAI follows the rules laid down by DOPT. The Department of Personnel and Training (DoPT) outlines specific eligibility criteria for government employees seeking voluntary retirement. These criteria are primarily governed by the Fundamental Rules (FR) and the Central Civil Services (Pension) Rules. Here are the key points regarding eligibility:

		FR 56 (k)	FR 56(m)	Pension Rule 48 (1) (a)	Pension Rule 48 (A)
1	**Eligibility**	Group 'A & B' officers: (i) Entered service before 35 years of age (ii) Attained 50 years of age <u>Other cases:</u> Attained 55 years of age	Group 'C' Officer not governed by any pension rules	All Government servants covered by CCS (Pension) Rules, 1972	All Government servants covered by CCS (Pension) Rules, 1972
2	**Minimum service**	None	30 years	30 years	20 years
3	**Notice period**	3 months	3 months	3 months	3 months

		FR 56 (k)	FR 56(m)	Pension Rule 48 (1) (a)	Pension Rule 48 (A)
4	**Acceptance**	Automatic, if nonacceptance not conveyed before expiry of notice period	Not required	Automatic, if nonacceptance not conveyed before expiry of notice period	Acceptance required but acceptance presumed if nonacceptance not conveyed Before expiry of notice period
5	**Grounds for non acceptance**	Suspension	None	Suspension	Any ground

2. It may be seen that a notice of voluntary retirement under FR 56(k) or Rule 48 (1)(a) of Pension Rules does not require acceptance. It is only in the case of a government servant under suspension that the appropriate authority may withhold permission to retire under these rules. This is unlike the notice under Rule 48(A) of Pension rules which requires acceptance by the appointing authority. In case of notice under FR 56 (m) even the right to refuse if the government servant is under suspension, is not available to the Government.

15.1.2.1 Special Voluntary Retirement Scheme

1. In addition to the above, permanent employees declared surplus in any Ministry / Department may opt for Special Voluntary Retirement Scheme.
2. Special VRS for the employees declared surplus are as under
   (a) All permanent employees rendered surplus irrespective of their age and qualifying service can opt for the scheme.
3. Benefit
   a) Ex-gratia payment based on service length (35 days' pay per completed year, 25 days for remaining years).
   b) Minimum payment: ₹25,000 or 250 days' pay, whichever is higher.
   c) Tax exemption up to ₹5 lakhs.
   d) Additional 5 years of service weightage for pension (if minimum 15 years served).

e) Encashment of earned leave and group insurance savings.

[Annexure – VRS]

15.1.3 Retirement on superannuation

1. Employees retire at 60 years (last day of the month they turn 60).

2. If employee is born on the 1st of the month, retirement is on the last day of the previous month.

[Annexure – Retirement on superannuation]

15.1.4 Resignation

1. **Definition**: Resignation is a written request by an employee to leave their job, either immediately or on a future date. The resignation must be clear and unconditional.

2. **Acceptance of Resignation**:
   a. Generally, resignations are accepted unless:
      i. The employee is working on a critical project, and replacement arrangements are pending.
      ii. The employee is under suspension due to a serious disciplinary issue.
   b. For Group 'A' and 'B' employees, resignation requires approval from the Minister in charge. For Group 'C' and 'D', the Head of Department must approve.
   c. If the case involves vigilance (disciplinary) issues, clearance must be obtained before acceptance.

3. **When Resignation Takes Effect**:
   a. Resignation becomes official only after it is accepted, and the employee is relieved from duty.
   b. An employee can withdraw their resignation before it is accepted.
   c. If resignation is accepted but the employee hasn't left yet, withdrawal may still be allowed unless there are valid reasons to refuse.

4. **Withdrawal of Resignation After Leaving**:
   a. An employee may request to withdraw their resignation after leaving, but only under certain conditions:
      i. The resignation was due to unavoidable reasons (not related to misconduct).
      ii. The employee's conduct after resigning was proper.
      iii. The request is made within 90 days of resignation.
      iv. The original or a similar post is available.
   b. Withdrawal is not allowed if the employee resigned to join a private company or another government body.
   c. If withdrawal is approved, the break in service will not count toward benefits like pension.

[Annexure – Resignation and withdrawal of resignation]

15.1.5 Termination of Temporary Employees

1. **Definition**: Temporary employees are those working in temporary posts or filling permanent posts temporarily under the Government of India. The rules for terminating their service are outlined in the Central Civil Services (Temporary Service) Rules, 1965.

2. **Termination Process**:
   a) The employer or the employee can terminate the employment by giving a written notice.
   b) The notice period is one month.
   c) In some cases, termination may happen immediately. If so, the employee will receive payment equal to one month's salary and allowances.

3. **Serving the Notice Period**:
   a) The notice must be handed to the employee in person.
   b) If personal delivery isn't possible, it will be sent by registered mail.
   c) If the notice is returned undelivered, it will be published in the Official Gazette, and this will be considered as proper notice

[Annexure – Resignation and withdrawal of resignation]

15.2 Extension procedure

1. Extensions are rare and only for exceptional cases (e.g., medical/scientific specialists up to age 62).

2. **Conditions:**
   a) Must be in public interest.
   b) The employee must be exceptionally skilled, or no suitable replacement is available.
   c) Integrity and performance records are scrutinized.

3. **Process:** Requests must be submitted 2 months before retirement.

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[Annexure - Extension]

15.3 Pension

15.3.1 Old pension scheme

1. The old pension rules, as per CCS rules 1972, are applicable to the employees, who are:
   a) Appointed on or before December 31, 2003.
   b) Appointed on a regular, pensionable post.

2. Key definitions
   a) **Qualifying Service**: The employee's total service length that counts towards pension. This includes periods of duty and leave with salary.
   b) **Emoluments**: The employee's basic pay + non-practicing allowance (if applicable) drawn just before retirement.

c) **Average Emoluments**: The average of the employee's emoluments drawn during the last 10 months of service.
d) **Pension**: A monthly payment after retirement.
e) **Gratuity**: A one-time lump sum payment on retirement or to the employee's family in case of death in service.
f) **Family Pension**: A monthly payment to the employee's eligible family members after the employee's death.

3. Types of pension:
   a) **Superannuation Pension**: Granted when the employee retires upon attaining the prescribed age of superannuation.
   b) **Retiring Pension**: Granted if the employee voluntarily retires after completing 20 years of qualifying service or under a special scheme.
   c) **Invalid Pension**: Granted if the employee retires due to a permanent bodily or mental disability.
   d) **Compulsory Retirement Pension**: Granted if the employee is compulsorily retired as a penalty.
   e) **Family Pension**: Granted to the employee's eligible family members upon the employee's death.
4. Amount of pension and Gratuity:
   a) **Pension**: Calculated at 50% of the employee's emoluments or average emoluments (whichever is more beneficial), subject to a minimum and maximum amount.
   b) **Service Gratuity**: If the employee has less than 10 years of service, the employee get a one-time service gratuity instead of a monthly pension.
   c) **Retirement Gratuity**: Payable if the employee complete 5 years of service. Calculated as 1/4th of the employee's emoluments for every completed 6-month period of service.
   d) **Death Gratuity**: Payable to the employee's family if the employee die while in service. The amount depends on the employe's length of service.
5. Family pension:

Family pension is paid to the employee's family members in a specific order of precedence:

   a) Spouse (widow/widower) until death or remarriage.
   b) Children (son/daughter) until they turn 25, get married, or start earning. There is no age limit for permanently disabled children.
   c) Dependent Parents (if no spouse or children are eligible).
   d) Dependent Siblings with disabilities (if no one else is eligible).
6. Important things for employee:
   a) **Maintain Nominations:** The employee must keep the nomination for gratuity updated with the Admin department. This ensures the money goes to the person(s) the employee chooses.
   b) **Update Family Details**: The employee must submit details of the family and keep it updated with any changes (marriage, children, etc.). This is crucial for smooth processing of the family pension.

c) **Start Early**: The employee, about a year before his/her retirement, must coordinate with the administration office to verify the service records and complete all necessary paperwork.

d) **No-Demand Certificate**: If the employee is occupying government accommodation, ensure that he/she clear all dues and obtain a 'No Demand Certificate' from the Administration/estate department to avoid delays in the gratuity payment.

7. Conduct matters:

The employee's pension can be withheld or withdrawn if employee is convicted of a serious crime or found guilty of grave misconduct even after the retirement.

8. Post retirement employment

If the employee is a Group 'A' officer, he/she needs prior government permission to take up commercial employment within one year of retirement.

15.3.2 New Pension scheme – NPS

1. New Pension Scheme (NPS) applies to all new employees joining the Central Government on or after January 1, 2004.
2. The old pension system (a defined benefit plan) has been replaced by a new defined contribution system called the New Pension Scheme (NPS).
3. The NPS has two parts
   a) Tier-I : This is mandatory for employee
   b) Tier-II: This is optional and employee can join later as well.
4. Tier-I (Mandatory account)
   a) The employee contributes 10% monthly Basic Pay, Dearness Pay, and Dearness Allowance.
   b) IWAI contributes 14% as the matching amount
   c) This is a retirement amount. The employee cannot withdraw this money while working.
5. Tier-II(Optional Account)
   a. This is a voluntary savings account that the employee can choose to contribute to.
   b) Unlike Tier-I, the employee can withdraw money from this account
6. The employee's contribution will start from the month he/she joins. Though, the first month's salary won't have the deductions
7. Withdrawing the pension
   a) The employee can withdraw the pension saving when he/she turns 60 or when he/she retires.
   b) When the employee withdraws, he/she must use at least 40% of the total savings to buy a pension plan (called an annuity) from a life insurance company. This provides a regular monthly income for life for the employee and his/her dependent parents/spouse
   c) If employee leaves government service before age of 60, he/she would have to use 80% of the total savings to buy the annuity.

16. Employment Terms and Policies

16.1 Working hours

1. Working hours are from 09:30 AM to 06:00 PM at IWAI, Head Office Noida (05 days of the week i.e. Monday to Friday) during the working days including half hour lunch break in between.
2. Working hours at Regional Offices are 10 Am to 5:30 PM, Monday-Saturday including half hour lunch break in between.

16.2 Biometric Attendance tracking

1. Employees are required to mark their attendance on the Aadhar based biometric stations placed at the place of work.

16.3 IWAI Internal Policies

16.3.1 Policy on engagement of consultants

1. IWAI can appoint consultants for different sections/wings based on the requirement and as per the policy and guidelines issued by the Department of Expenditure, Ministry of Finance. The revised policy for engagement of consultants is issued by IWAI on regular Intervals.

[Annexure – Consultants]

16.3.2 IWAI Internship policy

16.3.2.1 Summary

The Inland Waterways Authority of India (IWAI) offers internship opportunities to college and university students across various disciplines including Marine Engineering, Hydrography, Navigation, Legal, IT, Finance, HR, and more. Internships are available year-round and are hosted at IWAI Headquarters in Noida and other regional/sub-offices across India.

16.3.2.2 Key Features

1. **Eligibility & Selection**: Applicants are selected through a formal process by the Recruitment and Training Cell. Selection is based on qualifications, ability, and departmental requirements.
2. **Fields of Internship**: Interns are placed in specific areas such as River Cruises, Fairway Development, Indo-Bangladesh Protocol Route, Traffic Handling, Terminal Planning, and more, based on departmental needs

3. **Duration**: Internships last a minimum of 1 month and a maximum of 3 months, extendable up to 6 months upon discretion. Incomplete internships will not receive certification.

4. Remuneration: ₹10,000/month for Undergraduates and ₹20,000/month for Postgraduates/Research Scholars. Payment is made upon satisfactory completion and submission of a final report.

5. Work Location : Interns may be assigned to the Head Office or Project Offices depending on requirements.

6. Certification & Report: On successful completion, interns receive a certificate after submitting a report/paper, which is evaluated by senior officers. Feedback on the internship experience is also required.

7. Confidentiality : A declaration of secrecy must be submitted before the internship begins.

8. **Termination Clause:** IWAI may terminate the internship with one month's notice if performance is unsatisfactory.

16.3.2.3 Application Process

1. Details for applying are available on the IWAI website.

2. Selection is based on the number of applications, suitability, and availability of slots. IWAI reserves the right to screen and limit applicants per period/domain.

Please Refer to the Internship policy office order dated March 2025

(Annexure - Internship)

16.3.3 Grievance Redressal

1. The grievance redressal mechanism at IWAI is structured to facilitate prompt and fair handling of complaints while also focusing on preventing future issues through systematic analysis and policy improvements. This approach underscores IWAI's commitment to transparency and accountability in its operations.

16.3.3.1 Grievance Redressal officer

1. The IWAI Grievance Redressal is headed by a Grievance Redressal officer. IWAI will identify the competent authority and publish the same via the office memorandum.

2. This Grievance Redressal mechanism is set up in accordance with the directive from the Ministry of Shipping, Road transport & highway, department of shipping letter no. I-34015/3/2003 – O&M dated 21st October 2005.

[Annexure – Grievance Redressal officer]

16.3.3.2 Public Grievance via CPGRAM

1. The centralized Public Grievance Redress And Monitoring System (CPGRAMS) is one platform where one can lodge grievances for quick redress. CPGRAMS is an online web-enabled system over NICNET developed by NIC, in association with the Directorate of Public Grievances (DPG) and the Department of Administrative Reforms and Public Grievances (DARPG). CPGRAMS is a platform based on web technology that primarily aims to enable the submission of grievances by aggrieved citizens from anywhere and anytime (24x7) basis to Ministries/Departments/Organisations etc. who scrutinize and take action for speedy and favorable redress of these grievances. Tracking grievances is also facilitated on this portal through the system-generated unique registration number.

2. On the basis of grievances received through the CPGRAMS/CPENGRAMS portal, the Ministry of Ports, Shipping and Waterways identifies the problem areas in organizations/subordinate offices/PSUs including Main Secretariat which are administrative matters and general public complaint prone. These problem areas are then subjected to studies and remedial measures are suggested to the concerned organizations and departments etc. and also analyze public grievances received to help identification of the problem areas in which modification of policies/procedures could be undertaken with a view to making the delivery of services easier and more expeditious

16.3.4 Internal Complaints Committee (ICC) in connection with the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

1. The Competent Authority by exercising the power under section 4(1) of Sexual Harassment of Women at workplace (Prevention, Prohibition Redressal) Act, 2013 has reconstituted internal Complaints Committee (ICC) to meet the objective of the act and also to provide protection against Sexual Harassment to Women at work place and for the prevention and redressal of complaints pertaining to Sexual Harassment of Women employees and for matters connected therewith or incidental thereto as under

   a. One Presiding officer
   b. Two Members
   c. One External member

2. Presiding Officer and every member of Internal Complaints Committee shall hold office for such period, not exceeding three years from the date of their nominations

3. The Internal Complaints Committee shall in each calendar year prepare an annual report under section 21 of the said Act read Rule 14 which shall have details of number of cases filed, if any, and their disposal under this Act.

4. Refer to the office order dated 8.8.24

[Annexure – ICC]

16.3.5 RTI

To submit a request for information under the Right to Information (RTI) Act, the following steps needs to be followed:

1. **Fee:** There is a fee of ₹10 for each request.
2. **How to Pay the Fee:** Requester can pay this fee in one of the following ways:
    - Indian Postal Order: Made payable to "IWAI FUND" at the NOIDA Post Office.
    - Demand Draft: Drawn in favor of "IWAI FUND."
    - Online: Through the online payment portal.
3. **How to Submit:** Send the completed application and the fee payment:
    - Online, or
    - By post, directly to the concerned Public Information Officer (PIO).
4. **Finding the Right PIO:** A list of IWAIs PIOs and their areas of responsibility is available on IWAI website here: http://iwai.nic.in/node/97950

16.4 Code of Conduct

IWAI follows the CCS (Conduct) Rules, 1964 as the code of conduct.

1. General rules

As an employee of this IWAI, the employee must:

a) Act with honesty, integrity, and dedication to duties.
b) Uphold the Constitution of India and democratic values.
c) Maintain high ethical standards, fairness, and impartiality in all work.
d) Be accountable, transparent, and responsive, especially to vulnerable groups.
e) Treat the public with courtesy and respect.
f) Make decisions based on merit and public interest, ensuring efficient use of resources.
g) Avoid conflicts of interest and disclose any private interests related to the employee duties.
h) Never misuse the position for personal or family gain.
i) Follow all laws, rules, and regulations.
j) Maintain confidentiality of official information.
k) Perform duties with professionalism and dedication.

2. Supervisory responsibilities

If the employee is in a supervisory role:

a) Ensure the team acts with integrity and dedication.
b) Make decisions based on the best judgment unless directed by a superior.

c) Prefer written instructions; if oral directions are given, confirm them in writing promptly.

3. Polite and courteous

a) Be polite and respectful in all official interactions.

b) Avoid unnecessary delays in work assignments.

4. Government policies

a) Follow government policies on marriage age, environment, wildlife, cultural heritage, and women's safety.

5. Prohibition of sexual harassment

a) Do not engage in any form of sexual harassment at the workplace.

b) If the employee is in charge, take steps to prevent harassment.

c) Sexual harassment includes unwelcome physical contact, demands for favors, offensive remarks, or creating a hostile work environment.

6. Employment of relatives

a) Do not use the position to secure jobs for family members in companies the position deal with officially.

b) Class I officers must seek government approval before their dependents accept such jobs.

c) Avoid handling matters where family members have an interest.

7. Political neutrality

a) Do not join political parties or participate in political activities.

b) Prevent family members from engaging in subversive activities; report violations.

c) Voting is allowed, but do not reveal the choice or influence others.

8. Association and demonstration

a) Avoid associations that harm national integrity or public order.

b) Do not participate in strikes or disruptive demonstrations.

9. Media and public statements

a) Do not own or manage media outlets without approval.

b) Clearly state that the personal views are not the organization's.

c) Avoid criticizing government policies or actions publicly.

10. Gifts and dowry

a) Do not accept gifts, except from close relatives or friends with no official ties.

b) Report gifts exceeding specified limits (e.g., Rs. 25,000 for Group A).

c) Never give, take, or demand dowry.

11. Public honours and private employment

a) Do not accept public honours without approval.

b) Seek permission for private trade, employment, or elective offices.

c) Voluntary social, charitable, or literary work is allowed but must not interfere with duties.

12. Government accommodation

a) Do not sublet or lease official accommodation. Vacate when required

13. Investment and borrowing

a) Avoid speculative investments or financial dealings that could compromise the duties.

b) Do not lend or borrow money in ways that create conflicts of interest.

14. Property and assets

a) Disclose all movable and immovable property when joining and annually (for Group A/B).

b) Seek approval before acquiring or disposing of property, especially with official contacts.

15. Foreign transactions

a) Obtain approval for property dealings outside India or with foreigners

16. Personal conduct

a) Do not marry someone with a living spouse unless legally permitted.

b) Inform the organization if marrying a foreign national.

c) Avoid intoxication; never consume alcohol/drugs in public or let it affect work.

d) Do not employ children under 14.

17. Dispute resolution

a) Seek government approval before defending official actions in court or media.

18. Interpretation

a) For any doubts, the IWAI's decision is final.

[Appendix – CCS rules]

2025

National Institute for Smart Government

17. Annexure – IWAI Internal policies and Guidelines

17.1 Annexure - IWAI Act

Please refer to IWAI Act on the IWAI website.

17.2 Annexure - Delegation of powers

Please refer to Delegation of powers on the IWAI website.

17.3 Annexure - IWAI Recruitment, Seniority and Promotion Regulations, 1992

Please refer to IWAI recruitment, seniority and Promotion regulations 1992 on IWAI website.

17.4 Annexure – Consultant

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
मुख्यालय : ए–13, सैक्टर–1, नौएडा–201 301, (उ० प्र०)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Shipping, Govt. of India)
Head Office : A-13, Sector-1, Noida-201 301 (U.P.)
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F. No. IWAI-11014/65/2020-ADMIN RECTT Dated: 20th Jan, 2023

OFFICE MEMORANDUM

Sub: Revised Guidelines for engagement of Consultants in IWAI – reg.

In continuation of this Office Memorandum No. IWAI-11014/65/2020-ADMIN RECTT dt. 13.04.2021 vide which the guidelines for engagement of Consultants in IWAI were circulated. In order to streamline the engagement process and ensure uniformity, after due consideration of the policies and guidelines issued by Department of Expenditure, Ministry of Finance, a broad revised policy for engagement of Consultants has been framed along with terms and conditions for their engagement in IWAI.

The Authority in its 181st meeting which was held on 28.12.2022 has approved the Agenda regarding guidelines for engagement of Consultants and after approval of the Competent Authority, the revised guidelines for engagement of Sr. Consultants/ Specialist/ Consultant and Executive in IWAI is hereby circulated and the same may be followed w.e.f. **03.01.2023**. A copy of the revised guidelines for engagement of Consultants in IWAI is enclosed herewith for compliance.

This issues with the approval of the Competent Authority.

20.01.2023

Encl. as stated

(Neeraj Singh)
Asst. Secretary (A&E)
E-Mail: nsingh@iwai.gov.in
Phone No. 0120-2474050

Copy to (By E-Mail):

i. Chief Engineer-P.M (JMVP)/ Hy. Chief/ Dy. Secretary, (P&C)/ CAO/ Director (M)/ Director (NER)/ Director (Tech.)/ Director (T&L)/ Director (Resi. & IT)/ Director (Hy.)/ Assistant Secretary (P&C)/ Assistant Secretary (H&L), IWAI, Noida.
ii. Director, IWAI, Patna/ Kochi/ Guwahati/Bhubaneswar
iii. Dy. Director, IWAI, Kolkata
iv. Office In-Charge, NINI, Patna
v. Sub Office Varanasi, Prayagraj, Sahibganj, Vijayawada, Dibrugarh, Dhubri.
vi. IT Cell – For uploading on IWAI Website
vii. Hindi Cell – For Hindi Translation
viii. Notice Board
ix. Master Copy / Office Copy

Copy for Information to (By E-Mail):

P.P.S./P.S./P.A. to Chairman/ Vice-Chairman/ Member (Finance)/ Member (Technical)/ Member {Tr. & L, (I/c)}/, Secretary, IWAI, Noida.

ANNEXURE – 'A'

GUIDELINES FOR ENGAGEMENT OF CONSULTANTS

Nov -2022

A-13, Sector-1, Noida -201301, Uttar Pradesh
Phone No. – 0120- 2544040, 2544036, 2543972.
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1. Introduction

1.1 Inland Waterways Authority of India (IWAI) was constituted on 27th October 1986 vide Inland Waterways Authority of India Act,1985 for regulation and development of Inland Waterways for the purpose of shipping and navigation. As per Section 14 of IWAI Act, 1985 IWAI is mandated with the development and regulation of those waterways declared as National Waterways. A total of 111 waterways have been declared as National Waterways as per National Waterways Act, 2016.

1.2 Besides, IWAI is also developing and maintaining the Indian side of the designated waterway routes under the Indo-Bangladesh Protocol for transit and trade, and is assisting MEA in development & maintenance of Kaladan Multi Modal Project in Myanmar.

1.3 The role of IWAI in the overall augmentation of IWT sector is pivotal. IWT sector has huge potential to be developed as an eco-friendly, cost effective and viable mode of transportation to boost the economy of the country and also help enhance employment generation, tourism and trade.

2. Purpose & Rationale

2.1 Due to increase in workload with the declaration of 106 new National waterways in 2016, IWAI is looking forward to augmentation of the desired skill sets to facilitate on time Project delivery.

2.2 The proposal for the restructuring of the Organization, is already being considered for creation of necessary posts to meet future requirements. However, in order to bridge the existing resource gap, the Authority is engaging Sr. Consultants / Consultants / Specialists and Executives.

2.3 This document intends to put in place guidelines and procedures to bring in standardization and consistency in the methodology of engaging Sr. Consultants Consultants / Specialists and Executives in IWAI and regulating their services.

2.4 The purpose of this document is to explain the procedures for selecting, contracting, and monitoring consultants required for delivery of Projects.

2.5 Only the particulars of appointing consultants are dealt with herein, as the services to which these procedures apply are of an intellectual and advisory nature in the field of *Civil Engineering*, Project Design, Procurement, Project Management & Monitoring, Naval Architecture, Hydrography, Establishment & Administration, Training, Legal, Public Relations, Business development, Finance & Accounts and IT applications etc.

3. Categories of Consultants & Executive

3.1 The engagement of the Consultants may be made in any one of the following four levels based on qualification & experience;

(i) Senior Consultant

Essential Qualification:

a. **Educational:** Applicant having Bachelor Degree in relevant subject. Specific qualifications in relevant field / subject.

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b. **Work Experience**: Applicant should be a retired Central / State Government employees / Retired PSU employees / Retired IIT employees at the ***Level 13 or above.***

Or

Applicant should be individuals from Non-Government / Private / Consultancy Firms / Multinational organizations with minimum of **15 years** post qualification experience in the relevant field would be essential.

c. **Desirable:** Professional qualifications in relevant subject.

d. **Age:** Minimum age criteria for the role of a Senior Consultant is **35 years** and maximum age limit while inviting applications is **capped at 63 years**. However, in exceptional cases of highly specialized requirements, age beyond 65 years can be relaxed for not more than one year (upto a max of 2 years) only with the approval of the Chairman, IWAI.

(ii) Consultant

a. **Educational:** Applicant having Bachelor Degree or equivalent in relevant field / subject.

b. **Work Experience:** Applicant should be a retired Central / State Government employees / Retired PSU employees / Retired IIT employees / at the ***Level 12.***

Or

Applicant should be from Non-Government / Private / Consultancy Firms / Multinational organizations with minimum of **10 years** post qualification experience in the relevant field would be essential.

c. **Desirable:** Masters Degree in relevant field / subject.

d. **Age:** Minimum age criteria for the role of a Consultant is 30 years and maximum age limit while inviting applications is capped at 63 years. However, in exceptional cases of highly specialized requirements, age beyond 65 years can be relaxed for not more than one year (upto a max of 2 years) only with the approval of the Chairman, IWAI.

(iii) Specialist

a. **Educational:** Applicant having Bachelor Degree in relevant field / subject.

b. **Work Experience:** Applicant should be retired Central / State Government employees / Retired PSU employees / Retired IIT employees / at the *Level 11 or above.* Naval Sailor with Hydrographic qualification of SR I / II course will be considered as consultant as they are specialist in Hydrographic processing software.

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Or

Applicant should be from Non-Government / Private / Consultancy Firms / Multinational organizations with minimum of **05** post qualification experience in the relevant field would be essential.

c. **Desirable:** Master Degree (MBA, M.Com. etc.) in relevant subject.

d. **Age:** Minimum age criteria for the role of a Specialist is 25 years and maximum age limit while inviting applications is capped at 63 years. However, in exceptional cases of highly specialized requirements, age beyond 65 years can be relaxed for not more than one year (upto a max of 2 years) only with the approval of the Chairman, IWAI.

(iv) Executive

a. **Educational:** Applicant having Bachelors' Degree in relevant field / subject.

b. **Work Experience:** Applicant should be from Government / Non-Government / Private / Consultancy Firms / Multinational organizations with minimum of 2 years of post-qualification relevant experience would be considered.

c. **Desirable:** CA/ CMA Inter/ Master Degree (MBA, M.Com. etc.) in relevant subject.

d. **Age:** Minimum age criteria for the role of an Executive is 22 years and maximum age limit while inviting applications is capped at 63 years. Engagement/extension beyond 65 years shall not be done.

Note: Qualifications mentioned for engagement of Sr Consultants/ Consultants / Specialists should be clearly demarcated as Essential / Desirable by the respective wings and the respective wing/section proposing the engagement should define roles and responsibilities and accord financial concurrence and approval of the Competent Authority and forward to Admin wing for further necessary action.

4. Background Verification

4.1 IWAI is committed to maintaining the highest levels of honesty and integrity and to preventing corrupt, dishonest, unethical or unprofessional behaviour. Thus IWAI shall confirm and check the identity and testimonials of the selected candidates, before they are given access to the Office premises.

4.2 For this purpose, IWAI reserves the right to get a background check conducted for the selected candidates, which each will explicitly agree to. This may be effected either directly by IWAI or any appointed third party agencies.

4.3 If the background check reveals any discrepancy, the candidate's services are liable to be terminated forthwith without any notice or salary in lieu of notice.

4.4 The background verification guideline lays out the standards for a fair and effective verification process in relation to the recruitment of Consultants or Executives working with IWAI.

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4.5 In all cases where adverse information is discovered during the verification process, the candidate shall be informed of such information and, where appropriate, will be given the opportunity to explain or account for the adverse finding, prior to any decision being taken.

4.6 Background verification checks may include the following:

a. Identity check: Verification of an individual's identity
b. Address verification: Verification of place of residence
c. Criminal record check: Verification of criminal history or background, including police verification
d. Education check: Verification of an individual's qualifications and / or professional registration
e. Employment check: Verification of an individual's employment history

5. Procedure for Selection

5.1 The selection of consultants shall be made in accordance with the provisions contained in GFR 2017 Rule 177 to 196.

5.2 The requirement of IWAI will be advertised from time to time on the website as well in at least one newspaper.

5.3 The applications received shall be placed before a Screening Committee headed by officer of the level of Secretary.

5.4 Shortlisted applications shall be placed before a Selection Committee headed by Member (Finance) or as approved by Competent Authority.

5.5 The committee shall prepare a panel of 3 names per vacancy which will include 2 persons in the waiting list. The panel would be valid for a period of one year.

5.6 In certain exceptional cases, with the approval of the Chairman selection from a single source as per GFR may also be considered. However, full justification for this must be given by the Selection Committee.

5.7 The final approval in all case of appointment of professional shall be accorded by the Chairman, IWAI.

6. Entitlement of Consultants & Executive

6.1 Remuneration:- The Full-time Consultants shall be paid a monthly remuneration as per below classifications :-

Sl. No.	Designation	For Central/State Government/Retired PSU employees/ retired IITians)	Fixed Salary (For Non-Government/Private/Consultancy Firms/Multinational Organisations)
i	Senior Consultants	Last pay drawn minus Pension plus entitled allowance	INR 1,25,000 – 1,50,000per month
ii	Consultant		INR 1,00,000 – 1,20,000per month
iii	Specialist		INR 70,000 – 90, 000 per month
iv	Executives		INR 50,000 -65,000 per month (Depending on qualification and experience)

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Note: An annual increment of 5% for Non-Government Consultants shall be given based on the performance and recommendation of wing head and approval of the Competent Authority within the maximum cap as given above OR a maximum fixed remuneration per month on negotiation basis but not exceeding the cap would be admissible without any annual increments.

In case of IDA employees: Retired employees in IDA scales re-engaged as Consultants will be paid monthly remuneration @ 50% of Basic Pay drawn plus CDA, where no pension is drawn by the retired employees or last Basic Pay minus pension plus CDA where pension is drawn by the retired employee.

Emoluments of Part-time Consultants will be decided on a case-to-case basis, taking into consideration the number of days for which they render services to IWAI.

Consultants shall generally be recruited on full time basis only.

In exceptional cases, where a retired government official post retirement has gained professional experience relevant to his specialisation, his/ her latest experience shall be taken into account while fixation of his salary at par with the private Consultants (subject to recommendation of the Wing Head (respective members) and approval of Chairman, IWAI).

6.2 Allowance: - The Consultants shall not be entitled to any allowance such as Dearness Allowance, Residential Accommodation, Personal Staff, CGHS and Medical Reimbursement etc.

Transport Allowance: Fixed amount as Transport Allowance for the purpose of commuting between the residence and the place of work shall be allowed not exceeding the rates as prescribed below:

1. Sr. Consultants : Rs 3600/ month
2. Consultants: Rs 3600/ month
3. Specialists: Rs 3600/ month
4. Executives: Rs 1800/ month

6.3 Leave: - Individual shall be eligible for 18 days leave in a calendar year on pro-rata basis. Therefore a Consultant shall not draw any remuneration in case of his / her absence beyond 18 days in a Year calculated on a pro-rata basis. Also un-availed leave in a calendar year cannot be carried forward to next calendar year. At any given point of time, leave more than 05 days, shall not be admissible in normal circumstances. Leave beyond 05 days, approval of the Wing Head is mandatory.

6.4 TA/DA: - No TA/DA shall be admissible for joining the assignment or on its completion Consultants will not be allowed foreign travel at Government expenses.

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However, Consultants shall be allowed TA / DA and Hotel Accommodation at par with the rates applicable to Officials with pay level in IWAI as per following:-

1. Senior Consultants – Level – 12
2. Consultant – Level – 11
3. Specialist – Level – 10
4. Executives – Level – 8

7. Existing Consultants

7.1 The date of applicability of the guidelines shall be decided by the Competent Authority at IWAI.

8. General Terms & Condition

The scheme of engagement of Senior Consultants / Consultants / Specialists / in IWAI shall be regulated as per the following guidelines

8.1 Individuals (Non-Government / Private / Multinational / Consultancy Firms) or Retired Employees from Govt. / Autonomous Bodies with requisite qualifications and experience as prescribed would be eligible for being engaged as Consultants. However the engagement as "Sr. Consultant / Consultant" shall not be considered as a case of re-employment.

8.2 Sr. Consultants / Consultants / Specialists / Executive would be engaged for a fixed period for providing high quality services to IWAI as per Agreement / Letter of Appointment.

8.3 The appointment of Sr. Consultants / Consultants / Specialists / Executive would be on fulltime basis, unless specified, and they would not be permitted to take up any other assignment during the period of engagement with IWAI.

8.4 Working hours would be from 9:30 am to 6:00 pm IST during the working days including half hour lunch break in between.

8.5 Attendance will have to be marked in the Bio-Metric System, installed at the IWAI office / Attendance Registers maintained by respective wings.

8.6 The Consultants engaged on full-time basis will be required to attend office on all working days and also on holidays, if required, on accounts of exigencies of work.

9. Tax Deduction at Source

9.1 Income Tax or any other Tax liable to be deducted, as per the prevailing rules will be deducted at source before effecting the payment for which the office will issue TDS Certificate.

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10. Conflict of Interest

10.1 Consultant/s are expected to display utmost honesty, secrecy of office and sincerity while discharging their duties.

10.2 In case of breach of Contract or integrity issue/s, the service of the appointed Consultant will be discontinued with immediate effect without assigning any reason.

10.3 The Consultants are not allowed to participate directly or indirectly in any other business transaction / engagement during the Contract period with IWAI.

11. Commitment to Confidentially

11.1 Maintaining confidentiality is an utmost condition of the association with IWAI as Consultants / Executives.

11.2 Consultants / Executives shall not, either during his / her employment with IWAI or after termination of such associations, divulge to any outside member / party any information, accounts or dealings relating to IWAI, its affairs or its clients, service providers, sub-contractors or vendors etc.

11.3 On discontinuation of the association, the consultant / executive shall return to IWAI all papers and documents and all other property pertaining to IWAI or affairs of IWAI or its client or any of its associates or branches, which may be in his / her possession, from which he / she will not retain any copy or extract.

11.4 In case of any breach of confidentiality covenant, either during or after the termination of the association with IWAI, consultant / executive shall agree to be personally held liable to IWAI clients or third parties.

12. Workplace Conduct

12.1 IWAI is committed to creating a workplace where all individuals are treated fairly with dignity, courtesy, and respect.

12.2 Part of this commitment is making sure that the workplace is free from any form of discrimination, harassment or bullying. No individual should engage in behaviour which is considered as discriminating or causing harassment.

12.3 Such behaviour will not be tolerated, and could result in termination of the engagement without assigning any reason.

12.4 Sexual harassment is a misconduct as per the terms of employment / agreement and under the law. [Refer to: Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013]

12.5 Any such misconduct under the policy of Sexual Harassment and /or the law shall result in both disciplinary as well as penal consequences, including but not limited to monetary penalties through deduction from salary, termination from association / engagement and / or other such punishment prescribed under the law.

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13. Performance Management

13.1 The purpose of this guideline is to outline an approach towards building a high-performance culture and promoting meritocracy, transparency, and fairness.

Periodical Performance Appraisal of the Consultants would be undertaken through a Performance Evaluation Report (PER). Performance Evaluation Report is the most important record for the assessment. At the same time the quality of PER is a measure of the competence of the Reporting Officer and Countersigning Officer. It is, therefore, essential that utmost care is exercised by all Reporting and Countersigning Officers. The performance Appraisal would be conducted by the respective reporting officers and countersigned by the reviewing officers. The format for evaluation would be evolved and circulated in this regard.

14. Period of Engagement

14.1 The initial period of engagement of Sr. Consultant / Consultant / Specialist / Executive will be for fixed duration of time of 1 year with a suitable allowance on case to case basis by the Competent Authority and a provision to extend the period of contract for another 1/ 2 year period with same terms and conditions for the benefit of Authority and with remuneration as mentioned at para 6 and Consultant w.e.f. issue of revised guideline. The engagement would be reviewed and extension would be given based on evaluation of Project requirement, Performance, availability of resource within IWAI.

15. Notice Period

15.1 The contract can be terminated by either parties by giving a 30 days written notice or payment in lieu of the notice.

16. Termination of Agreement

16.1 IWAI may terminate a contract under the following circumstances:

a. The Consultant / Executive is unable to address the assigned works,

b. Quality of the assigned works is not to the satisfaction of the department.

c. The Consultant / Executive fails in timely achievement of the milestones as finally decided by the department.

d. The requirement of consultant as per volume of work.

e. The Consultant / Executive is found lacking in honesty and integrity.

f. The Department reserves the right to terminate the contract by giving 30 days' notice to the Sr. Consultant/ Consultant / Specialist / Executive in normal cases. In case of conflict of interest or lack of integrity, immediate termination and legal action, as deemed fit shall be done.

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17. Repeal

17.1 Any guidelines corresponding to these guidelines in force immediately before the commencement of these guidelines are hereby repealed.

17.2 Provided that any order made or action taken under repealed shall be deemed to have been made or taken under the corresponding provisions of these guidelines.

18. Enforcement of Guidelines

18.1 Wherever there is any doubt about the meaning of context or application of these guidelines the decision of the Chairperson of the Authority shall be final and binding.

19. Governing Law

19.1 Any legal proceedings in respect of any matter of claim or dispute shall be subject to exclusive jurisdictions of Courts in Noida, U.P. In case of any ambiguity / dispute arising on account of interpretation in Hindi version, the English version shall prevail.

20. Signing of Agreement

20.1 Upon joining IWAI, Consultant shall be required to execute an Agreement on Rs. 100/- Stamp Paper in the prescribed format containing the details of their engagement, which will be effective from the date of joining IWAI in pursuance of the offer of engagement.

21. The Guidelines shall be applicable for all the Consultants engaged by IWAI. In case of fresh engagement/ extension of Consultants, the originating Wing will prepare the Terms of Reference (ToR), Education Qualification & Experience requirements as per the Guidelines and along with justification with the approval of respective Wing Head forward the same to the Recruitment Wing of IWAI at least one month in advance for examination for taking financial concurrence and approval of the Competent Authority.

22. Guidelines for engagement of Consultants may be reviewed every 05 years or as directed by the Competent Authority.

(Capt. Mahendra Kumar)	(Ravi Kant)	(Col. Harsh Vardhan)	(Praveen Nandwana)
Hy. Chief	Chief Engineer (JMVP)	Secretary, IWAI	Member (Finance)

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17.5 Annexure – Internship

भाअंजप्रा
IWAI

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)
मुख्यालय: जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301 (उ0प्र0)

INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Govt. of India)
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F. No. IWAI-17012(12)/1/2023-Admin Rectt. **Date: - 20.03.2025**

CIRCULAR

Sub: Engagement of Interns at IWAI, under the Internship programme (2025-26) of the Inland Waterways Authority of India – reg.

Inland Waterways Authority of India (IWAI) is a statutory body, set up by an Act of Parliament (IWAI Act 1986), under the administrative control of Ministry of Ports, Shipping and Waterways, Government of India (GOI).

2. IWAI offers opportunity to students (undergraduate/postgraduate/ Research Scholar) and to undertake an internship at its Headquarters located in Noida, U.P. and in various Regional Offices located across pan India. Students interested and fulfilling the prescribed criteria may submit the application in prescribed format under the terms and conditions of Internship Programme of the Inland Waterways Authority of India.

For further details as regards eligibility, etc. the website of IWAI viz www.iwai.nic.in may be visited.

20.03.25

(Neeraj Singh)
Assistant Secretary (Admn. & Estt.)
Email Id: nsingh@iwai.gov.in
Phone No: 0120-2474050

Copy to :- (By E-mail)

i. Chief Engineer (Tech.) / Chief Engineer & Project Manager (JMVP) / Chief Engineer (Tr. & Log.)/ Chief Engineer (NER & OW)/ Hydrographic Chief / Chief Accounts Officer / Deputy Secretary (P&C)/ Director (Hydro & RE)/ Director (JMVP)/ Assistant Secretary (P&C)/ Assistant Secretary (L&H) IWAI, Noida.
ii. Director/OIC, IWAI, Patna / Kolkata/ Guwahati/ Kochi/ Bhubaneswar/ Varanasi.
iii. Officer-In-Charge, Sub Offices, IWAI, Allahabad/ Sahibganj/ Farakka/ Vijayawada.
iv. IT Wing – For uploading on IWAI Website.

Copy for kind information to: - (By E-mail)
P.P.S. /P.S. /P.A. to Chairman/ Vice-Chairman/ Member (Traffic & Logistics)/ Member (Finance-I/c)/ Member (Technical)/ Secretary, IWAI, Noida.

भाअजप्रा
IWAI

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)
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F. No. IWAI-17012(12)/1/2023-Admin Rectt. **Date: - 20.03.2025**

NOTIFICATION

Sub : Internship program (2025-26) of the Inland Waterways Authority of India – reg.

Inland Waterways Authority of India (IWAI) is a statutory body under the Ministry of Ports, Shipping and Waterways, Government of India (GOI). IWAI was set up in 1986 with a mandate to develop and regulate the inland waterways for the purposes of shipping and navigation. IWAI is primarily responsible for development, maintenance and regulation of Inland Water Transport (IWT) in the country and specifically National Waterways (NWs). In April, 2016, the Government of India has declared 106 new National Waterways in addition to the existing five National Waterway.

2) IWAI offers opportunity to students and to undertake an internship at its Headquarters located in Noida, U.P. and various Regional Offices/ Sub-Offices located across pan India. For details please refer to the website www.iwai.nic.in.

3) IWAI provides an opportunity for Internship Programme to college/ university students in the specific area of work to the intern on the basis of his/her application and selection process followed by IWAI. The particular field could be Marine Engineering, Hydrography, Fairway Development, River Information Systems, Traffic and Cargo Handling, Terminal Planning and Operations, Vessels Operations, Navigation & Vessel Traffic Management Systems, River Cruises & related affairs, Indo-Bangladesh Protocol Route, Capacity Building, Finance, Administration, Information Technology related to Water Transport, Legal and HR etc. This will depend upon the requirements received from relevant departments of IWAI every year.

4) The Internship Programme provides an excellent opportunity to interns to familiarise them with the overall proves of development of Inland Waterways Authority of India at the macro level. An intern may be required to work at Head Office or Project Office depending upon the requirement of the Authority.

5) The objective and guidelines/salient features of the Internship Programme of the IWAI are tabulated below:

5.1) **Name of the Scheme: "The Inland Waterways Authority of India Internship Scheme"**

5.2) **Purpose:** To provide with Selected Candidates" short term exposure to different verticals/ divisions/ units of IWAI as "Interns".

5.3) Objective of the Scheme: The scheme has following stated objectives:

5.4) To allow young academic talent to be associated with IWAI work for mutual benefit.

5.5) The "Interns" shall have the opportunity to know about IWAI functioning, understand overall process of development of Inland Waterways Transport (IWT) of India at the macro level, issues faced and contribute towards inputs, analysis, report writing, proposal preparation work.

6) Internship

6.1) Internship shall be available throughout the year based on requirement of IWAI.

6.2) **Eligibility:** Candidates pursuing/completed Graduate/ Post-Graduate Courses from Universities/ Institutions of National and International repute are eligible to apply for the internship provided:

a) For Graduate students, they should have obtained at least 75% marks in 12th examination.

b) For Post-Graduation students, they should have obtained 60% in the graduation degree;

c) For research Scholars, they should have obtained at least 60% in Post-Graduation.

7) Duration: Duration of internship will be for a minimum period of One (01) month and maximum (03) months as decided by the Competent Authority, IWAI but not exceeding (06) months in exceptional cases as decided by the Competent Authority. Interns not completing the requisite period as stipulated in their offer will not be issued with any certificate.

8) Termination: The internship may be terminated by IWAI by giving one month notice in case the performance of the candidate is not up to the mark.

9) Experience Certificate: Certificates will be issued to the interns on satisfactory completion of their internship and on submission of their Report/paper and its evaluation by the Director/ Director-In Charge level officers in their concerned Division. A certificate regarding successful completion of Internship shall be issued by IWAI in the enclosed format at **Annexure-B.**

10) Logistic Support: Interns will be required to have their own laptops. IWAI will provide them with working space. No accommodation will be provided to interns. In case the intern is required to travel for the work assigned, he/she will be reimbursed for the traveling cost as per the entitlement of Technical Assistant at IWAI.

11) Stipend: Stipend @ Rs. 10,000/- for Undergraduate and Rs. 20,000/- for Post Graduate/ Research Scholar per month will be payable on satisfactory completion of their internships. Last month stipend shall be provided on submission of their Report/paper. Interns will be eligible for stipend equivalent of number of days of attendance in office against total number of working days in that month.

12) Declaration of Secrecy: Interns are required to furnish to the Authority a declaration of secrecy before reporting for the internship.

13) Attachment: The interns would be attached with one Director/Deputy Director level officer in the concerned Division of the Authority.

14) Submission of papers: The interns will be required to present to the concerned Head of Division a Report/Paper on the allotted subject at the end of the internship. Simultaneously, they will also be required to give to the concerned HoD their mandatory feedback on their experience of the Programme, monitoring and supervision by the officer concerned.

15) Procedure for application

15.1) The interested and eligible students are to send their applications, along with their CVs in the enclosed prescribed format **(Annexure-A)** to The Secretary, Inland Waterways Authority of India, A-13, Sector-1, Noida-201301.

15.2) Applicants must also clearly indicate the area of interest. In order to allocate the selected applications, as per their interests, to various Division, it is suggested that the applicants should go through the website of IWA viz., http://iwai.nic.in and apply in the prescribed format indicating in their application the name of Division and areas of their interest, in order of preference, on which they would like to work upon during their internship.

15.3) At the time of joining on selection, applicants shall be required to produce a letter from their Head of Department/ Principal, indicating their status in the institution and "No Objection" for allowing their students to undergo Internship programme for the period for which he or she is selected.

16) Procedure for Selection and Other Modalities of the Scheme.

16.1) All the applications received will processed by the Recruitment and Training Cell at IWAI as per the procedure and only the selected candidate will be informed to join the programme at designated location.

16.2) All the applications will be scrutinized by the Head Office/ respective Directorate. The actual offers will be sent to the selected interns subject to availability of slots (PG/UG), consent of the concerned Division and approval of the Competent Authority. The Authority shall accommodate interns as per the requirement which may vary from time to time.

16.3) Depending upon the number of applications received against a particular domain/area, IWAI reserves the right to fix the selection criteria, limit the number of applicants to be called for particular period and to decide about the mode of screening.

16.4) IWAI retains the discretion to choose the most suitable candidate amongst applicants based on the criteria of ability, knowledge and qualifications.

17) The maximum number of interns during the year 2025-26 to be trained at IWAI are as under:

17.1) Undergraduate (UG) – 10 (Ten)

17.2) Post Graduate/ Research Scholar (PG) - 15 (Fifteen)

17.3) The Region wise requirement/ proposed deployment of Interns details is as under:

Sl. No.	IWAI, Head Office/ Regional Offices/ Sub Offices	No. of PG Interns proposed to be deployed	No. of UG Interns proposed to be deployed
1.	Head Office, NOIDA	8	4
2.	Kolkata, RO	3	2
3.	Kochi, RO	1	1
4.	Patna, RO	2	1
5.	Guwahati, RO	1	--
6.	Varanasi, RO	--	1
7.	Bhubaneshwar, RO	--	1
Total		**15**	**10**

17.4) The attendance record and details of the work supervision shall be maintained by the Head of Verticals/Units/Divisions.

17.5) The concerned Head of Verticals/Units/Divisions shall be personally responsible for ensuring the work mutually agreed with Intern is satisfactorily completed.

18) The policy/programme may be modified as per the requirement of IWAI with the approval of the Competent Authority (i.e. Chairman, IWAI)

19) Internship is neither a job nor any assurance for job in IWAI.

20) This bears the approval of the Competent Authority.

20.03.25

(Neeraj Singh)
Assistant Secretary (Admn. & Estt.)
Email:- nsingh@iwai.gov.in
Phone No. 0120-2474050

Annexure-A

APPLICATION FORM FOR THE INTERNSHIP PROGRAMME OF THE INLAND WATERWAYS AUTHORITY OF INDIA 2025-26

Name, full address and telephone no. of the sponsoring institution : (if any)

1. Full Name (Mrs./ Ms./ Mr.) :

2. Father's Name :

3. Mother's Name :

4. Date of Birth :

5. Full Postal Address for communication (including Telephone, Mobile and E-mail address)

6. Place of Birth :

7. Aadhar No. :

8. Contact No. : 1.

2.

9. **Educational Qualifications :**

Exam	University/ Institute	Year of Passing	% of Marks	Subject

10. **Additional Qualification (professional, if any) :**

11. **Subject of Specialization/ Interest :**

12. **Projects Undertaken (Please provide brief description) :**

13. **(For Research Students only)**
Brief description of the subject/ purpose of the current research.

14. Project/ Area of Preferences : (Please note that it may not always be possible to allocate project/ Area of choice)

15. Place of choice : 1st preference :

2nd preference :

3rd preference :

16. Period for which internship is required; for 1 month/3 months/ 6 months

17. Names of two References from the present Institute or the Institute(s) last attended :

i. .....
ii. .....

18. Why do you want to join this internship (in brief not exceeding 100 words)

19. I certify that above information furnished by me is true to the best of my knowledge and belief.

Place :

Signature :

Date :

Name :

20. Authentication of particulars furnished above by the Institute/ University (current or last attended)

This is to certify that the information furnished by Mrs./ Ms./ Mr. _____in the form of application above is correct the best of our knowledge.

Recommendations, if any

(Signature & Seal of Authorised Official)

Annexure – B

FORMAT OF INTERNSHIP COMPLETION CERTIFICATE

(To be given on Letter Head)

Dated : <Date>

TO WHOMSOVER IT MAY CONCERN

This is to certify that <Mr./Ms.>_____ a student <University/Institution> has successfully completed <his/her> Internship with Inland Waterways Authority of India, Government of India from _____ to _____. During the period of Internship he/ she worked under _____in the following areas.

(i)

(ii)

2. <He/She> has shown special flair for _____and <his/her> performance in preparation of the report has been rated as _____.

3. During the period of <his/her> internship programme <he/she> was punctual and hard working.

4. I with <him/her> every success in <him/her> life and career.

(Signature)
<Concerned Officer>

17.6 Annexure – SOP – Hydrography section

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
मुख्यालय : ए–13, सैक्टर–1, नौएडा–201 301, (उ० प्र०)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Shipping, Govt. of India)
Head Office : A-13, Sector-1, Noida-201 301 (U.P.)
Website : www.iwai.gov.in | www.iwai.nic.in
Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No. IWAI/HY/HySurvey-SOP/2021 Dated: 31.01.2022

To,

The Director, IWAI, Kolkata
The Director, IWAI, Vijayawada
The Director, IWAI, Guwahati
The Director (I/C), IWAI, Patna
The Director (I/C), IWAI, Kochi
The Officer-In-Charge, IWAI, Varanasi
The Officer-In-Charge, IWAI, Farakka
The Officer-In-Charge, IWAI, Sahibganj
The Officer-In-Charge, IWAI, Bhubaneshwar
The Officer-In-Charge, IWAI, Kollam
The Officer-In-Charge, IWAI, Swaroopganj
The Officer-In-Charge, IWAI, Dhubri
The Officer-In-Charge, IWAI, Dibrugarh
The Officer-In-Charge, IWAI, Prayagraj
The Officer-In-Charge, IWAI, Silchar

Sub: Hydrographic Survey Instructions- 01/2022 -reg.

Hydrographic Survey Instructions- 01/2022 are enclosed herewith for strict compliance by all field offices.

The Directors/OIC's kindly circulate the Hydrographic Survey Instructions- 01/2022 for strict compliance amongst all the surveyors in their jurisdiction.

m/Kumar

(Cdr. Mahendra Kumar)
Hydrographic Chief
Phone: 0120-2527667 (O)
Email: hc.iwai@nic.in

Encl: As stated.

Copy to: - (By Email)

1. Chief Engineer (Tech.)/ Chief Engineer (JMVP), IWAI Noida.

Copy for kind information to: - (By Email)

2. PPS/PS to Chairman/ Vice-Chairman/Member (Technical), IWAI Noida.

Hydrographic Survey Instructions – 01/2022

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A. Planning

1. Schemes Preparation

1.1. Annual scheme for hydrographic survey shall be forwarded to HO, Noida two months before start of new financial year for approval of the Competent Authority.

1.2. The Annual scheme to be prepared keeping following points in view:

- Estimation of number of days for field surveys, which includes lean and flood season thalweg surveys, all types of detailed surveys (Shoal, Bandalling, Dredging & Terminal) and other essential surveys (Channel Inspection, Reconnaissance etc.).
- Expenditure towards fuel, oil, contingent manpower and OBM operators (along with minimum wages orders).
- Tide Gauges and Tide Gauge Readers with budgetary quotes/ minimum wages orders.
- Hiring of Vessel, Boat, Manpower with budgetary quotes and justifications
- Equipment / PC repairs / Upgradation, Annual Maintenance (Hypack, PC, Echosounder etc.) and Insurance charges.
- TA/DA, Stationary and welfare provisions.
- Estimation of new software and hardware required with budgetary quotes and justifications. NIT Charges.
- Other miscellaneous items like World Hydrographic Day Celebration, Recharges, Royalty charges, Satellite Imageries etc.

1.3. Field office have to assess the requirement of hardware and software's for next five years as per the field requirement, introduction of new technologies, accuracy, equipment health and forwarded to the H.O. for procurement.

2. Operational Management

2.1. Necessary approval of schemes, work orders etc. for execution of different developmental activities for improvement and maintenance of navigational channel are being issued from time to time.

2.2. The expenditure shall be made observing due economy in the expenditure, as per the Delegation of Powers by duly observing all codal provision of GFR / rules / regulations / order of GoI / GeM / IWAI relating to procurement of goods, services.

2.3. Necessary provision for procurement / repair / AMC of survey / communication equipment, Boats are being provided in the estimates.

2.4. Before commencement of seasonal survey works, it is to be ensured that all the equipment's are in good working condition and software's have been updated (like updating of Hypack license etc.).

2.5. **Procurement:** All hardware, software and stationary provisioned in the scheme shall be procured through online open tendering or GeM or through appropriate procedure before commencement of working season.

2.6. Every instrument shall be affixed with barcode sticker for centralized Inventory Management and Tracking System (IMTS).

2.7. All hardware and software are required to be properly maintained through maintenance contract / timely repair. If the cost of repair / maintenance contract exceeds the delegated power of field in-charge, necessary approval may be obtained from the H.O. in advance.

2.8. **Check off list** before undertaking hydrographic survey has to be made and the Check list shall contain following information:

- Scope of Work
- Availability of Survey Vessel and Boat
- List of hardware (Laptop / PC, Echosounder with Transducer, DGPS / GPS) and software (HypackMax with Hardlock) required as per Scope of Work.
- Generator / Invertor, sufficient numbers of 24V/12V Batteries, AA/AAA Pencil Cells, Connectors, Moxa Cables, DC to AC convertor, Extension Board, Plugs, Bamboo, Ropes, Oars, Anchor etc.
- OBM with Operator, Fuel, 2T, required stationary etc.

2.9. It is advisable to keep additional hardware and software with accessories.

2.10. Operational and maintenance instructions of Echo Sounders, DGPS / GPS Receivers and Software and there interfacing and interconnectivity may be prepared with the help of instrument manuals / Suppliers. The draft Standard Operating Procedure (SOP) may be prepared for each equipment and the same may be forwarded to H.O. for approval.

2.11. Water level / tide gauge shall be installed in tidal regions. Gauges shall also be levelled from GTS Bench Mark.

2.12. All the Chart, recommended route and list of shallow patches may be updated before survey.

2.13. Monthly physical and financial targets should be fixed.

B. Data Acquisition

**** Note: - All type of Hydrographic Surveys are to be conducted with the help of Automatic Hydrographic Survey System (AHSS) only.***

3. Operational Instructions Before Start of Survey

3.1. Operational capability of Survey launch / Survey boat should be checked that it is “fit for hydrographic survey” (including engine / OBM) and sufficient fuel is available.

3.2. All equipment / PC’s are to be checked for its working conditions and placed tightly in safe place to avoid any damage / impact.

3.3. PC should be loaded with proper anti-virus software with latest anti-virus definition updates.

3.4. All the power and interfacing cables shall be connected with the equipment.

3.5. Power supply (AC / DC) for equipment shall be as per equipment manual (input / output). Follow standard procedure for “Switching On / Off”.

3.6. Ensure that positioning equipment has received sufficient number of satellites for giving Navigational position.

3.7. Draft of survey vessel should be accurately measured and checked with “Bar”. Same needs to be verified and collated with draft setting in echo sounder before commencement of survey. Bar Check should be carried

out for different depths prior to commencement of survey, end of survey and compared as the survey progresses, as a check against gross errors.

3.8. Check that equipment required for navigation and hydrographic survey are properly attached in respective Ports of Computer and digital outputs are properly being received in survey software. Proper dll files with output shall be selected in the hardware setting.

3.9. Datum (WGS84), Projection (UTM), Zone number should be properly entered in Automatic hydrographic survey system.

3.10. Previous surveyed route of the same area / stretch should be available in survey software as reference lines / track for guidance.

3.11. For pre and post detailed surveys, prepare planned line perpendicular to the bank.

3.12. Standard nomenclature should be followed for each Project which clearly indicate type, fortnight, month, year and stretch of the survey.

3.13. Following is to be prepared before survey operations:

- Hardware (Echosounder / GPS) positional offset setup. It should be tried to tie the GPS / DGPS Antenna above the Echosounder Transducer.
- Transducer Draft
- Hydrographic survey project information's (preferably long filenames is to be selected)
- Navigational Parameters
- Survey line selection
- Chart selection

4. Data to be Recorded During Survey:

4.1. All the raw data received from equipment are to be recorded, so that the charts can be plotted in any desired scale.

4.2. Followings are to be collected with geographical positions and update on the charts:

- Details of all conspicuous features important for river navigation and helpful to mariners for navigation (if possible with photograph) for Charting in ENC/RNC or physical verification of charted conspicuous object
- Bandalling, Dredging
- Any significant change or developments like bridges, power line, telephone lines, cables. Air clearance from these also to be measured and reported.
- Chimneys, buildings, temples, trees, etc.
- Pontoon Bridges, Water Intakes, Pump House
- Terminals, Jetties, Ferry service routes
- Navigational Lights, Marks, Buoys
- Bank erosion
- Formation / removal of sand bars
- Other Navigation impediments etc.

4.3. Hydrographic Surveyor's in the respective stretches must ensure that navigable channel (deepest route) is identified at/ around shoal locations by taking sufficient cross-sections to ensure corrections of LAD at the locations before issuing River Notices/ LAD Report.

4.4. There should not be any data gap. If there is any data loss due to replacement of GPS batteries or any other reason, vessel should be slowed down & turned around with On Line Run Back (OLRB). Data logging to be resumed from the last recorded location.

Detailed Surveys

4.5. Navigational channel should be closely monitored when the depth reaches 0.5m above the targeted LAD. After identification of the shoal limits, detailed survey should be conducted at shallow patch covering deepest channel U/S and D/S of the identified shoal.

4.6. Cross section is to be carried out at 50m interval for Bandalling / Terminal surveys and at 25m interval for dredging surveys in the rivers.

However, intervals may be decided by the E-i-C as per the site conditions or as per the agreement conditions.

4.7. Before commencement of pre dredging/ bandalling survey, Water level data is to be collected by setting up of a tide pole in the survey area, connect it to a TBM at nearby location and later it should be connected to the B.M. w.r.t. (M.S.L.). Gauge reading should be taken at least twice in a day at 8 A.M. and 4 P.M. till the completion of post dredging / bandalling survey.

4.8. Transfer of sounding datum is to be carried out as per (Admiralty manual for Tides) in the tidal regions. If established datum is available nearby, interpolation method is to be followed for arriving at datum value at site.

4.9. Observations such as position of bed sample, water sample; data in respect of wind speed, current measurement, discharge, flow direction, fixing of sand churs, snags, Bandals, dredging alignment, channel marks, night navigation lights and other prominent features on the bank should be collected during detailed / thalweg surveys and incorporated in chart.

4.10. It should be endeavoured to survey the planned lines as close to the planned line, however, survey's having offset of more than 50% of the line spacing is not acceptable.

4.11. Wherever the depth is less and can't be measured with Echo Sounder, it should be carefully measured with calibrated sounding pole/ lead line.

4.12. Minimum four numbers of floats measurements to is be observed at equal distance for better river conservancy works planning.

5. ADCP, Side Scan Sonar and Sub-Bottom Profiler

Data collected from survey equipment like ADCP, Side Scan Sonar & Sub-Bottom Profiler are necessary for making of updates in RNC/ ENC, River Pilot and also to study the behaviour of the Navigational channel. Hence the following works should be undertaken: -

5.1. Velocity & discharge measurement using ADCP at all tide gauge locations once in a month and during terminal surveys.

5.2. Velocity & discharge measurement using ADCP at every 50Km interval during flood season.

5.3. Use of Side Scan Sonar and Sub-Bottom Profiler for identification & searching of submerged objects and during terminal surveys.

5.4. Locations of river bed with hard strata should be identified and marked using Sub-Bottom Profiler

5.5. Any other specific requirement.

C. Data Processing

6. Digital Data Correction and Preparation of Reports

6.1. All the soundings should be carefully edited for false / spike echoes and corrections be merged without interpolation.

6.2. Positions are to be corrected for false/ wrong and positional jumps.

6.3. Detailed quantity calculation sheets w.r.t. the design channel should be attached with the chart/ report.

6.4. Water level data should be indicated on the detailed survey chart for analysis purpose.

6.5. Bench Mark (B.M) & Temporary Bench Mark (TBM) are to be plotted with description on Chart for easy recovery in future.

6.6. Digital charts (base charts) should be updated with latest thalweg route and detailed surveys.

6.7. Chart should be signed by the survey team-in-charge, In-charge of survey & Director / Office-In-Charge.

D. Data Submission

7. Uploading and Forwarding of Data

7.1. LAD Report and River Notices should reach H.O. within 48 hours via E-mail/ FAX/ Courier after completion of Thalweg survey.

7.2. Soft copy of Raw, Edited & Sort data of each survey should be submitted to H.O. along with the chart immediately on completion of survey. All the digital survey data (complete projects of thalweg / detailed) shall also reach to this office before 10th of every month.

7.3. The digital survey data should be uploaded on PANI portal and LAD data is to be timely updated in the LADIS Portal.

7.4. The thalweg survey route should be made available to all Mobile RIS stations, control stations.

7.5. Monthly progress report of Hydrographic Surveys along with the Water Level Data should reach Head office before 10th of every month.

7.6. Monthly physical and financial progress should also be uploaded on MIRS Portal.

7.7. Release of fund will be considered only after compliance of updation of projects, expenditure in MIRS, forwarding of digital survey data and item-wise expenditure to the H.O.

7.8. All survey PC's should be equipped with CD/ DVD Writer/ USB drive and all survey data to be duly annotated, stored and kept in a safe place. All survey data should also be stored in back-up server.

8. Physical Verification of Survey Equipment/ Assets

8.1. Field office shall carried out physical verification by a duly constituted committee approved by Competent Authority for all computers, peripherals, survey equipment and allied accessories purchased under Hydrographic Survey scheme annually on or before 31st March and report is to be submitted to Head office.

8.2. During the above physical verification, the data of centralized Inventory Management and Tracking System (IMTS) are to be updated.

8.3. The updates of survey/GIS/ design software are to be reported with CAMC details.

9. Disposal of Obsolete & Unserviceable survey equipment/ Assets

9.1. Subsequent to completion of physical verification of survey equipment, Field office shall submit a report on the details of obsolete & unserviceable survey equipment, computer peripherals to IWAI, Noida.

9.2. In the report, the details on date of purchase, book value, depreciation, residual value, working condition are to be notified clearly for each equipment proposed for write-off as per GFR.

9.3. The articles shall be disposed by public auction procedure in the presence of duly constituted committee who have examined and evaluated/ensure the physical condition of equipment as per GFR.

10. Demonstration of Survey Equipment During the Visit of Senior Officers

10.1. IWAI offices shall take interest in demonstrating the survey operation using all available survey equipment to the visiting senior officers for appreciating the operational readiness of the field survey units in promoting IWT sector.

10.2. The Future technological advancement and readiness may also be demonstrated by presentation to senior officers.

Accordingly, the above instructions are issued with immediate effect for strict compliance by all field offices.

2021

River Information Service (RIS) Booklet & Standard Operation Procedures

Inland Waterways Authority of India
A-13, Sector-1, Noida (U.P)
6/21/2021

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1. Introduction

1.1 Inland Waterways Authority of India (IWAI) was established for development and regulation of National Waterways for shipping and navigation on 27th October 1986. The Authority primarily undertakes projects for development and maintenance of IWT infrastructure on national waterways through grant received from Ministry of Port Shipping and Waterways. The head office of the Authority is at Noida. The Authority also has its 4 regional offices at Patna, Kolkata, Guwahati and Kochi and 9 sub-offices at Allahabad, Varanasi, Bhagalpur, Farakka, Goa, Dibrugarh (Assam), Kollam, Chennai and Vijayawada (A.P.)

1.2 Vide National Waterways Act 2016, 106 additional waterways have been declared in addition to existing 05 NW's. IWAI has classified NW's in 03 categories: -

- Category A -23 Nos
- Category B -25 Nos
- Category C -63 Nos

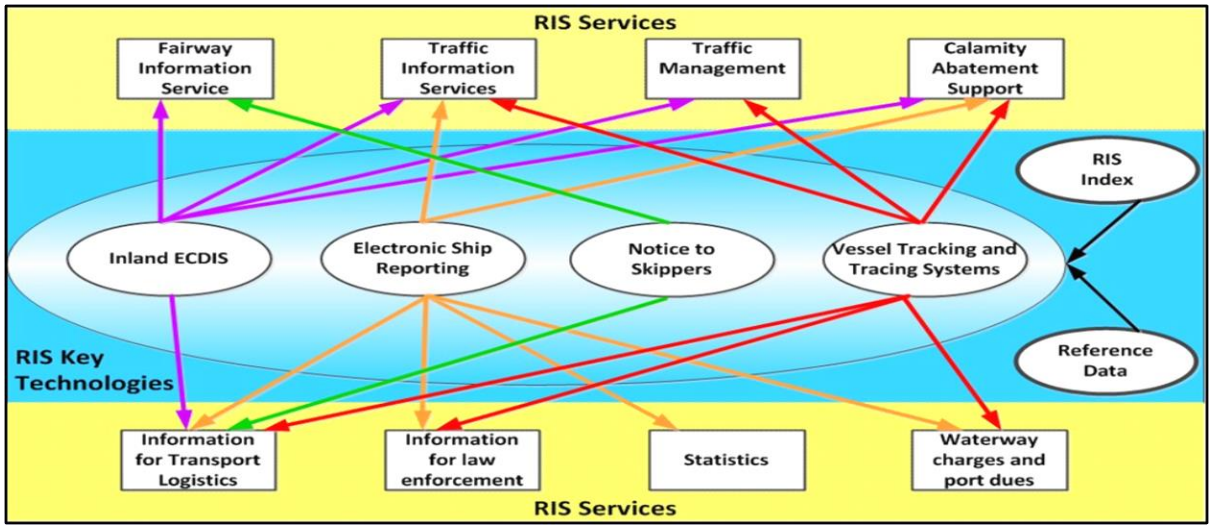
2. River Information Service (RIS).

2.1 IWAI established River Information System as per its mandate of disseminating navigational meteorological information about National waterways. RIS is akin to ATC in aviation and it is necessary for safe navigation along the Waterways. Tracking and tracing of inland navigation vessels is an important part of the "River Information Services" (RIS) for the improvement of safety and efficiency. It supports onboard navigation, shore-based traffic monitoring and other tasks such as calamity abatement. Inland AIS (Automatic Identification System) is a standardized procedure for the automatic exchange of nautical data between ships and between ships and shore installations.

2.2 IWAI planned RIS on lines of prevalent RIS Systems in Europe and USA. The Phase-I of the RIS, which is first of its kind in India, was implemented and launched by IWAI on the Sagar- Farakka stretch of National Waterway-1 on River Ganges to facilitate safe and accurate navigation in line with the recommendations of PIANC: Guidelines and Recommendations for River Information Services (2012).

2.3 After the successful implementation of RIS Phase-I, IWAI undertook setting up of another 2 phases of RIS viz RIS Phase-II (Farakka-Patna stretch) and RIS Phase-III (Patna-Varanasi stretch).

2.4 With its purposed utilization in NW-1, IWAI is mooting the idea of implementing RIS in NW-2, NW-16 and NW-97 and will float the tender for preparation of DPR for these Waterway and the RIS system will be fully operational in these NWs soon.



2.5 **Levels of RIS Information** RIS supports users in enhancing their efficiency at work. It works on the basis of different information levels. Fairway information contains the data of the waterway only. Traffic information has the information on vessels in the RIS area. Traffic information can be divided in tactical traffic information and strategic traffic information. Traffic information is provided by traffic images. The Guidelines and Recommendations for River Information Services (published by PIANC) define the following services:

(a) **Fairway information (FI)** contains geographical, hydrological and administrative information regarding the waterway (fairway) in the RIS area that is required by the RIS users to plan, execute and monitor a voyage. Fairway information is one-way information: shore to ship or shore to office (users' office).

(b) **Tactical traffic information (TTI)**is the information affecting the skipper's or the VTS operator's immediate decisions with respect to navigation in the actual traffic situation and the close geographic surroundings. A tactical traffic image contains position information and specific vessel information of all targets detected by a radar and presented on an electronic navigational chart and enhanced by external traffic information, such as the information delivered by AIS. TTI may be provided *on board* of a vessel or *on shore,* e.g. in a Control Centre.

(c) **Strategic Traffic Information (STI)**is the information affecting the medium and long term decisions of RIS users. A strategic traffic image contributes

to the planning decision capabilities regarding a safe and efficient voyage. A strategic traffic image contains all relevant vessels in the RIS area with their characteristics, cargoes and positions, stored in a database and presented in a table or on an electronic map. Strategic traffic information may be provided on board or in a RIS/VTS center.
The other support services which can effectively use RIS platforms are:

a) Calamity abatement support (CAS)
b) Information for transport logistics
c) Information for law enforcement
d) Statistics
e) Waterway charges and dues.

(d) **PIANC Definitions**: PIANC (Permanent International Association Navigation Congress) is the pioneer organization in the field of RIS. Following are important definitions, given in PIANC guidelines:

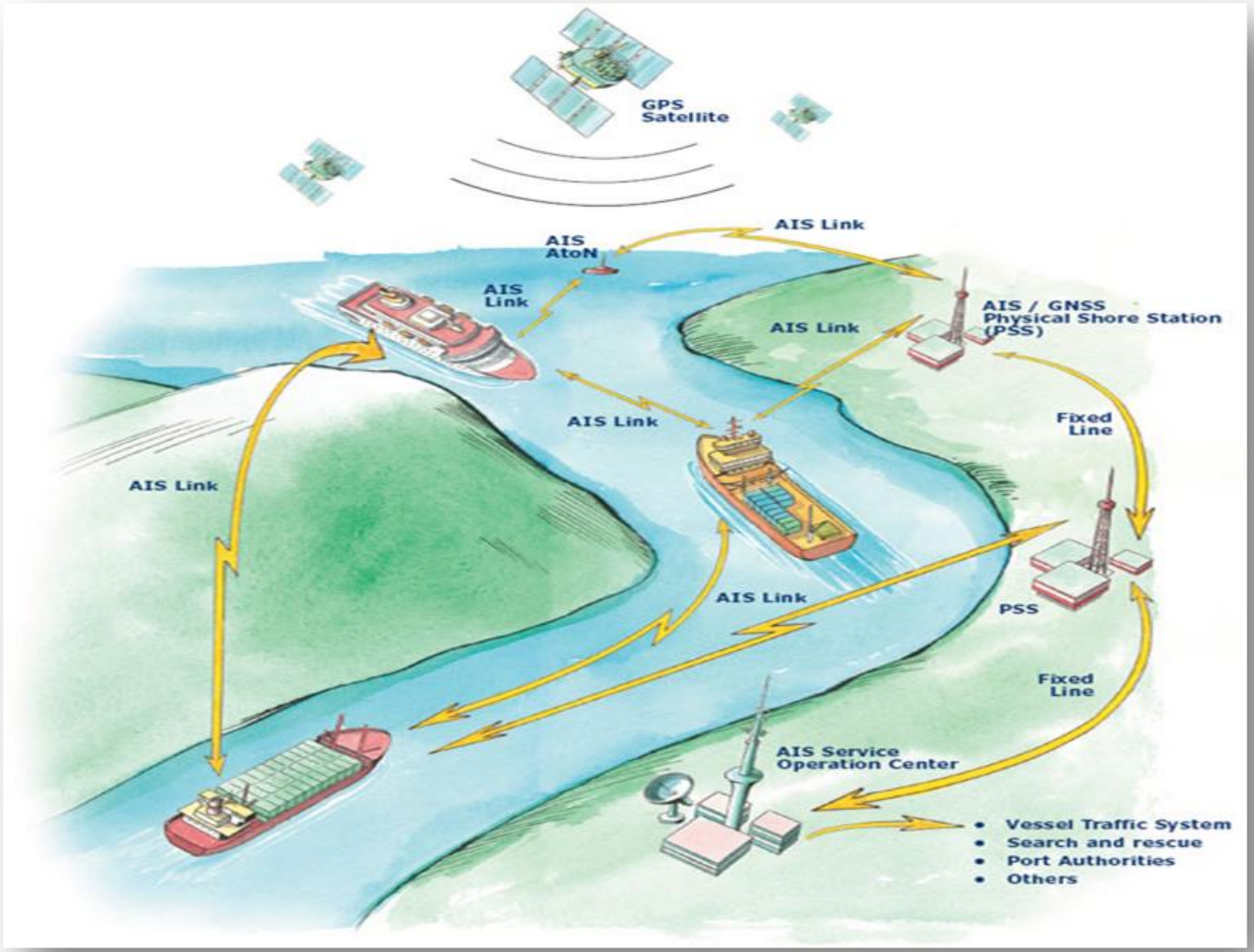
(i) **River Information Services (RIS):** River Information Services means the harmonized information services to support traffic and transport management including interfaces to other transport modes thus contributing to a safe and efficient transport process and utilizing the inland waterways RIS are already in operation in manifold ways.

(ii) **RIS system:** For the purpose of RIS, modern river information systems consist of one or more harmonized IT systems. An IT system (information technology system) is the totality of human resources, hardware, software, communication means and regulations in order to fulfil the task of processing information.

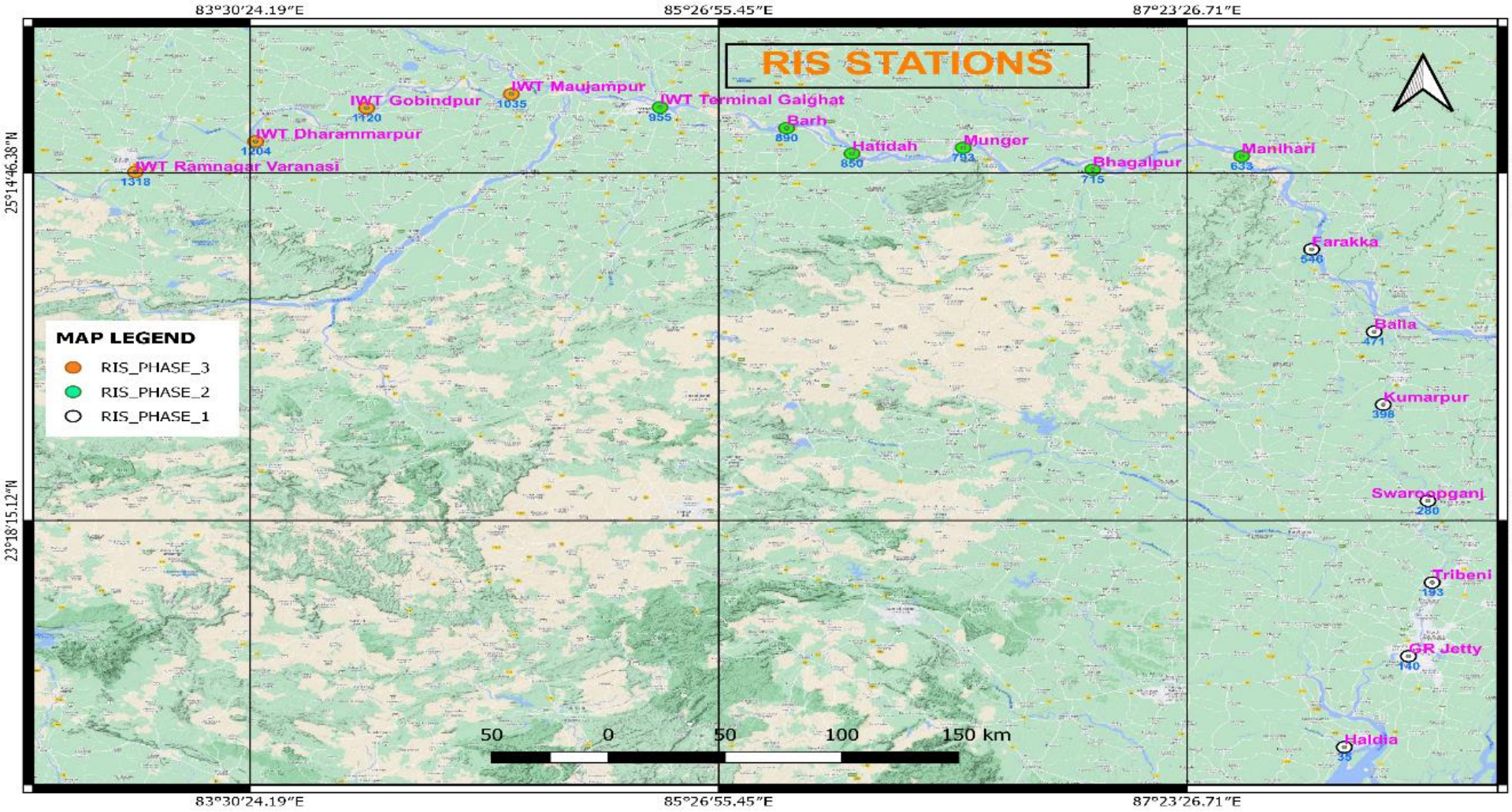
(iii) **RIS area: The** RIS area is the formally described area, where RIS are active. A RIS area may comprise the waterways in a geographical river basin, including the territories of one or more countries (e.g. in a situation where a waterway forms the borderline between two countries).

(iv) **RIS centre:** A RIS centre is the place, where the services are managed by operators. A RIS may exist without a RIS centre (e.g. service, a buoys service). When ship/shore interaction in both ways (e.g. by VHF service) is intended one or more RIS centre's are needed. If a VTS centre or a lock exists in a RIS area, they may also be used as RIS centre's. It is recommended to concentrate all services in a RIS area into one single RIS centre.

Schematic Diagram of River Information Service



RIS Stations in National Waterway-1



(v) **Inland VTS:** Inland VTS are a service, implemented by a competent authority, designed to Improve safety and efficiency of vessel traffic and to protect the environment. The service should have the capability to interact with the traffic and to respond to traffic situations developing in the VTS area.

(a) VTS should comprise at least an information service and may include others, such as navigational assistance service, or a traffic organization service, or both, defined as below:

(b) An information service is a service to ensure that essential information becomes available in time for onboard navigational decision-making.

(c) A navigational assistance service is a service to assist on-board navigational decision-making and to monitor its effects. Navigational assistance is especially of importance in reduced visibility, or difficult meteorological circumstances or in case of defects, or deficiencies affecting the radar, steering or propulsion. Navigational assistance is given in due form of position information at the request of the traffic participant or in special circumstances when deemed necessary by the VTS operator.

(d) A traffic organization service is a service to prevent the development of dangerous vessel traffic situations by managing of traffic movements and to provide for the safe and efficient movement of vessel traffic within the VTS area. Where present, Inland VTS are part of River Information Services. Within RIS, Inland VTS belongs to the group of traffic management services with the emphasis on information service and traffic organization.

(vi) **VTS area:** A VTS area is the delineated, formally declared service area of a VTS. A VTS area may be subdivided in sub-areas or sectors.

(vii) **VTS centre:** A VTS centre is the centre from where the VTS is operated. Each sub-area of the VTS may have its own sub-centre.

(viii) **Competent authority:** The competent authority is the authority made responsible for safety, in whole or in part, by the government, including environmental friendliness and efficiency of vessel traffic. The competent authority usually has the tasks of planning, arranging funding and of commissioning of RIS.

(ix) **RIS authority:** The RIS authority is the authority with the responsibility for the management, operation and coordination of RIS, the interaction with participating vessels, and safe and effective provision of the service.

(x) **RIS users:** The users of the services can be described in a number of different groups: skippers, RIS operators, lock/bridge operators, waterway authorities, terminal operators, operators in calamity fleet managers, cargo shippers, consignors, consignees, freight brokers, and supply forwarders.

(xi) **Vessel Tracking and Tracing:** Vessel tracking means the function of maintaining status information of the vessel, such as the current position and characteristics, and – if needed – combined with information on cargo and consignments. Vessel tracing means retrieving of information concerning the whereabouts of the vessel and – if needed – information on cargo, consignments and equipment.

3. Prevalent RIS Systems

3.1 European Union:

The most important proponent of RIS are European countries where number of RIS services like IRIS I and II, DoRIS, RIS equipment program in Serbia, BulRIS, etc. are in operation. This has resulted in number of directives and guidelines which are followed world over.

The potential of RIS to bring inland navigation to an improved position in the transport chain is also recognized by international organizations like the UNECE, several river commissions like the Rhine, Sava and Danube Commission and PIANC, the International Association for Waterborne Transport Infrastructure.

3.2 RIS in USA

The US Federally owned and operated system consists of about 12,000 miles of navigable waterways, 241 lock chambers and dams and reservoirs. Federal Initiative for Navigation Data Enhancement (FINDE): FINDE is a Federal effort to provide an integrated set of complete, precise and reliable navigation data for managing the Nation’s waterways utilizing the Automated Identification System (AIS), CBP"s Vessel Management System (VMS) and other currently available data sources.

3.3 In Asia, RIS Systems are in operation in China (Sections of Yangtze River & Pearl River) and in South Korea.

4. Objectives of RIS for IWAI:

The inland navigation sector includes many parties such as national authorities, port authorities, vessel owners, masters of the vessels, providers of nautical services, customs, etc. Achieving the objectives of RIS very much depends on interactions between these parties across national and organizational level. RIS objectives should strive to fulfill the aspiration of all the stakeholders, mainly the following three objectives:

a) Transport should be safe:
   (i) Minimise accidents
   (ii) Minimise fatalities
   (iii) Minimise voyage incidents

b) Transport should be efficient:
   (i) Maximise the capacity of waterways
   (ii) Maximise the carrying capacity of vessels
   (iii) Reduce travel time
   (iv) Reduce workload of RIS users
   (v) Reduce transport costs
   (vi) Reduce fuel consumption
   (vii) Provide efficient and economical link between transport modes
   (viii) Provide efficient operations in harbours and terminals

c) Transport should be environmentally friendly:
   (i) Reduce environmental hazard
   (ii) Reduce polluting emissions (in particular CO2) and spills due to accidents, illegal actions or normal operations

These objectives should be met under the constraints that RIS is supplied in a manner that is ***reliable, cost efficient and legally sound***.

5. National Waterway 1 (NW 1)

5.1 The Ganga-Bhagirathi-Hooghly river system from Allahabad to Haldia (1620 km), passing through four states – UP, Bihar Jharkhand and West Bengal, declared as national waterway in 1986. The Ganga is a typical alluvial river having characteristics of braiding, meandering and having sediment load and high water level fluctuation (both horizontal and vertical) during summer and monsoon months. On this river several shallow areas (shoals) come up during low water season and maintenance of 2 m least

available depth (LAD), particularly in upper reaches, becomes a difficult task. As the waterways are un-trained and therefore, open river navigation techniques (river conservancy works) namely dredging and Bandaling are employed for providing/maintaining targeted depth in the navigation channel. These river conservancy works are to be repeated every year.

5.2 **Limitations of channel:**

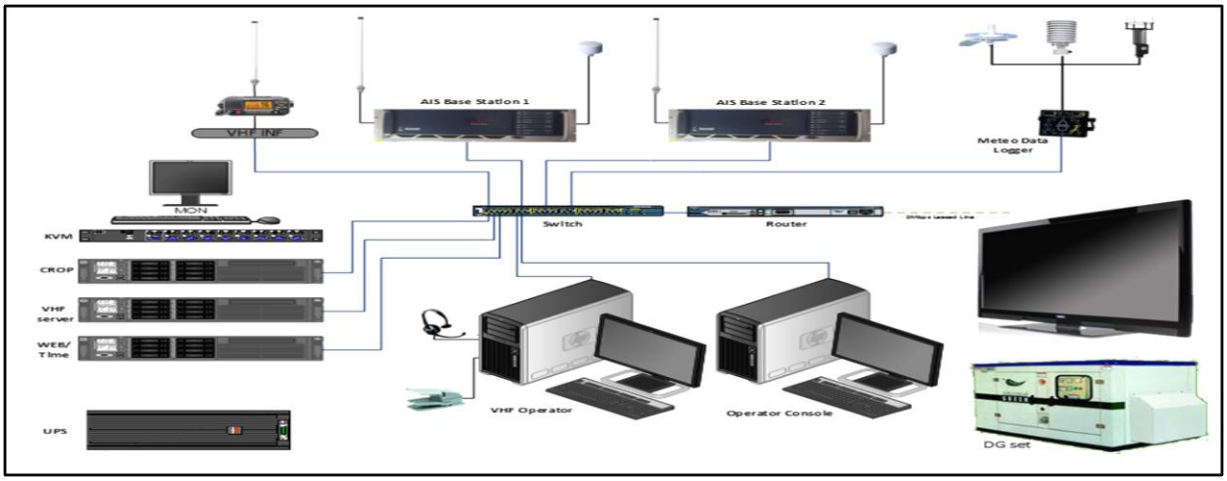
The large variation of discharge along with unstable morphological condition of bank and bed, heavy sediment load, continuous braiding and meandering makes maintenance of navigable channel a difficult proposition in NW-1. Careful navigation, therefore, is needed in the route with the help of state-of-the-art aids to navigation wherein better coordination measures ensures safe navigation.

5.3 **Night Navigation:**

The navigation in a channel during night time without the availability of reliable state of the art aids to navigation is practically difficult. The absence of this facility earlier had resulted in longer duration of voyage as the vessels had to anchor during night time. In order to optimize the cargo movement, IWAI took up the work to make the channels 24x7 navigable by providing night navigation facilities which included light beacons, lighted buoys and radio aids to navigation for better positional accuracy of vessels using GPS technology. IWAI has now ventured into an interactive system of Aids to Navigation like River Information Service where operator at control centre's established on the bank of the River interacts with vessels plying in the stretch of River and informs them on vital navigation information including proximity of vessels around.

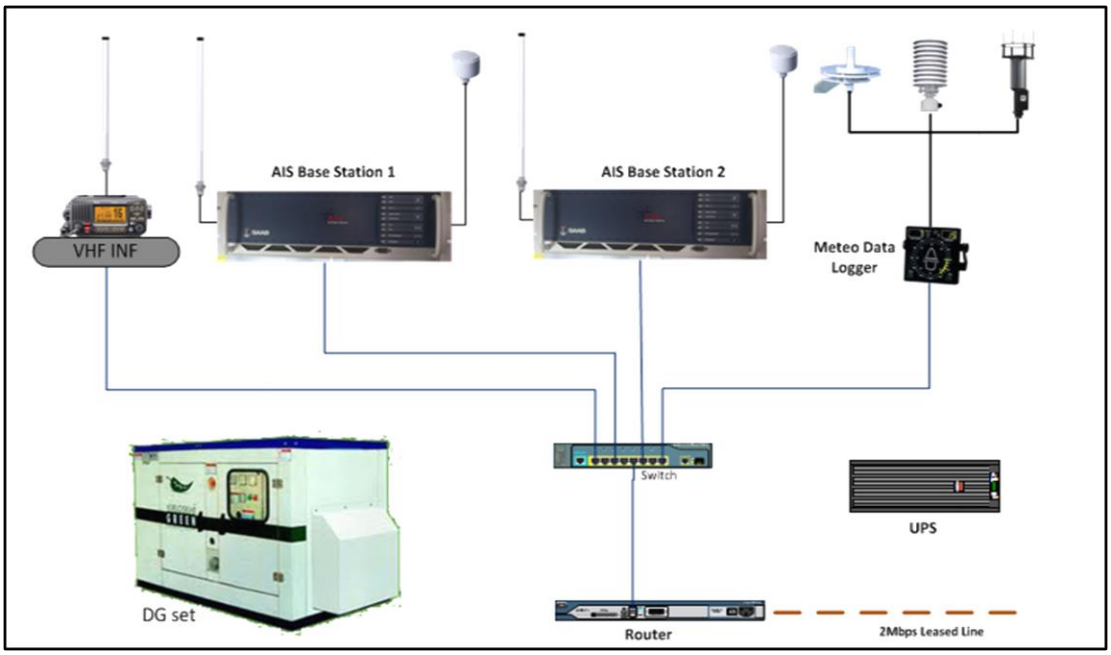
6. RIS Control and Base Stations on NW1

6.1 **RIS Area**: The entire stretch from Haldia to Varanasi is seamlessly covered by 17 Base Stations and 4 control stations at BISN Jetty, Farakka, Patna and Varanasi.



2 X AIS Base station,1 X VHF,1 X Met sensors, 3X Servers,1X Operator Console 1X 55” TV.

6. 2 **Base Station**: Base Stations are data collection centre through various sensors like AIS & Metrological. Vessels plying in the command area of a particular base stations are tracked and their relevant data are picked. The state of various weather components like wind speed, direction, humidity, pressure and temperature at the base station sites is also collected. All these data are then sent to control centre’s where RIS operator issues suitable advises to the vessels through VHF.



The Components are2 X AIS Base station,1 X VHF,1 X MET sensors

6.3 **Control Station**: At control stations, data from base stations are received through dedicated leased lines. Based on these data, the duty operator transmits relevant and suitable information to vessels for safe navigation. The function of various sub-systems at control stations are as below:

(a) Central RIS Operating Processor – filter the duplicating messages, communicating all information to both ships and shore AIS units and provide feedback to monitoring units and web server.

(b) Central Monitoring and Storage Processor – the main functions are monitoring and storage of data.

(c) Web server – It is used to provide a traffic image to third party users. Third party can see the online information about the real time traffic movements and access the previous traffic records.

(d) Time server- control all above servers as well as it will keep the records of registration, display and reply data.

1 X Radar	1 X VHF	1 X Echo sounder
1 X DGPS receiver	1 X AIS	1 X ECDIS (MFD)

6.4 **On Board RIS Equipment**: The following compatible equipment for navigation are provided is equipped on board IWAI vessels. Some privately owned vessels may have part of these equipment.

(a) AIS Transponder (Class-A)

(b) VHF Communication system

(c) DGPS Receivers

(d) Radar

(e) Echo Sounder

(f) Hydro and metrological sensors

(g) Inland ECDIS (Navigational display software pre-loaded with ENC)

6.5 The location details of stations placed at **Annex-11**.

Level of Service: The level of service presently being provided by IWAI on NW1 shall fall under the category of “Fairway Information Service”.

6.6 **Participating Vessels**:

(a) Vessels navigating in a RIS area are recommended to make use as far as possible of the information provided by RIS and relevant services.

(b) Decisions concerning the actual navigation and the maneuvering of the vessel remain within the responsibility of the Master. Any information provided by the RIS cannot replace any decision made by the Master.

7. Operations at Control Station

The operations shall broadly be categorised into two parts as follows:

(a) Normal operation

(b) Emergency operation

7.1 Normal operation

Normal operation refers to the daily operation to be performed by the RIS operators present at Control center’s. Depending on the requirement, various alerts can be configured in Coast Watch/ Periskal[x]. The alerts are to be configured in consultation with the RIS system maintainer. The SOP for the operators at various locations is as follows.

(a) Login to Coast Watch/ Periskal[x] with the unique login credentials given to each operator.

(b) Check designated area in Coast watch/ Periskal[x].

(c) Ensure that there are no alerts pertaining to the ships.

(d) If there is a query about any particular ship from any authorised body, the operator should search for the ship in the field and give the details of that particular ship after obtaining permission from IWAI. The operator should also log this query in the logbook.

(e) Depending on requirement, send AIS binary messages to the ships. The operator should also log this event in log book.

(f) If there are any issues observed with regard to Coast Watch/ Periskal, the operator should notify the same to the system maintainer.

(g) Depending on requirement, request the maintainer to create virtual Atons.

(h) Monitor the virtual Atons periodically and notify the maintainer if any Aton information is missing.

(i) The operator should ensure that the Coast Watch/ Periskal operator session is logged out during end of shift.

(j) The operator should attend the VHF call received from vessel and assist the vessel through VHF communication.

(k) The operator should daily check weather data on weather station installed at site and if any discrepancy is found, the same is to be reported to the maintainer.

(l) Maintain the log book for operator login in system.

(m) Reporting of dangerous goods carried by the vessel

7.2 **Emergency Operation:**

Emergency operation refers to various operations to be performed by the operator during an incident/accident. The SOP for the operators at various locations is as follows:

(a) Login to Coast Watch/ Periskal with the unique login credentials given to each operator.

(b) Replay data on Coast Watch/ Periskal and search for the ships involved in the incident.

(c) Prepare a report with time stamp of incident.

(d) Create areas on Coast Watch/ Periskal map as per requirement.

(f) Obtain permission from IWAI and then share the incident details with third party.

(g) Ensure that the Coast Watch/ Periskal operator session is logged out during end of shift.

(h) In emergency condition assist vessel through VHF communication.

(i) Maintain the log book for operator login in system.

8**. Inspection Schedules**

All the inspection schedules, otherwise mentioned, shall be carried out by the personnel deployed by the contractor. In the event of Monthly, Half Yearly and Annual Inspection; consultation wherever required shall be carried out by the contractor's representative with the Director or his authorized representative.

8.1. **Daily Inspection (Di) Schedule**

Where available, the Daily inspection (DI) of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out as detailed in Annex-1.

8.2. **Weekly Inspection (Wi) Schedules**

Where available, the weekly inspection (WI) of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out by the staff as detailed in Annex-2.

8.3. **Monthly Inspection (Mi) Schedules**

Where available, the monthly inspection (MI) of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out by the staff as detailed in Annex-3.

8.4. **Quarterly Inspection (Qi) Schedules**

Where available, the quarterly inspection (QI) of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out by the staff detailed in Annex-4.

8.5. **Half Yearly (Hy) Inspection Schedules**

Where available, the Half Yearly inspection (HY) of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out by the staff detailed in Annex-5.

8.6. **Yearly Inspection Schedules**

Where available, the Yearly inspection of all the equipment shall be carried out as per OEMs advice mentioned in the manuals. In addition, following works shall be carried out by the staff detailed in Annex-6.

9 Notices

9.1 **Notices to Skippers**: Fairway authorities have the obligation to inform users about the status of the waterway as far as that might influence safety and accessibility. Notices to Skippers communicate, for example, the status of the inland waterway infrastructure (i.e. bridges and locks), failures of aids to navigation, temporarily blockages of waterway sections or other types of infrastructure, works, water level and water depth information, and weather messages. The international standard for Notices to Skippers provides a standardised data format, which can be used both for publishing notices on the internet (pull-services) or for distribution by e-mail or SMS (push services).

9.2 **Notices to Mariners**: The notice to the Mariners will be issued by the Regional and field offices from time to time to inform the marines about any changes w.r.t safe Navigation. The format for the same is placed at **Annex 11**.

10. Duties and Responsibilities

10.1 Duties of Director

(a) Periodical visit – once in a six months/ his representative should visit every quarter

(b) VHF Range checks

(c) Validity of fire equipment as per certificate of testing agency

(d) Notices to mariners

(e) Contingencies work like maintenance, painting, etc.

(f) Nodal officers are to be nominated for periodical inspection, providing latest navigational rout, communication of warning message and checking broadcasting and web tracking.

10.2 Duties of System Maintainer

(a) He shall be responsible for satisfactory and efficient operation & maintenance of RIS Stations of the water way for which he is responsible.

(b) He shall visit various RIS Stations, once every quarter and submit a quarterly report on performance of the system to the Director

(c) He shall supervise and help station in charge in monthly, quarterly, half yearly and yearly inspections as per inspection schedule.

(d) He shall be responsible for scrutiny of various periodical returns and breakdown reports and take required remedial measures under intimation to the Director.

(e) He will also regularly update all the technical data, including software upgrades if any, at the stations under his control. He will also undertake training of the staff on such upgrades.

(f) In consultation with Director and Station in Charge, he shall ensure serviceability test of Fire Equipment from concerned agency.

(g) He shall also plan and carry out yearly VHF range checks of all the base stations under his command in consultation with Director,

(h) He shall periodically (every month) submit to the Director a true statement on any accidents if occurred during the said month.

(I) He shall also assist Director from time to time in any other relevant duty assigned by to him.

10.3 **Duties of RIS Operator**

(a) The contractor shall assign one of the operator as in-charge of the manpower unit who will be responsible to the system maintainer and Director IWAI or his representative in managing day to day operation of the station.

(b) The station in charge shall be responsible in all operational and maintenance matters relating to the station. He shall ensure that all the station personnel discharge their duties in efficient manner

(c) In discussion with System maintainer, the station in charge will prepare duty roster for 24 hours' operation in three shifts.

(d) The duty roster shall remain promptly displayed at a conspicuous location at the station.

(e) The station in charge shall carry out all routine maintenance

(f) He shall take up an equal share of the routine watch-keeping duties regularly at the Station along with other operator,

(g) He shall remain present during the routine inspection of by Engineer-in-Charge of IWAI or their authorized representative. In case of any shortfall/mishap he should promptly inform the concerned office and inform to the CAMC service provider on emergency basis and provide

such additional assistance as may be necessary during exigencies even if he is not on duty.

(h) He shall assist System maintainer in periodical maintenance schedule, during his routine visits.

10.4 Duties of Vessel Masters

(a) AIS equipment is to be always “switch on” mode. The relevant data on the AIS equipment about ships name, MMSI No, length, width, draught, tonnage, last port of call, next port of call, cargo etc to be updated prior any voyage.

(b) During sailing the Navigational safety is to be ensured with the help of periskal/ Coast Watch software.

(c) Monthly Navigational updated rout is to be used Navigation.

(d) Any operational problem is to be reported to nodal officer nominated by RO

(e) Daily it is to be ensure that required battery back is available with UPS installed with RIS equipment. The batteries are to be in fully charged condition.

(f) Separate log book is to be maintained for on board RIS equipment in which all records about visiting of nodal officer, CAMC service provider along with running hours

11. In The Event of Exigencies Duties of Various Staff

(a) In the event of emergencies, notwithstanding the duties and responsibilities contained, herein, all the staff shall follow the instructions of station in charge in tiding over the situation.

(b) In the event of fire at the station, parallel efforts to engage local authorities like fire station/municipal authorities shall be immediately made with due intimation to Concerned officer-In- Charge

(c) In the event of heavy storm and rain, the station shall be shut down after obtaining approval from Engineer in Charge / his authorized representative. The shifts shall be rotated on fortnightly basis by the Engineer in Charge representatives.

12. **Records to be Maintained**

(a) At Station Level– Annex-7
(b) At Director Office- Annex-8
(c) At Iwai Noida- Annex-9

13. Dos and Don'ts

Dos

(a) Do ensure all equipment is installed correctly and operating as intended
(b) Do diligently follow the standard operation procedures (SOP)
(c) Do follow the manufacturer's instructions for the installation, operation, storage, cleaning and maintenance of equipment.
(d) Do promote a safety culture to limit the chance of workplace accidents and injuries. Read the safety instructions before you work on the equipment.
(e) Ensure sufficient cooling & ventilation to the system.
(f) Ensure regular training of the staff
(g) Immediately report any minor problems observed with equipment.
(h) Do keep 'pest control' programs up to date. Remember rats and mice are good climbers and can easily chew through wires, cabling and the like.

Don'ts

(a) Smoking is strictly prohibited. Don't smoke.
(b) The sub-assemblies are not field repairable. Never attempt to repair a defective sub assembly. Contact the CAMC Contractor
(c) Don't carry out frequent measurements
(d) Turn off the power before opening the cabinet
(e) Don't override safety features mentioned on equipment/described by OEM.
(f) Never make any modifications to the original equipment manufacturers design
(g) Never place heat sources capable of producing combustion around equipment.
(h) Never use devices with open flames in confined spaces where oxygen could become depleted.
(i) Never use worn out or broken tools.
(j) Don't use hand tools with greasy or oily hands which can cause slippage.
(k) Don't overload power points and electrical circuitry. e.g. 'piggybacking' of double adapters, power boards and extension leads.

Annex-1

Daily Maintenance Schedule

Location **Date**

S.No.	Description of Services	Status		Remarks
		Ops	Non ops	
a.	General Inspection of all the equipment			
b.	Dusting of panels and meters			
c.	Ensure that there are no alarms in base station			
d.	Ensure that both base stations are available in the network.			
e.	Ensure that MET datalogger displays all parameters correctly			
f.	Ensure that MET datalogger is available in network			
g.	Ensure that MET datalogger shows correct time			
h.	Ensure that there are no alarms in VHF			
i.	Ensure that VHF PC is available in network (for control centre)			
j.	Ensure that the time of VHF PC is synched (for control centre)			
k.	Ensure that there are no alarms on the UPS display.			
l.	Ensure that all the servers and workstations are switched on and reachable in the network. (for control centre)			
m.	Ensure that the time is synched in all the computers including VHF computers (for control centre)			

n.	Ensure that there is no fault LED indication on any of the servers. (for control centre)			
o.	Ensure that replay works (for control centre)			
p.	Ensure that AToNs if created are visible on CoastWatch (for control centre)			
q.	Ensure that VHF communication with any of the vessels in RIS network is possible. (for control centre) Ensure that MET data for all sites is displayed on the GUI (for control centre) Ensure that VHF files are created and can be replayed (for control centre)			
	Ensure that MET files are created and can be viewed (for control centre)			
	Ensure that all the rack fans are operational			
	Ensure that the rack door is always closed			
	Ensure that Coast Watch/ Periskal is available on wall mount monitor (for control centre)			
	Ensure that the porta cabin AC is operational			
	Ensure that there is no water leakage through the AC Ensure that the Ac are switched on alternatively in equipment room			
	Ensure that there are no alarms on the DG set panel			
	Ensure that all the lights in the campus are working			

	Ensure that the water pump at site is working			
	Ensure that security is available at site			
	Ensure that attendance register entry is updated			
	Ensure that DG set fuel record is maintained			
	Ensure that no material is dumped below the porta cabin			
	Ensure that tool kit is available at site			
	Ensure that aviation lamp is operational			

Name & Sign of RIS Manager

Annex-2

Weekly Maintenance Schedule

Location **Date**

S.No	Description of Services	Status		Remarks
		Ops	Non ops	
a.	Check the rack, isolation transformer fans for their smooth operation			
b.	Check the earth to neutral voltage with reference to equipment earth and record			
c.	Ensure that the user can send and receive AIS binary messages to vessels (for control centre)			
d.	Switch on the DG set and ensure that it is operational.			
e.	Switch off the mains supply and ensure that UPS takes over.			
f.	Ensure that aviation lamp is operational			

Name & Sign of RIS Manager

Annex-3

Monthly Maintenance Schedule

Location **Date**

S.No	Description of Services	Status		Remarks
		Ops	Non ops	
a.	Remove rack fan filters where available and clean the same.			
b.	Check the bearing of fans.			
c.	Check the wire terminals for loose connection			
d.	Checking of grounding/bonding for corrosion			
e.	Add water to the earth pits such that they are moist			
f.	Check the batteries for cracks, corroded terminals, and electrolyte level (as appropriate). Check the battery voltage in both on-load and off-load conditions			
g.	Check the Battery Voltage of UPS			

Name & Sign of RIS Manager **IWAI Official**

Annex-4

Quarterly Maintenance Schedule

Location **Date**

S.No	Description of Services	Status		Remarks
		Ops	Non ops	
a.	All the terminals including earthing strips shall be checked for loose connections, deposits of carbons, corrosions and maintained.			
b.	A thorough cleaning of Monopole platform shall be carried out and a photograph of the same shall be taken and record maintained			

Name & Sign of RIS Manager **IWAI Official**

Annex- 5

Half Yearly Maintenance Schedule

Location **Date**

S.No	Description of Services	Status		Remarks
		Ops	Non ops	
a.	Ensure that replay of the last six months' data is possible. (for control centre)			
b.	Apply grease to the monopole tower bolts which are fitted to the foundation			
c.	Switch off the equipment after obtaining permission from IWAI. Clean the racks and the equipment with a cloth such that it is dust free. Ensure that all the connectors are secure. Switch on the equipment after cleaning			
d.	Switch off the mains supply. Check the UPS back up duration. Record the backup duration in the logbook.			

Name & Sign of RIS Manager **IWAI Official**

Annex-6

Yearly Maintenance Schedule

Location **Date**

S.No	Description of Services	Status		Remarks
		Ops	Non ops	
a.	VHF & AIS Range Check: (for control centre			

Remarks: Ordinarily, the RIS installation is located in a such a manner that a 30 NM (about 54km) VHF coverage on either side of the base station is available. Every year a check to the effect that VHF range coverage is not impaired shall be carried out and recorded in the register kept at Control Centre. This check is to be performed subject to availability of vessel from IWAI.

Name & Sign of RIS Manager **IWAI Official**

Annex-7

Records to be Maintained at Station Level

Location

Type of Record	Date of starting
Contract document	
Attendance Register	
Duty log book	
ER/IR Register	
Engineers/ Technicians visit	
Diesel Log Book	
Register of Dead Stock articles	
Consumable Store Register	
Calibration Record of Test Equipment	
VHF Range Check Register	
Record of the call/email on non-operational/defect status.	
Lease line /internet log book	
Civil electrical supply log book	
No of IWN vessel tracked daily	
Back up data log book at control station	
Inspection Register	

Annex-8

Records to be Maintained at Director Office

Location

Type of Record	Date of starting
Contract document	
Payment details	
Records submitted by the contractor as a part of contract	
Record of call/mail received on the status of the station	
Details of sanctioned estimate and action	
Follow up action on various reports	

Annex-9

Records to be Maintained at HO Noida

Location

Type of Record	Date of starting
Contract document	
Payment details	
Follow up action on various reports	
Details of sanctioned estimate and action	

Annex 10

INLAND WATERWAYS AUTHORITY OF INDIA

File No: Dated:-……

To,

1. The Hydrogaphic Chief, I.W.A.I., Noida **2. The Chief Engineer, I.W.A.I., Noida** **3. The Member (Traffic),I.W.A.I., Noida** **4. The Member (Technical) I.W.A.I. Noida.**

Sub : Issue of River Notice No.- ……../…….– reg.

विषय- नदी विज्ञप्ति सं० …….. जारी करने हेतु ।

Sir,

Please find enclosed herewith the **River Notice No.-……..** for the stretch …..... based on 1st Fort Night Thalweg survey of ……..2021 conducted during the period from …….. to ……..on River ….....(NW- ….)

River Notice No. -……./……

Sl. No.	Name of Beats	R.C. WORK				Least Available Depth (M)		
		DREDGING		BANDALLING		Depth (m)	Chainage (Kms.)	Permissible Draught(M)
		Chainage (Kms.)	Location	Chainage (Kms.)	Location			

This River Notice supercedes River Notice No.-……. dated ……..

Bridge Clearances (w.r.t. H.F.L.)

Sl. No.	**Name of the Bridge**		**Chainage (Kms)**			**Horizontal (m)**	**Remarks**

Cautions & Notes:-

Yours faithfully,
Director
(I/C)

Annex-11

The location details of stations are as indicated below

PLACE	LAT (Degree)	LONG (Degree)	Lat (dms)	Long (dms)	CHAIN AGE KM	TYPE OF STN
Haldia	22.03870000	88.04123333	22° 02’19.32’”	88° 02’ 28.44	35.000	BASE STN
GR Jetty	22.54603333	88.30696667	22° 32’ 45.72	88° 18’ 25.08	140.000	CONTROL STN
Tribeni	22.95785000	88.40561667	22° 57’ 28.26	88° 24’ 20.22	193.000	BASE STN
Swaroopganj	23.41403333	88.38768333	23° 24’ 50.52	88° 23’ 15.66	280.000	BASE STN
Kumarpur	23.95170000	88.20266667	23° 57’ 06.12	88° 12’ 09.60	398.000	BASE STN
Balia	24.35855000	88.16478333	24° 21’ 30.78	88° 09’ 53.22	471.000	BASE STN
Farakka	24.81886667	87.90575000	24° 49’ 07.92	87° 54’ 20.70	546.000	CONTROL STN
Manihari	25.33842222	87.61582222	25° 20’ 18.32	87° 36’ 56.96	633.000	BASE STN
Bhagalpur	25.26345278	86.99863333	25° 15’ 48.43	86° 59’ 55.08	715.000	BASE STN
Munger	25.38595833	86.46207222	25° 23’ 09.45	86° 27’ 43.46	793.000	BASE STN
Hatidah	25.35334722	86.00108056	25° 21’ 12.05	86° 00’ 03.89	850.000	BASE STN
Barh	25.49604444	85.73023889	25° 29’ 45.76	85° 43’ 48.86	890.000	BASE STN
Gaighat	25.61165278	85.20569167	25° 36’ 41.95	85° 12’ 20.49	955.000	CONTROL STN
IWT Maujampur	25.68578333	84.58965000	25° 41’ 08.82	84° 35’ 22.74	1035.000	BASE STN
IWT Gobindpur	25.60755000	83.98995000	25° 36’ 27.18	83° 59’ 23.82	1120.000	BASE STN
IWT Dharammarpur	25.42120000	83.52973333	25° 25’ 16.32	83° 31’ 47.04	1204.000	BASE STN
IWT Ramnagar Varanasi	25.25069444	83.03128333	25° 15’ 02.50	83° 01’ 52.62	1318.000	CONTROL STN

17.7 Annexure - SOP – Technical section

SAGARMALA
PORT-LED PROSPERITY

सत्यमेव जयते
Goverment Of India

स्वच्छ भारत
एक कदम स्वच्छता की ओर

Inland Waterways Authority of India

STANDARD OPERATING PROCEDURE

for

BANDALLING WORKS

(Ministry of Ports, Shipping & Waterways, Government of India)

February 2022

DRAFT

Standard Operating Procedure (SOP)
for
Implementation of Bandalling works
on
National Waterways

Contents

1. **Process/ Technique of Bandalling in brief**
2. **Standard Operating Procedure/ Steps for Executing Bandalling Projects**
   - **2.1 Preparation for Project/ Scheme (stretch wise)**
   - **2.2 Scrutinizing and Sanction of the Project/ Scheme at Head Office**
   - **2.3 Open E-tendering and Award of Work By concerned RO/ FO**
   - **2.4 Constitution of Technical Teams for implementation of RC Works**
   - **2.5 Pre RC Works activities**
   - **2.6 Execution of Bandalling by Contractor & supervision by IWAI**
   - **2.7 SOP for Release of Payment for Initial Erection of Bandals**
   - **2.8 Special Circumstances**
   - **2.9 Post Bandalling Surveys**
   - **2.10 Analysis of Bandalling Work**
   - **2.11 Engineer-in-Charge and his Representative**
3. **Roles and responsibilities of Head Quarters**
4. **Role and responsibilities of ROs**
5. **Timelines**

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1. Process/ Technique of Bandalling in brief

Post monsoon, during the receding stages of an alluvial river, formation of multiple braided channels is a common phenomenon. At many locations, where slope of river bed is flatter, even the most dominant channel does not have targeted depth and width necessary for safe and efficient navigation by a cargo vessel of design dimensions (length, width and loaded draft). In such natural circumstances the main flow may shift to a different channel and process of retarded scour may start all over again. The most dominant channel carrying maximum discharge is called the 'main channel' and the other channels are called the 'secondary channels'.

Bandalling is an old indigenous technique employed in India on alluvial rivers like Ganga and Brahmaputra to increase and maintain depth in the navigation channel for safe and efficient navigation. This is done by augmenting the discharge as well as by stimulating the erosion process in the main channel and simultaneously accelerating siltation in the secondary channel(s). The technique of bandalling also makes use of the fact that major part of sediment load in a river is transported in the lower part of the depth of flow while the upper part carries cleaner water with far less sediments.

Bandals are fabricated using bamboos, bamboo mats and coir string etc which are naturally available in abundance in many States of India including Uttar Pradesh, Bihar, Jharkhand, West Bengal and Assam through which the two most important National Waterways (NWs) and their many tributaries flow through. Since this technique makes use of the natural forces of flow velocity its effect decreases with time and with decreasing slope over the shoal. At such times it becomes necessary to remove the Bandals from one location and shift/ relocate them to another location.

The basics of bandalling are given in brief hereunder:

Bandals are fabricated using bamboos, bamboo mats and coir string. Length of each unit of bandal is normally 30 m or 15 m. A number of such units are erected at the site as per requirement. These units of bandals are placed at 30 to 45 degrees angle with respect to the direction of current.

For erecting a bandal unit, bamboo poles are driven firmly into the river bed at average 0.64 m center to center distance. On these vertical poles, bamboo mat screens of 1.2 m x 0.9 m size are fixed in such a way that only about 0.10 m of the screen is kept above the water level and the rest is inside the water. This level of the screens is required to be maintained by lowering/ raising them depending on the change in water level. This positioning of the screens leads to diversion of upper part of the water (carrying very little sediment load) towards

the main channel while the remaining lower part of the flow (carrying the majority of sediment load) is allowed to pass underneath the screen. This facilitates siltation in the secondary channel and at the same time, increased flow as well as erosion in the main channel, which in turn increases the depth in the main channel.

Figure-1: A photograph of a typical bandal site

After erection of bandals, these need to be maintained by raising/ lowering of mats and changing of decayed/ damaged mats and bamboos. Firmness of vertical bamboo pins is also maintained regularly by driving the loose pins into the river bed from time to time. During maintenance period, materials of bandal (e.g. bamboo, bamboo mats, coir strings).

Bandals can be of two types: Type A or Type B. In A type bandals the 0.90 m side of the mat is kept in vertical position (i.e. 0.80 m inside water and 0.10 m above the water, while in B type bandals 1.20 m side is kept in vertical position keeping 1.10 m inside water and 0.10 m above the water. Detailed drawings of typical bandals are given in Annex-1 and Annex-2.

After some time, due to siltation in the secondary channel, sand-dunes may appear behind one or more lengths of bandal. In that case, such bandal units having already served their stated purpose, would need to be removed and re-erected at other alignment/ location.

Sufficient stock of materials (bamboo, bamboo mats, coir string etc) needs to be maintained at each bandal site to ensure efficient and effective maintenance without any loss of time.

Re-erection of bandals at new nearby locations (about 5 km upstream or 10 km downstream of existing location) is done with the help of salvaged materials from the removed bandals to the extent possible and using fresh materials as required for erecting and maintaining necessary length of bandals at new locations.

Detailed technical specifications and terms & conditions for erection and maintenance of bandals given in the concerned tender document/ contract agreement needs to be followed in letter and spirit.

For being most effective, bandals should be erected during the months of November or December when water level in Indian alluvial rivers is receding. However, sometimes the shoals may also appear during the months of January, February as well necessitating erection of bandals. After initial erection, these bandals are to be maintained up to May/June as specified in the contract.

Bandals are seen to be most effective at the locations where the velocity of flow is of the order of 0.60 per second and when the bandals are erected at an angle of 30 degrees to 45 degrees with respect the direction of flow. Moreover, for best results, are achieved when the bed-material at shoals is loose sand.

As mentioned above, the technique of bandalling has been employed on Ganga and Brahmaputra since many decades before formation of IWAI as well as thereafter. Bed erosion of 0.5 m to 1.0 m has been seen on an average. With sediment load of mean grain size (D_{50}) varying between 150 microns and 250 microns (fine sand), lean season velocity of 0.6 m per second and braided nature of the river, bandalling has time and again proved to be a highly effective method of maintenance of navigation channel (fairway) in alluvial rivers.

2. Standard Operating Procedure/ Steps for Executing Bandalling Projects

There are following 11 (eleven) Standard Operating Procedure/ Important Steps in implementation of Bandalling projects of IWAI:

(i) Preparation for Project/ Scheme (stretch wise)
(ii) Scrutinizing and Sanction of the Project/ Scheme at Head Office
(iii) Open E-tendering and Award of Work By concerned RO/ FO
(iv) Constitution of Technical Teams for implementation of RC Works
(v) Pre RC Works activities
(vi) Execution of Bandalling by Contractor & supervision by IWAI
(vii) SOP for Release of Payment for Initial Erection of Bandals
(viii) Special Circumstances
(ix) Post Bandalling Surveys
(x) Analysis of Bandalling Work
(xi) Engineer-in-Charge and his Representative

Each of these steps is described below for guidance and strict compliance by every official concerned.

2.1 Preparation for Project/ Scheme (stretch wise)

Concerned Regional Office (RO) or Field Office (FO) of IWAI will prepare Project/ Scheme for bandalling work for the stretches under their jurisdiction. The Project/ Scheme will interalia include (but not limited to) the following:

a) Quantity of erection and maintenance of bandals considering initial erection of 300 m of bandals at each site and 4 months' maintenance on an average. (Quantity of initial erection will be based on Thalweg survey data of minimum 3 years period, and it may vary depending upon shoal length and site conditions as per shoal analysis/ survey data);
b) Provision of Thalweg surveys and pre and post bandal surveys;
c) Day channel marks considering one mark in every 500 m or as per site conditions;
d) Basis of Estimated Rates for each sub-items including rate analysis and market survey as well as awarded rates of previous year(s) with 5% escalation per annum;
e) Detailed write-up mentioning detailed scope of work, method of execution, justification, availability/ requirement of supervision manpower, budget/ fund provision etc.

This Project/ Scheme will be submitted to Chief Engineer (Civil), Head Office Noida [with a copy to Member (Technical)] latest by end of February every year, soliciting administrative approval of the competent authority.

2.2 Scrutinizing and Sanction of the Project/ Scheme at Head Office

The Project/ Scheme so received from RO/ FO will be duly examined a Head Office in the following manner:

a) The concerned Wing/ Section/ Official(s) at Head Office will thoroughly scrutinize each aspect of the Project/ Scheme received from RO/ FO, in consultation with Hydrographic Wing and submit it through proper channel (as per prescribed channel of file submission) to Finance Wing for Financial Concurrence. In this process, time-bound clarifications can be sought from the RO/ FO whenever necessary;
b) Finance Wing will after examining all the financial parameters of the Project/ Scheme and seeking clarifications from the Technical Wing (if required) and on getting fully satisfied from every financial angle (including availability of budget, reasonableness of rates etc) will accord Financial Concurrence to the Project/ Scheme as per prevalent delegation of Powers and forward the file back to Technical Wing for further necessary action;
c) Technical Wing then submit the Project/ Scheme (through proper channel) to the Competent Authority (as per Delegation of Powers) seeking administrative approval.
d) In the process of obtaining Administrative Approval, queries are sought, the same will be clarified by the concerned Wing/ Official promptly;

e) After accord of Administrative Approval by the Competent Authority, a Sanction Order will be issued to the concerned RO/ FO by Technical Wing along with copies to all concerned.

2.3 Open E-tendering and Award of Work By concerned RO/ FO

a) Soon after receipt of the Sanction Order for the Project/ Scheme from the Head Office, the concerned RO/ FO will initiate action for open E-tendering as per prescribed procedure for Award of River Conservancy (RC) Works including Bandalling, Hydrographic Survey and Channel Marking activities as per the provisions in the sanctioned Project/ Scheme. This activity shall be completed and Work Orders issued by the respective ROs/ FOs preferably by end September or latest by end October every year to make it possible that the selected contractor may start initial erection of bandals during the months of November or December if the same is felt required by the RO/ FO.

b) The concerned ROs/ FOs will also take all necessary actions for signing of the contract agreement by signing authority of IWAI and the Contractor as per the Terms and Conditions mentioned in the Work Order expeditiously.

2.4 Constitution of Technical Teams for implementation of RC Works

a) Before issuing the Work Order to the selected Contractor, the respective RO/ FO shall constitute sub-stretch wise teams of Technical and Survey officials for selection of shoal location, giving alignment of bandals, supervision, undertaking pre & post detail bandal surveys and monitoring of RC works as per the contract agreement. These teams should preferably be constituted before the issue of Work Order.

2.5 Pre RC Works activities

Before starting initial erection of bandals and channel marks by the contractor, following pre-RC Works activities shall be carried out by Technical team(s) on the sites:

a) To check the river morphology (channel flow, pattern, main & secondary channel) during the period of receding of flood, the latest (current) thalweg route is to be compared with previous year thalweg rout in order to find out any changes in the river flow. This will help the technical team to access possibility of new shoal or not.

b) Tentative identification of shoal location, approximate location of bandal units and positioning of channel marks shall be based on the above analysis.

c) Detailed pre-bandal surveys shall then be carried out at shoals covering at least 300 m on upstream & downstream and 100 m on either sides of the 'main channel' following standard hydrographic/ topographic survey methods. The length of survey area should cover deeper channels in both upstream and downstream sides. Detailed surveys shall be carried out at 50 m

line interval. At least 4 float observations shall be taken at equal distance (to cover full surveyed width) during these pre bandal surveys.

d) All surveys are to be carried out by Automated Hydrographic Survey (AHS) System only.

e) The identification of exact shoal location, alignment of bandal units and positioning of channel marks shall be based on the pre-bandal detail survey mentioned in b) above.

2.6 Execution of Bandalling by the Contractor and supervision thereof by IWAI

Execution of Bandalling by the Contractor and supervision thereof by the technical team of IWAI shall interalia include following activities:

a) Based on Pre RC Works mentioned above, the technical team shall give alignment of bandals for initial erection physically on the site by transferring the points from the detailed survey charts to the actual site and marking them clearly by the bamboos driven firmly into the river bed with the assistance of the team of the contractor.

b) Date of giving the alignment of initial erection, its length, coordinates of the end points and other important notings as felt necessary, shall be recorded by the IWAI's technical team on the Site Order Book which is required to be provided and maintained by the contractor as per contract provisions.

c) The alignment of bandal shall be given within 07 days of completion of survey or re-survey is to be carried out. If, executing agency is unable to complete the erection within 15 days from the date of alignment is given, then re-survey shall also be undertaken.

d) One Temporary Bench Mark (TBM) is to be maintained at each bandalling site and same has to be maintained for the entire lean season period. The location of TBM should be selected well beyond the HFL Line so that it need not be shifted when water level rises.

e) A water level gauge also established and linked with water-level to assess the improvement in channel. The gauge needs to be connected with TBM. A Water Level Register is also to be maintained at each site to record daily water levels at 0800 hours.

f) The alignment for erection of Bandal will be given by the technical team of IWAI (whose in-charge shall also act as representative of Engineer-in-Charge) in presence representative of the Contractor.

g) Generally, 10 days (maximum) are given to the Contractor for completing the initial erection from the date of alignment. The Contractor, however, is free to complete the initial erection prior to this period. The Contractor has to inform the Engineer in Charge in writing as soon as the initial erection is completed.

h) A further period of 10 days is kept for ascertaining the stability of the initially erected bandals.

i) Measurement of bandals for satisfactory initial erection shall be recorded only after completion of this 10 days stability period.
j) This periods mentioned in (g), (h) and (i) above shall, however, be governed by the terms & conditions of the contract.
k) One Site Order Book needs to be maintained by the Contractor at each bandal site and its safekeeping ensured. This Site Order Book should be such that orders can be recorded in triplicate so that one copy of each the site order issued by the inspecting official is carried by him to be submitted in the office of Engineer-in-Charge, one is given to the Contractor and one copy is available in the Site Order Book all the time.
l) Detailed measurements of works are to be recorded in the Measurement Books (MBs) issued by the Engineer-in-Charge as per standard practice.
m) It must be ensured that the Contractor provides adequate manpower/ workers for erection, maintenance and safe keeping of bandals.
n) As and when it is felt that either the entire length or a pert thereof, needs to be re-erected or removed as per site conditions, necessary instructions for the same are to be given and recorded in respective Site Order Book.
o) It must be ensured by the technical team that the bandals are kept well maintained as per the contract conditions during entire tenancy of the Contract. Stability of bandals, positioning of the mats and quality of bamboos and bamboo mats are the most important aspects of maintenance of bandals and their effectivity. Therefore, special attention should be given to these.
p) Periodic inspection at close interval is necessary for bandals being really effective. Hence each bandal site must be inspected at close intervals.
q) Intermediate detailed bandalling surveys are also required be carried out on monthly basis. In addition, to justify re-erection of bandal, every re-erection of bandal should be carried out only after intermediate detail survey to the extent possible.
r) It should be ensured that each and every technical specification and terms and conditions of the Contract entered between IWAI and the Contractor is adhered to in execution of bandalling work.

2.7 SOP for Release of Payment for Initial Erection of Bandals

Following conditions/ requirements need to be met for release of payments for initial erection of bandals by the respective RO/ FO:

a) After completion of initial erection/ re-erection of bandal at a particular site, the Contractor shall inform Engineer-in-Charge (EIC) about the same along with initial erection/ re-erection report in the prescribed format. Thereafter the inspecting officer shall verify the same at the site immediately. Measurement of the same shall however, be recorded on the Measurement Book (issued to the particular officer) only after observing the stability of the bandal for a period of

10 days. Based on this measurement only, payment of erection/ re-erection shall be considered for release of payment at the rates and other terms & conditions of per contract agreement.

b) While taking the measurement, following must be ensured/ measured:

(i) Correctness of alignment and positioning of bandal units.

(ii) Number and dimensions of bamboos and mats (screens) in each bandal unit.

(iii) It may be noted that only overall/ finished dimensions of mats (screens) will be measured i.e. bandal length covered with the mats will only be measured (dimensions of individual mats will not be measured) to verify the dimensions of 15 m x 0.9 m or 15 m x 1.2m or 30 m x 0.9 m or 30 m x 1.2 m as the case may be.

(iv) If the variation in measurement (w.r.t. standard dimensions as per contract agreement) is up to (–) 5%, the Contractor will be allowed 3 days for its rectification.

(v) The maintenance period shall start from the following day/ date of completion of initial erection/ re-erection but claim for the maintenance charges shall be entertained only after ascertaining the stability of bandal up to 10 days or more after date of completion of erection/ re-erection.

(vi) The contractor must maintain satisfactorily, entire length of bandal ordered and erected/ re-erected at each site during the period of the contract as per contract terms & conditions and direction of Engineer-in-Charge or his representative.

(vii) If during any period, at any site it is found that less than 80% length of bandal is maintained, no payment for maintenance for that site shall be made for the period during which less than 80% bandal is maintained. If the length is satisfactorily maintained between 80% and 100% at a site, pro-rata payment shall be made for the actual length maintained during that month.

(viii) Maintenance period of bandal shall be applicable from the date following the date of completion of erection/ re-erection at a particular site and the monthly maintenance charges shall be payable as per actual maintenance work i.e. part or full month as the case may be.

2.8 Special Circumstances

In extra-ordinary circumstances/ urgencies (e.g. to facilitate movement of important cargo vessels etc), the alignment of bandals can also be given by the technical team mentioned above (preferably in presence of the Engineer-in-Charge) without detail survey. In such also, detail inspection of the all the channels in the shoal are should be carried out with survey vessel and a few float observations should also be made before deciding the alignment. A rough sketch of this inspection should be made and kept in records. Detail survey of this location shall however, be carried out at the earliest opportunity.

2.9 Post Bandalling Surveys

a) Soon after completion of bandalling period as per contract or when it is decided to shift/ relocate/ re-erect the whole length or a few units of bandal at/ from a particular site, post-bandal surveys should be carried out using Automatic Hydrographic Survey System and standard hydrographic/ topographic survey practices. Area of survey, float observations etc will generally be the same as in case of pre bandal surveys.

2.10 Analysis of Bandalling Work

a) Based on pre and post bandal survey charts, detailed analysis of the extent of improvement in depth and width in the main channel due to bandalling work at each site should be made.
b) A detailed report on channel development/ improvement shall then be submitted after removal/ re-erection of bandal, duly supported with pre and post bandal chart, water level data, thalweg survey data etc by the Engineer-in-Charge to Chief Engineer (Civil) and Member (Technical).
c) It is desirable that a few photographs of each bandal site with time & date tag are attached with this detail Analysis Report, to the extent possible. Efforts should be made in advance in this regard.

2.11 Engineer-in-Charge and his Representative

Unless directed by Chief Engineer (Civil)/ Member (Technical) otherwise, Engineer-in-Charge for the bandalling work shall be the Director of concerned RO/ FO his representative shall be Assistant Director/ Assistant Hydrographic Surveyor and/or Technical Assistant/ Junior Hydrographic Surveyor as nominated by the Engineer-in-charge.

3.0 Roles and responsibilities of Head Quarters

Technical Wing headed by Chief Engineer (Civil) will be responsible for monitoring of all bandalling works of various Regional Offices and Field Offices. This monitoring shall be carried out regularly by means of MIRS as well as physical inspection of sites by the teams constituted by Chief Engineer (Civil) or Member (Technical) as and when felt necessary. In general following activities related to bandalling works in field offices shall be carried out in the Head Quarters:

a) Approval of award of work to the selected bidder based on recommendation of duly constituted TEC and officer in-charge of concerned RO/ FO as per Delegation of Powers.
b) Approval and release of final payment based on recommendation of officer in-charge of concerned RO/ FO as per Delegation of Powers.
c) Approval and release of Performance Bank Guarantee and Security Deposit etc as per terms & conditions of contract and Delegation of Powers.
d) Issuing form time to time directives/ suggestions to RO/ FO based on carious reports received from the field on progress of RC Works.
e) Monitoring and cross-checking of progress of RC Works through inspection teams as deemed fit.
f) Approval of Standard Bidding Documents for RC Works.

4.0 Role and responsibilities of ROs

a) In the capacity of being Engineer-in-Charge, the respective officer in-charges of various RO/ FO have the primary responsibility for conceptualizing, planning, project preparation, execution and monitoring of all aspects of RC Works in their respective jurisdiction as per terms & conditions of the contract and Delegation of Powers. A few important activities for which the respective RO/ FO is responsible are as follows:

(i) Proposing budget allocation for R C Works based on Thalweg Survey data and other ground conditions and submitting the same to the Head Quarters (HQ) for approval along with necessary justification.

(ii) Preparation of Project/ Scheme as per requirement and submission to Head Quarters for approval. Its follow-up for early and timely approval by the competent authority.

(iii) E-Tendering and award of work to the selected bidder based on recommendation of duly constituted TEC and approval of the competent authority as per Delegation of Powers.

(iv) Execution of R C Works and their monitoring.

(v) Carrying out Thalweg and Detail Per and Post Hydrographic and Topographic surveys at each site using Automatic Hydrographic System and as per standard practice.

5.0 Timelines

S.N.	Particulars	Target Date
1.	Scheme preparations & submission to HQ	By end February every year
2.	Sanction of Project/ Scheme by competent authority	By end March of every year
3.	Award of work after e-tendering and consent of HQ (appropriate authority)	By end May of every year
4.	Signing Agreement etc.	June of every year
5.	Formation of technical committees, nomination of representative of EIC etc. for execution of work.	As applicable
6.	Reporting frequency on work progress	10th of every month
7.	Detailed Pre and Post bandalling surveys	As per requirement

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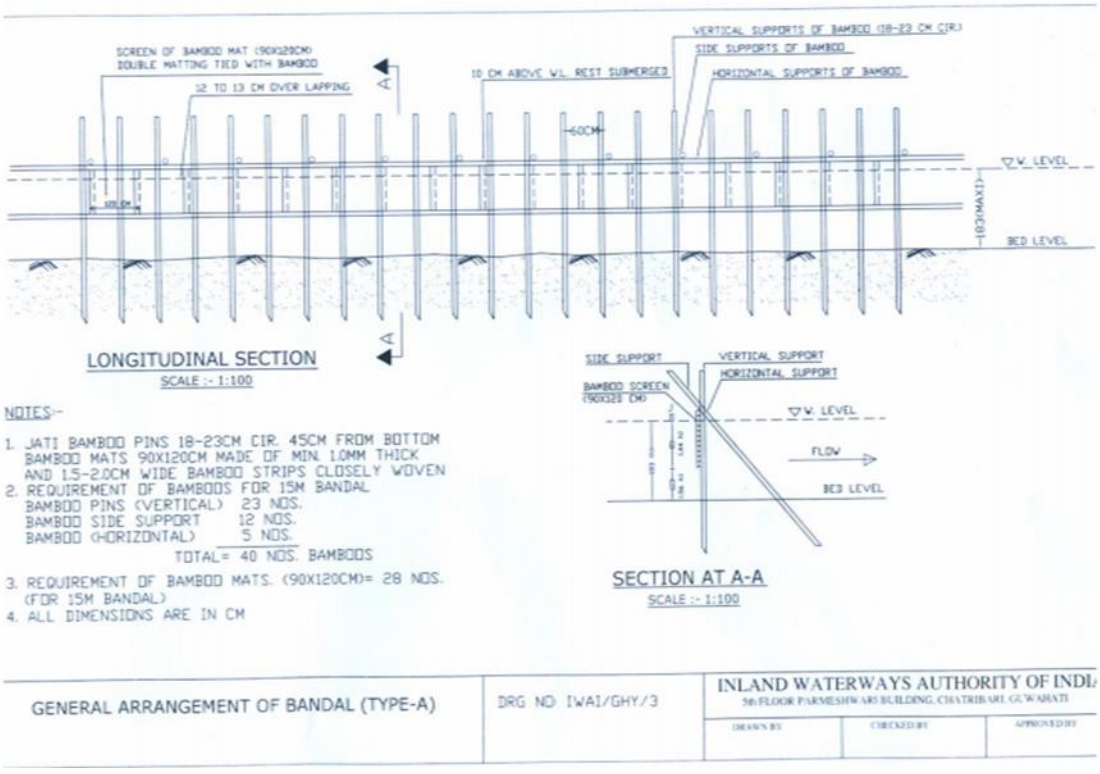
ENCLOSURE - 1



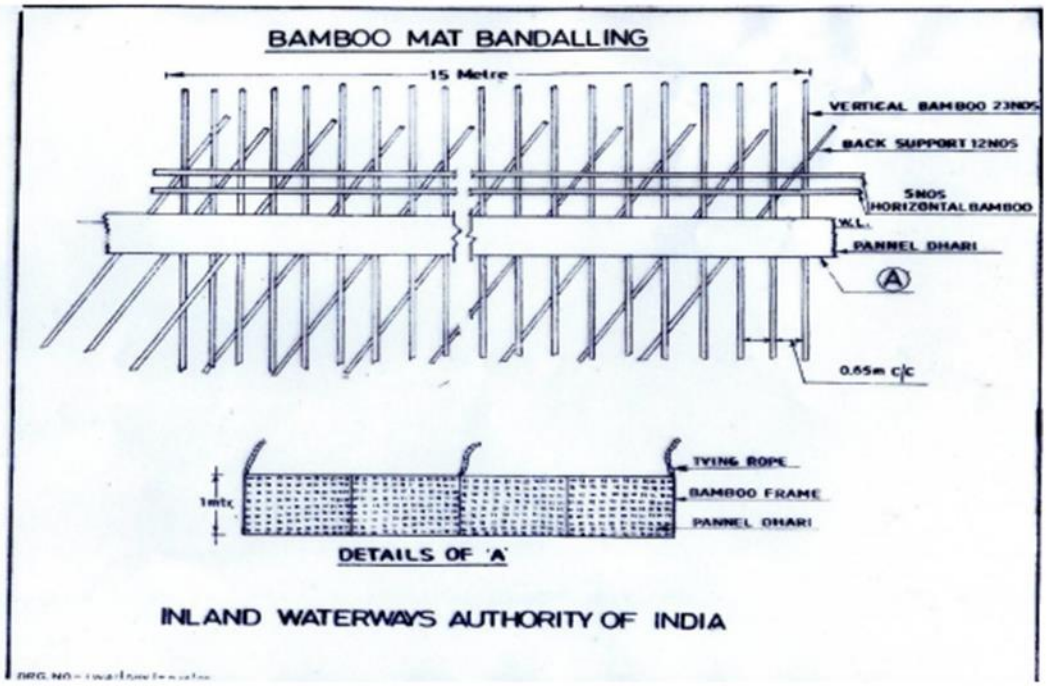
NOTES:-

1. JATI BAMBOO PINS 18-23CM CIR. 45CM FROM BOTTOM BAMBOO MATS 90X120CM MADE OF MIN. 1.0MM THICK AND 1.5-2.0CM WIDE BAMBOO STRIPS CLOSELY WOVEN
2. REQUIREMENT OF BAMBOOS FOR 15M BANDAL
   BAMBOO PINS (VERTICAL) 23 NOS.
   BAMBOO SIDE SUPPORT 12 NOS.
   BAMBOO (HORIZONTAL) 5 NOS.
   TOTAL= 40 NOS. BAMBOOS
3. REQUIREMENT OF BAMBOO MATS. (90X120CM)= 28 NOS. (FOR 15M BANDAL)
4. ALL DIMENSIONS ARE IN CM

GENERAL ARRANGEMENT OF BANDAL (TYPE-A)	DRG NO: IWAI/GHY/3	INLAND WATERWAYS AUTHORITY OF INDIA 5th FLOOR PARMESHWARI BUILDING, CHATRIBARI, GUWAHATI
		DRAWN BY / CHECKED BY / APPROVED BY

ENCLOSURE -2

Bamboo Mat Bandalling



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SAGARMALA
PORT-LED PROSPERITY

सत्यमेव जयते
Goverment Of India

स्वच्छ भारत
एक कदम स्वच्छता की ओर

Inland Waterways Authority of India

CHECK LISTS

for

STANDARD OPERATING PROCEDURE

for

BANDALLING WORKS

1. Check List for Preparation/ Vetting of a Project for Bandalling work

Note: Concerned Regional Office (RO) or Field Office (FO) will prepare a Project for bandalling work for the stretches under its jurisdiction. Following points should be kept in mind for preparing and/or vetting the projects so prepared:

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Whether length of initial erection of bandals has been kept about 300 m per site on an average ?	
(b)	If (a) is 'No', then whether sufficient justification for the same has been provided or not ?	
(c)	Is the proposed length of initial erection of bandals based on Thalweg survey data of minimum 3 years period ?	
(d)	Whether sufficient provision of Thalweg surveys and pre and post bandal surveys has been kept in the project ?	
(e)	Has basis of Estimated Rates for each sub-items including rate analysis and market survey as well as awarded rates of previous year(s) with 5% escalation per annum has been considered or not ?	
(f)	Is detailed write-up mentioning detailed scope of work, method of execution, justification, availability/ requirement of supervision manpower, budget/ fund provision etc included appropriately ?	
(g)	Other comments if any	

2. Check List for Scrutinizing and Sanction of the Project for Bandalling work at Head Office

2.1 Scrutiny in Technical Wing:

The Project submitted by the RO/FO to Chief Engineer (Civil), soliciting administrative approval of the competent authority will be first scrutinized by the concerned technical officer in the office of Chief Engineer (Civil). Following points should be checked in this process:

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Has a copy of the project been endorsed to Member (Tech) ? [Note: If not, make a copy available to his office]	
(b)	Has the project been submitted by the end of February as stipulated in the SoPs ?	
(c)	Whether length of initial erection of bandals has been kept about 300 m per site on an average ?	
(d)	If (a) is 'No', then whether sufficient justification for the same has been provided or not ?	
(e)	Is the proposed length of initial erection of bandals based on Thalweg survey data of minimum 3 years period ?	
(f)	Whether sufficient provision of Thalweg surveys and pre and post bandal surveys has been kept in the project ?	
(g)	Has the basis of Estimated Rates for each sub-items including rate analysis and market survey as well as awarded rates of previous year(s) with 5% escalation per annum has been considered or not ?	
(h)	Is detailed write-up mentioning detailed scope of work, method of execution, justification, availability/ requirement of supervision manpower, budget/ fund provision etc included appropriately ?	
(i)	Other comments if any	

Note: This scrutiny will be made in consultation with Hydrographic Wing as per requirement. In this process, time-bound clarifications can be sought from the RO/ FO over phone or in writing as felt necessary. The project will then be submitted to Finance Wing for Financial Concurrence through proper channel.

2.2 Scrutiny in Finance Wing

The Project/ Scheme so received from the Technical Wing will be duly examined in Finance Wing. Following points should be checked in this process:

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Has the correct budget head/ sub-head from where the expenditure for executing this project is to be met, duly mentioned in the project ?	
(b)	Whether sufficient provision of funds exists in the budget head/ sub-head mentioned project ?	
(c)	Whether rates of various items/ sub-items considered in the project are reasonable ?	
(d)	Whether quantities of various items/ sub-items considered in the project are reasonable ?	
(e)	Have all the mathematical calculations been checked and found correct ? Note: If any mistake is noticed the same needs to be pointed out and duly corrected.	
(f)	Other comments of financial nature, if any	

Note: Finance Wing after examining all the financial parameters of the Project Scheme and seeking clarifications from the Technical Wing (if required) and on getting fully satisfied from every financial angle will accord Financial Concurrence to the Project as per prevalent Delegation of Powers and forward the file back to Technical Wing for further necessary action.

2.3 Further Processing:

a) Technical Wing then submit the Project/ Scheme (through proper channel) to the Competent Authority (as per Delegation of Powers) seeking administrative approval.

b) Queries raised by various officers in the process of obtaining Administrative Approval will be clarified by the concerned Wing/ Official promptly.

c) After accord of Administrative Approval by the Competent Authority, a Sanction Order will be issued to the concerned RO/ FO by Technical Wing along with copies to all concerned.

3. Guidelines for E-tendering and Award of Work By concerned RO/ FO

3.1 On after receipt of the Sanction Order for the Project from the Head Office, the concerned RO/ FO will initiate E-tendering as per the prescribed procedure with the target that the Work Orders are issued by end September or latest by end October every year to make it possible that the selected contractor may start initial erection of bandals during the months of November or December if the same is felt required.

3.2 At the same time, the respective RO/ FO shall constitute sub-stretch wise teams of Technical and Survey officials for selection of shoal location, giving alignment of bandals, supervision, undertaking pre & post detail bandal surveys and monitoring of RC works as per the contract agreement. These teams should preferably be constituted before the issue of Work Order.

3.3 The concerned RO/ FO will also take necessary actions for signing of the contract agreement by the signing authority of IWAI and the Contractor as per the Terms and Conditions mentioned in the Work Order expeditiously.

4. Check Lists for implementation, supervision, monitoring and certification of RC Works by the Technical Teams and RO/FO

4.1 Check List for implementation of Pre RC Works activities

Before starting initial erection of bandals by the contractor, following points are to be ensured by the respective Technical team(s):

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Has the river morphology (discharge, flow pattern, sediment transportation etc in main & secondary channels) during the latest (current) thalweg route been compared with previous year thalweg rout in order to find out any changes in the river flow ?	

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
	[This will help the technical team to access possibility of new shoal at vulnerable locations.]	
(b)	Based on the above analysis, has the tentative identification of shoal location, approximate location of bandal units and positioning of channel marks been assessed ?	
(c)	Has the detailed pre-bandal survey been carried out at the shoals covering at least 300 m on upstream & downstream and 100 m on either sides of the 'main channel' following standard hydrographic/ topographic survey methods ?	
(d)	Does the length of survey area cover deeper channels in both upstream and downstream sides ?	
(e)	Has the detailed survey been carried out at 50 m line interval ?	
(f)	Have at least 4 float observations been taken at approximate equal distance (to cover full surveyed width) during these pre bandal surveys ?	
(g)	Has the detailed pre- bandal survey been carried out by Automated Hydrographic Survey (AHS) System only ?	
(h)	Maintenance period of bandal shall be applicable from the date following the date of completion of erection/ re-erection at a particular site and the monthly maintenance charges shall be payable as per actual maintenance work i.e. part or full month as the case may be.	
(i)	Other comments, if any.	

Note: Identification of exact shoal location, alignment of bandal units and positioning of channel marks shall be based on the pre-bandal detail survey mentioned above. Final proposed alignment of bandals should be approved by the Director or Dy Director concerned.

4.2 Check Lists for supervision, monitoring and certification of RC Works

For supervision, monitoring and certification of RC Works, following points must ensured by the respective Technical teams:

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Has the proposed alignment of bandals for initial erection is given strictly by transferring the points from the detailed survey charts (prepared as per the Pre RC Works mentioned above), to the actual site and marking them clearly by the bamboos driven firmly into the river bed ?	
(b)	Has the date of giving the alignment of initial erection of bandal, its length, coordinates of the end points and other important features as felt necessary, been recorded by the technical team on the Site Order Book (which is to be provided and maintained by the contractor) ?	
(c)	Has the alignment of bandal been given within 07 days of completion of survey or re-survey ?	
(d)	Has the alignment for erection of bandals at each site been given in presence representative of the Contractor. Note: If the contractor is unable to complete the erection within 15 days from the date of alignment, then re-survey shall also be undertaken.	
(e)	Has one Temporary Bench Mark (TBM) been established and maintained at each bandalling site for the entire lean season period ?	
(f)	Has the locations of every TBM is well beyond the HFL Line so that it need not be shifted when water level rises ?	
(g)	Has one water level gauge also been established and linked with water-level to assess the improvement in channel at each bandal site ?	
(h)	Is each of the above water level gauges are connected with the TBM ?	
(i)	Has Water Level Registers been maintained at each	

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
	site and water levels are being recorded at 0800 hours daily ?	
(j)	Has the initial erection been completed within 10 days by the Contractor from the date of giving alignment at the site ? Note: The Contractor, however, is free to complete the initial erection prior to this period. The Contractor has to inform the EIC in writing as soon as the initial erection is completed. Has the measurement of initial erection/ re-erection of bandals been recorded only after completion of this 10 days stability period ? Note: All technical specifications and terms and conditions of the Contract need to be ascertained (and deficiencies, if any, needs to be brought out) before recording of the measurements on MBs.	
(k)	Has one Site Order Book is maintained at each bandal site and its safekeeping ensured by the Contractor ? Note: This Site Order Book should be such that orders can be recorded in triplicate so that one copy of each the site order issued by the inspecting official is carried by him to be submitted in the office of EIC, one is given to the Contractor and one copy is available in the Site Order Book all the time.	
(l)	Have the detailed measurements been recorded in the Measurement Books (MBs) issued by the Engineer-in-Charge to the concerned official y name as per standard practice ?	
(m)	Has the Contractor provided adequate manpower/ workers for erection, maintenance and safe keeping of bandals ?	
(n)	Have necessary instructions given and recorded in respective Site Order Books as and when it was felt that either the entire length or a part thereof, needed to be re-erected or removed as per site conditions ?	
(o)	Have the bandals are kept well maintained as per the	

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
	contract conditions during entire tenancy of the Contract. Note: Stability of bandals, positioning of the mats and quality of bamboos and bamboo mats are the most important aspects of maintenance of bandals and their effectivity. Therefore, special attention should be given to these.	
(p)	Give dates of the inspection made of the concerned bandal site and by whom so far during the current working season ?	
(q)	Have intermediate detailed bandalling surveys been carried out on monthly basis ? Note: If yes, give dates thereof.	
(r)	Has alignment for re-erection of bandal given only after carrying out intermediate detail surveys ? If 'Yes' give dates thereof; If 'No" give reasons for the same.	
(s)	Other comments, if any.	

4.3 Check Lists for recording measurements of initial erection/re-erection/ maintenance of bandals

Before recording the measurements on the MBs, the supervising officers must ensure the following:

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
(a)	Have the correctness of alignment and positioning of bandal units been verified w.r.t. the detailed pre-bandal survey charts ?	
(b)	Have the number and dimensions of bamboos and bamboo mats (screens) in each bandal unit been verified w.r.t. the technical specification ? Note: Only overall/ finished dimensions of mats/ screens (i.e. bandal length covered with the mats)	

Sl. No.	Particulars	Checked & found okay (Yes/ No/ Remarks)
	will be measured to verify the dimensions of mats. Further, if the variation in measurement (w.r.t. standard dimensions as per contract agreement) is up to (–) 5%, the Contractor will be allowed 3 days for its rectification.	
(c)	Has the maintenance period been counted from the following day of completion of initial erection/ re-erection ? Note: Claim for maintenance charges shall be entertained only after ascertaining the stability of bandals up to 10 days or more after completion of erection/ re-erection of bandals.	
(d)	Has the contractor maintained satisfactorily, the entire length of bandal ordered and erected/ re-erected at each site during the period of the contract as per contract terms & conditions and direction of EIC or his representative. Note: If during any period, at any site it is found that less than 80% length of bandal is maintained, no payment for maintenance for that site shall be made for the period during which less than 80% bandal is maintained. If the length is satisfactorily maintained between 80% and 100% at a site, pro-rata payment shall be made for the actual length maintained during that month. Also, the monthly maintenance charges shall be payable as the per actual maintenance work i.e. part or full month as the case may be.	
(e)	Other comments, if any.	

5.0 Timelines

S.N.	Particulars	Target Date
1.	Scheme preparations & submission to HQ	By end February every year
2.	Sanction of Project/ Scheme by competent authority	By end March of every year

3.	Award of work after e-tendering and consent of HQ (appropriate authority)	By end May of every year
4.	Signing Agreement etc.	June of every year
5.	Formation of technical committees, nomination of representative of EIC etc. for execution of work.	As applicable
6.	Reporting frequency on work progress	10th of every month
7.	Detailed Pre and Post bandalling surveys	As per requirement

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17.8 Annexure – SOP – Traffic and logistic wing

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
मुख्यालय : ए–13, सैक्टर–1, नौएडा–201 301, (उ० प्र०)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Shipping, Govt. of India)
Head Office : A-13, Sector-1, Noida-201 301 (U.P.)
Website : www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

F. No. IWAI/HY/E-INICIATIVE/2020-21-Part(2) Dated: 18th May, 2021

CIRCULAR

Sub.: Standard Operating Procedure (SOP) for PANI Portal - reg.

The Competent Authority has approved the Standard Operating Procedure (SOP) for PANI Portal. A copy of the same is enclosed herewith for information and implementation by all the concerned officials.

18/5/2021

(A. Selvakumar)
Director (Hy. & Vig.)
Email Id: aselvakumar.iwai@nic.in
Phone No. 0120-2544040

Encl:- As stated above

Copy to (By E-Mail):

i. Chief Engineer (Tech)/ Chief Engineer-P.M (JMVP)/ Hydrographic Chief/ Dy. Secretary, (P & C and IT)/ CAO (I/C)/ Director (M)/ Director (NER)/ Director (Tr. & L)/ Director (Tech.)/ Deputy Director (NER)/ Deputy Director (Tech), / Deputy Director & R.E., / A.S (A&R), A.S (Estt.), IWAI, Noida.
ii. Director, IWAI, Kolkata/ Kochi/ Guwahati, Vijayawada
iii. Dy. Director, IWAI, Patna
iv. Office In-Charge, NINI, Patna
v. Sub Office Varanasi, Allahabad, Sahibganj, Bhubaneshwar, Dibrugarh, Dhubri.
vi. IT Cell – For uploading on IWAI Website
vii. Hindi Cell – For Hindi Translation
viii. Master Copy / Office Copy

Copy for Information to (By E-Mail):

P.P.S./P.S./P.A. to Chairperson/ Vice-Chairman/ Member (Finance)/ Member (Technical)/ Member (Tr. & L)/, Secretary, IWAI, Noida.

Receipt No : 435606/2021/IWAI-MTR

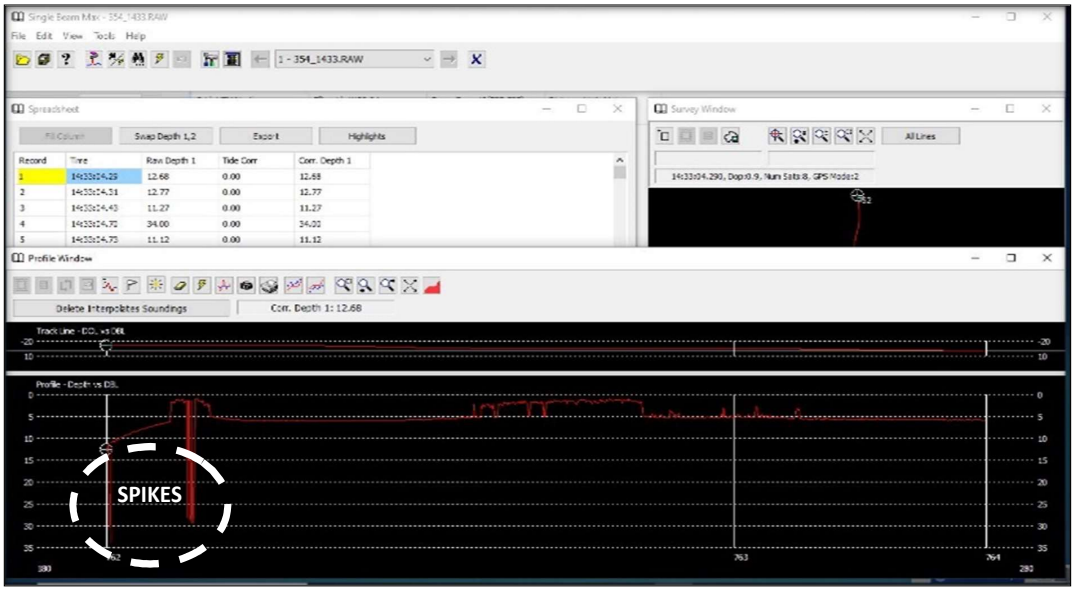
भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
पत्तन,पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
Inland Waterways Authority of India
Ministry of Ports,Shipping and Waterways, Government of India

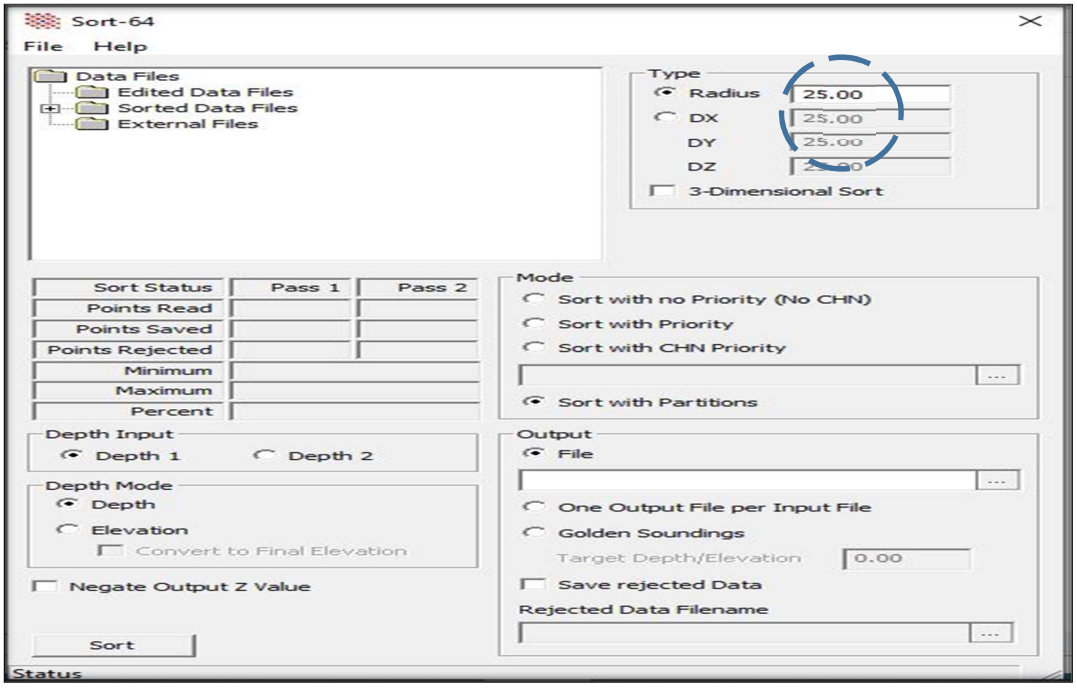
Standard Operating Procedure

For

PANI Portal

1. For Navigation related information, designated Hydrographic Surveyors after Hydrographic-Survey/Thalweg-Survey shall sort out survey data and process the data including removal of Navigation spikes and Sounding spikes, if any. The processed data to be sorted with 25 mtr spacing/interval.



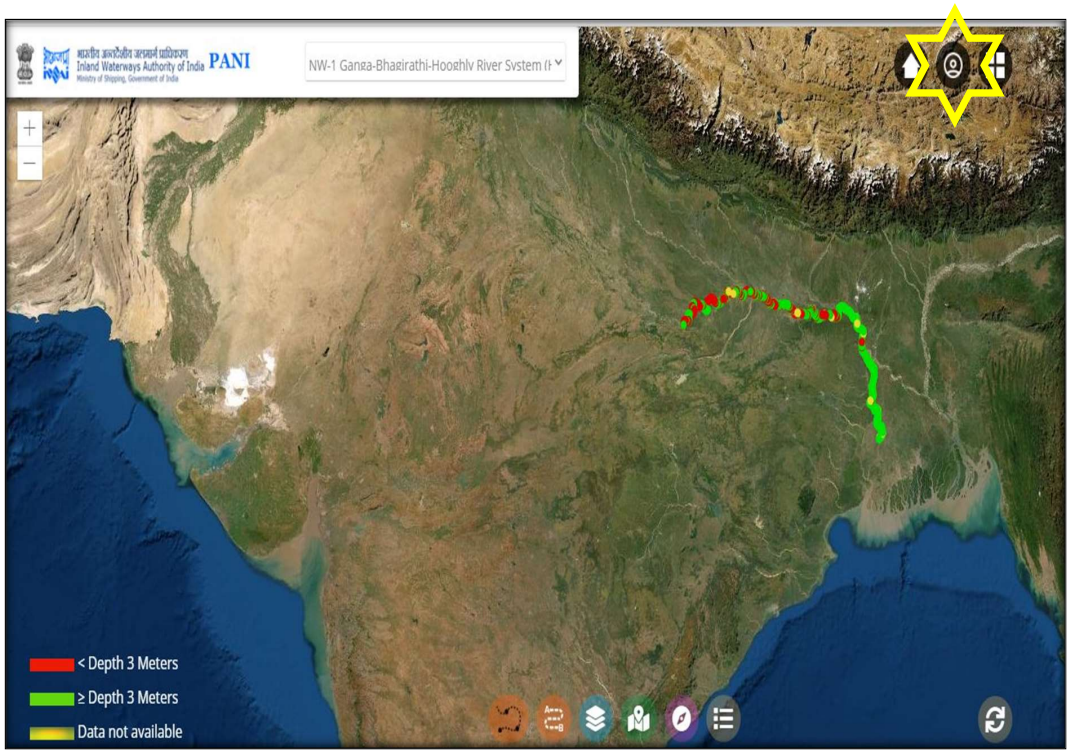


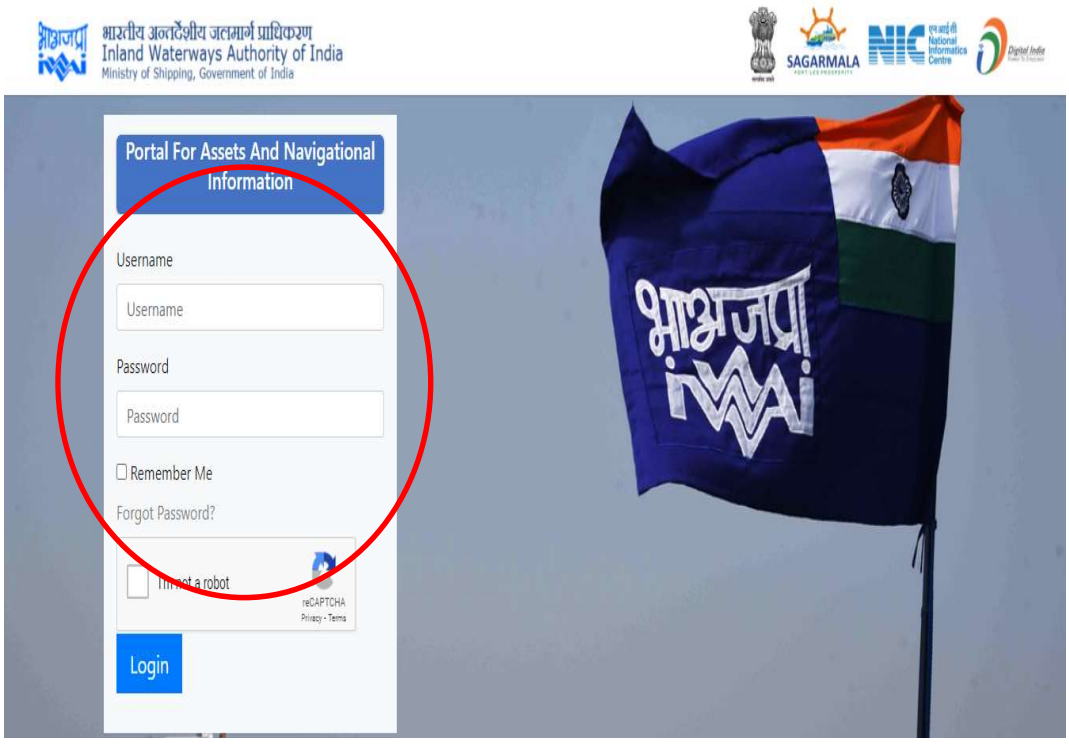
Note: File naming of .xyz file should contain (FN num – Month- Year- from place – to – to place). Example – 01 FN MAR 2021 PAT TO BAR. No special character should be present in the file name. Any other file name is strictly not permitted. The abbreviations of places are the first 03 letters of the Place name.

Receipt No : 435606/2021/IWAI-MTR

2. (i) Uploading Navigational data on PANI portal

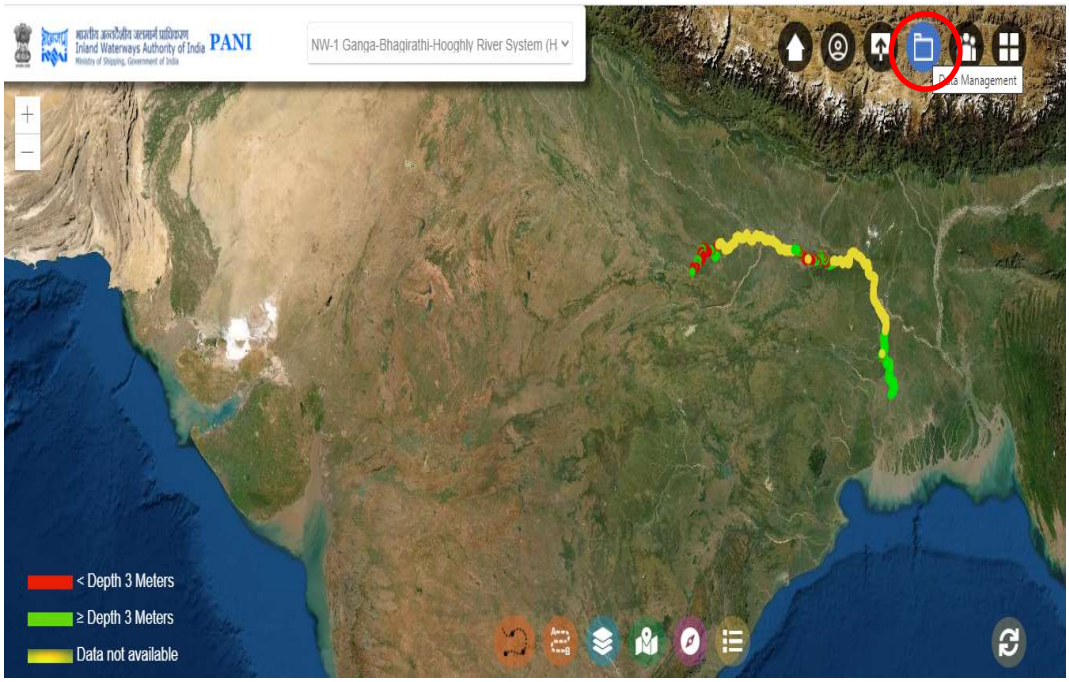
a) Admin Login the portal, as starred/indicated below:

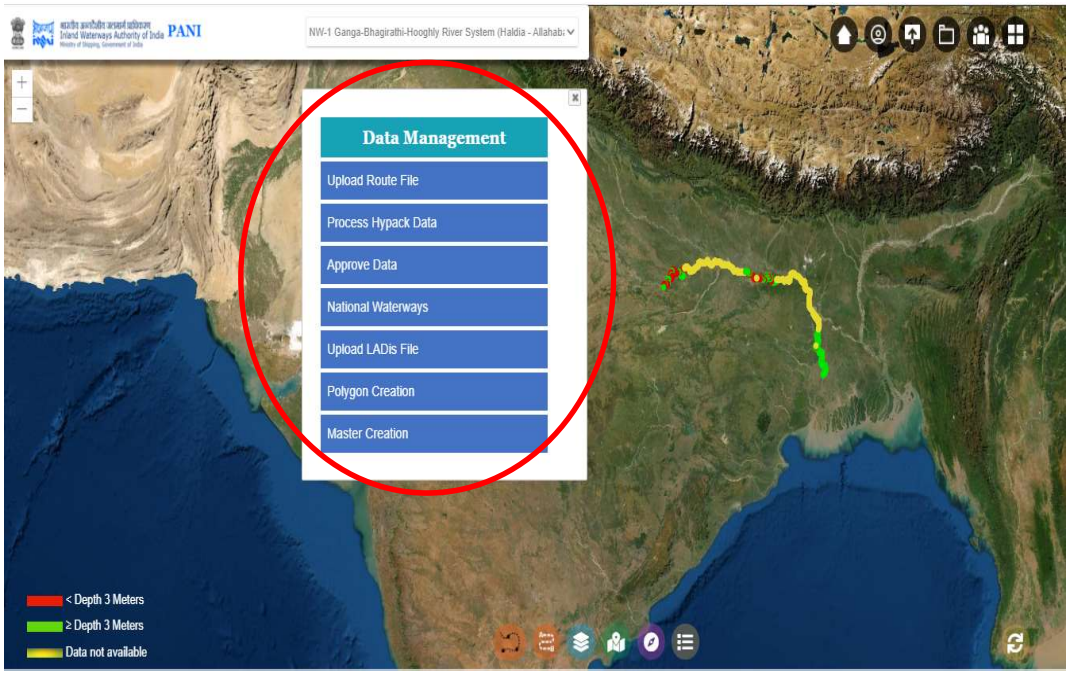




Note: Please follow the video tutorials before uploading data on PANI portal.

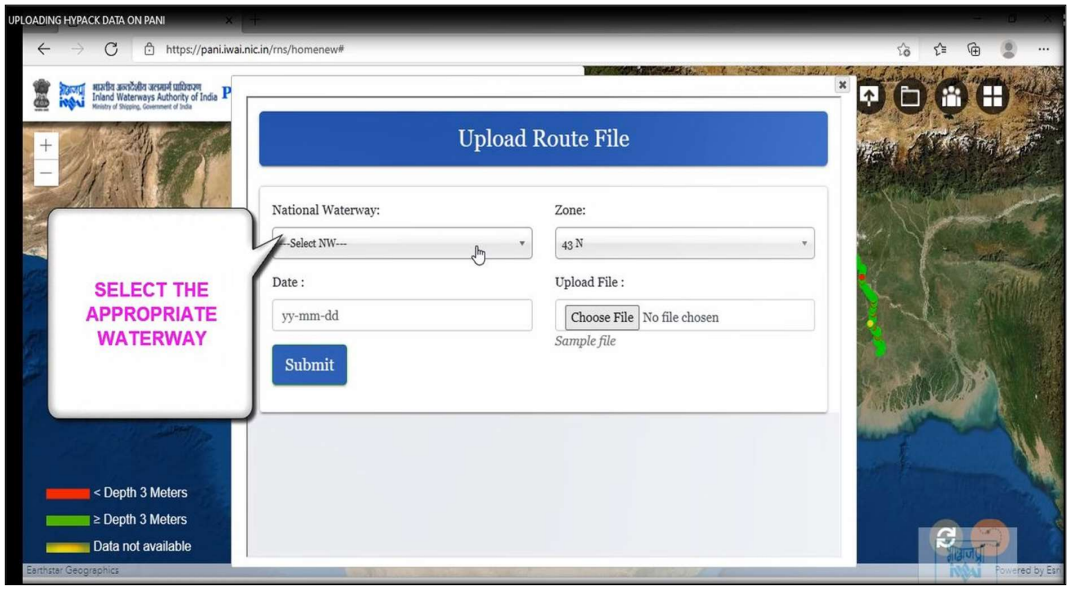
b) After Login in, tap on **Data Management** as below, to upload Navigational data in the Portal, which will lead to the options of Data Management.

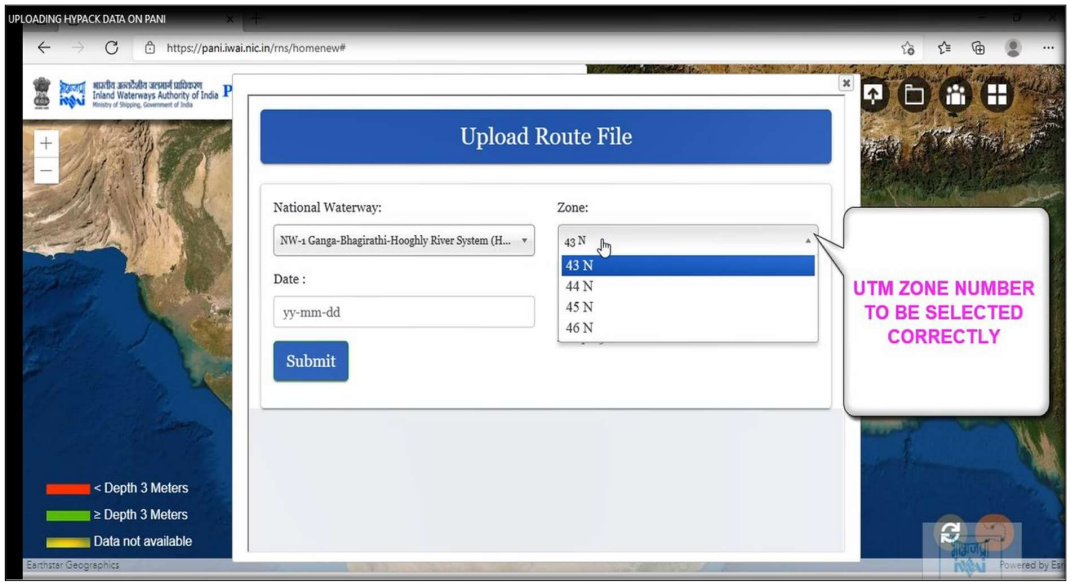


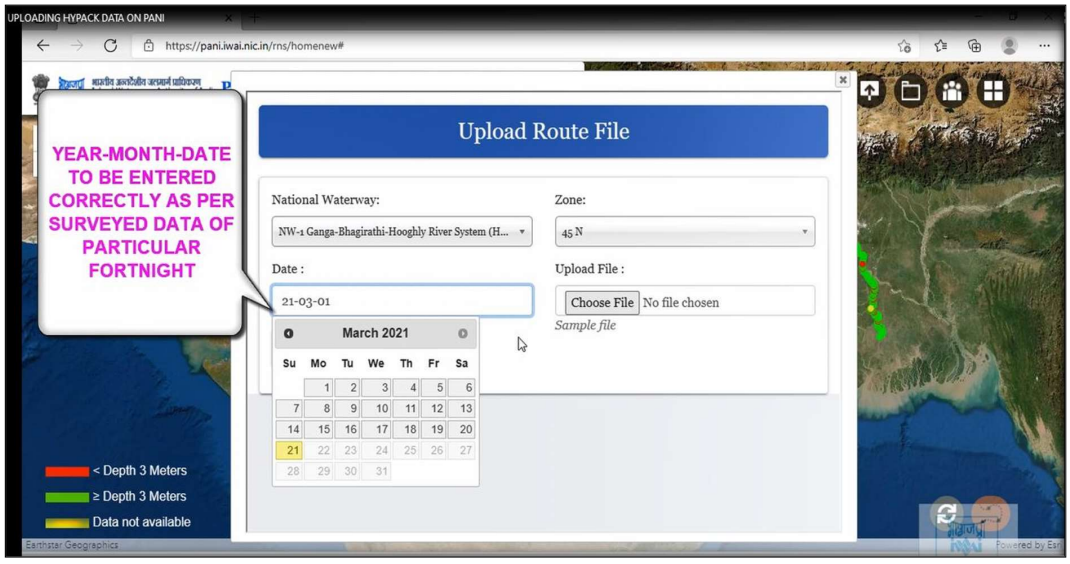


c) Opting for **Upload Route File** shall open new pop-up window with provisions of selecting the appropriate National Waterway, correct UTM zone and Year-Month-Date as per fortnight is to be choose/filled precisely at the time of uploading.

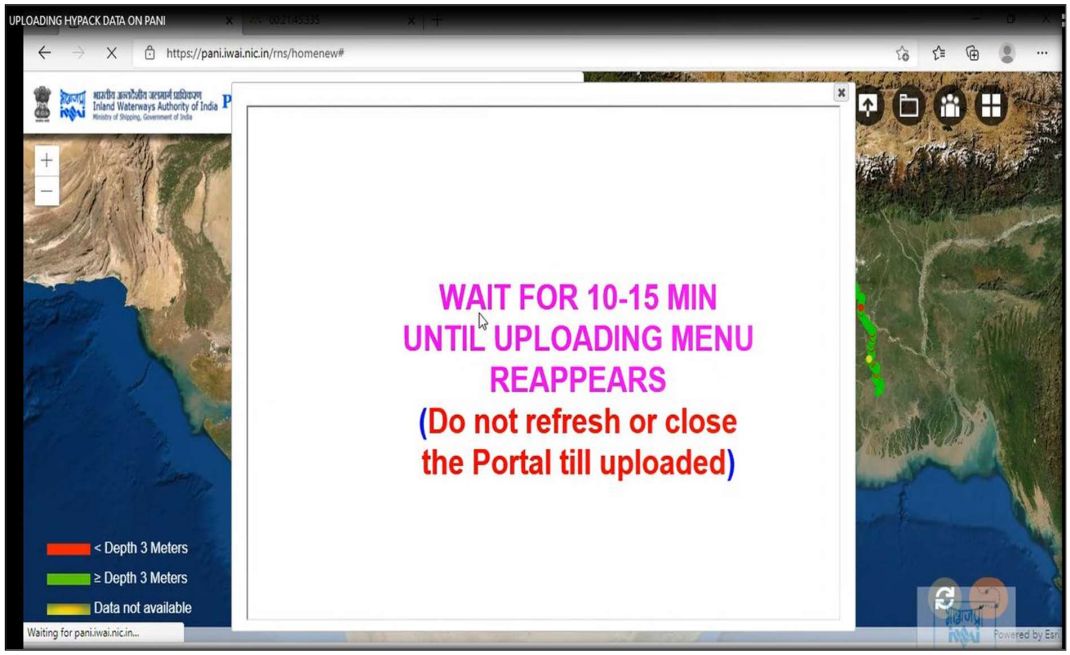
Receipt No : 435606/2021/IWAI-MTR







d) After choosing file from **Choose File**, the system requires default time to upload the data in the Portal.



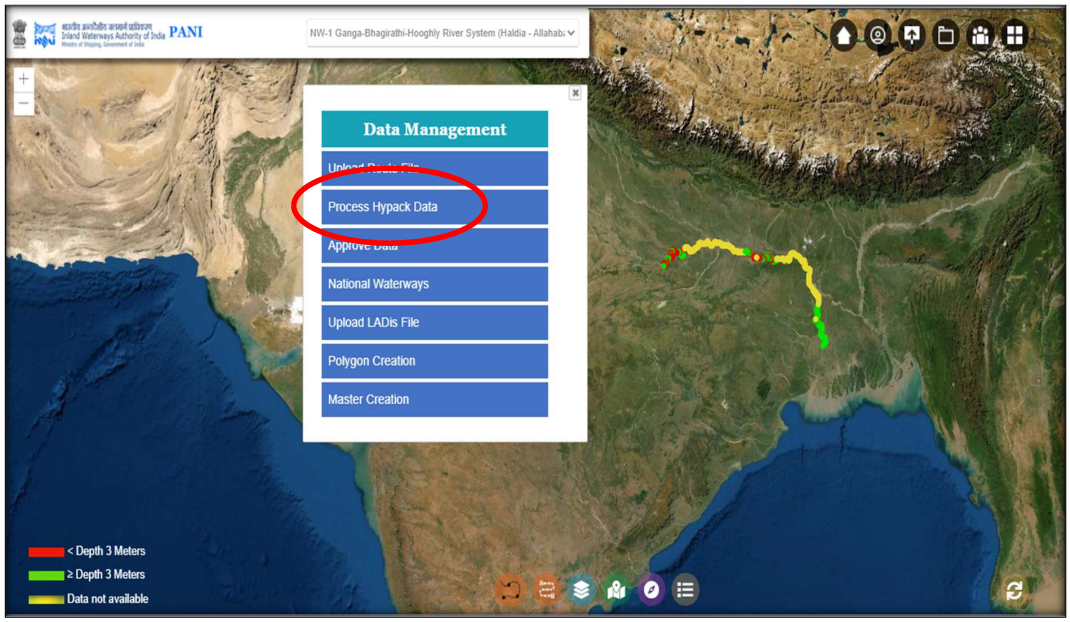
e) Uploaded data should be cross-checked by the Director at the respective Regional Offices at the initial stage during compilation and shall also be checked at the viewing Pan after uploading of data in the portal.

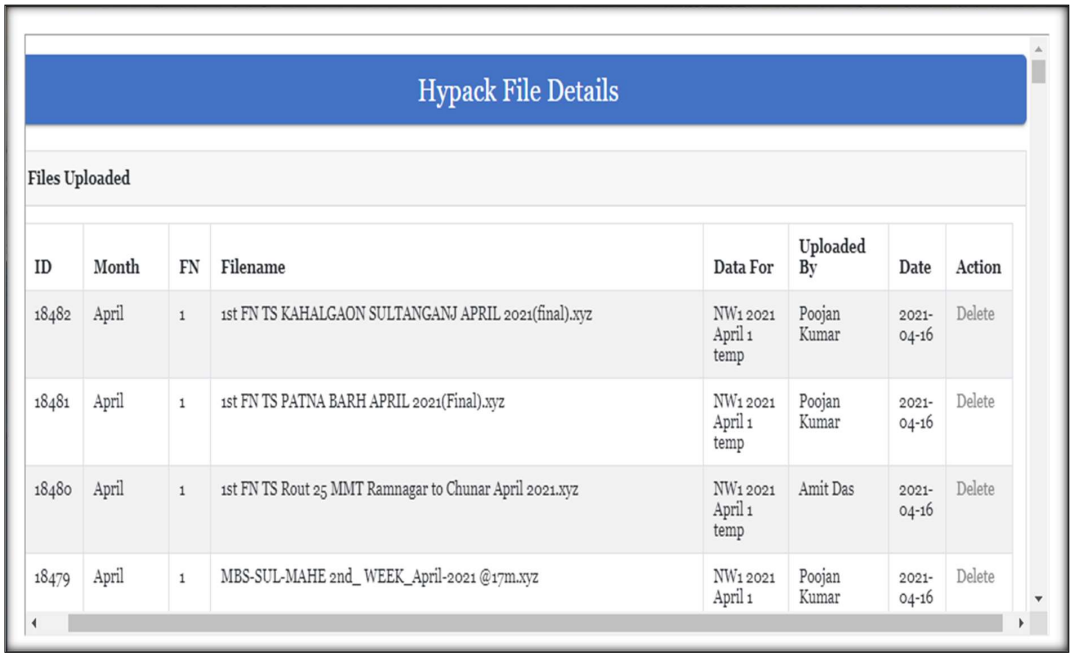
f) Data uploading on PANI portal should be completed within 03 days of the survey and completion report is to be made available to the Hydrographic Chief, IWAI Noida, on the same day.

g) For RIS stations, any change in operator and contact nos. are to be intimated to Hydrographic Chief, IWAI Noida.

2. (ii) Process Hypack Data

This tab shows the processed Hypack data uploaded in the Portal.





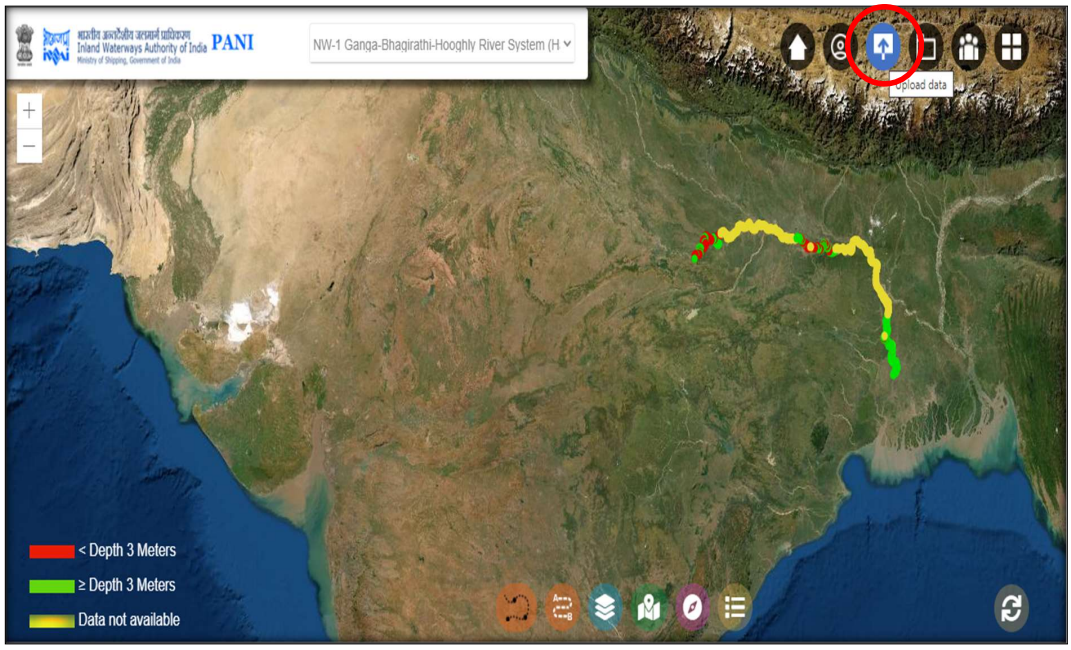
Hypack File Details

Files Uploaded

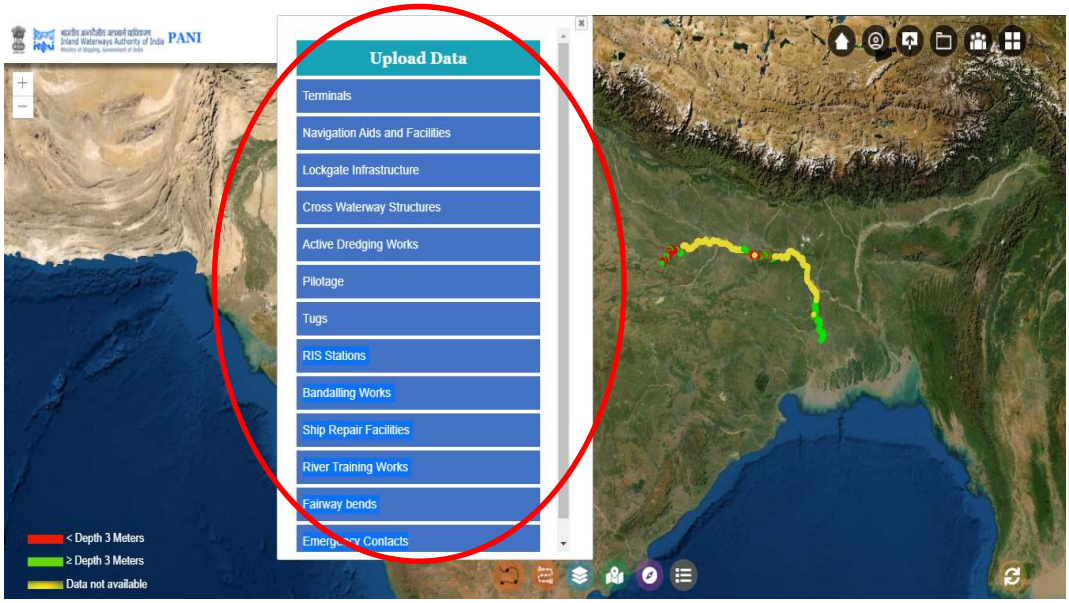
ID	Month	FN	Filename	Data For	Uploaded By	Date	Action
18482	April	1	1st FN TS KAHALGAON SULTANGANJ APRIL 2021(final).xyz	NW1 2021 April 1 temp	Poojan Kumar	2021-04-16	Delete
18481	April	1	1st FN TS PATNA BARH APRIL 2021(Final).xyz	NW1 2021 April 1 temp	Poojan Kumar	2021-04-16	Delete
18480	April	1	1st FN TS Rout 25 MMT Ramnagar to Chunar April 2021.xyz	NW1 2021 April 1 temp	Amit Das	2021-04-16	Delete
18479	April	1	MBS-SUL-MAHE 2nd_ WEEK_April-2021 @17m.xyz	NW1 2021 April 1	Poojan Kumar	2021-04-16	Delete

3. Uploading of data and information related to National Waterways Assets and Navigational information in the portal:

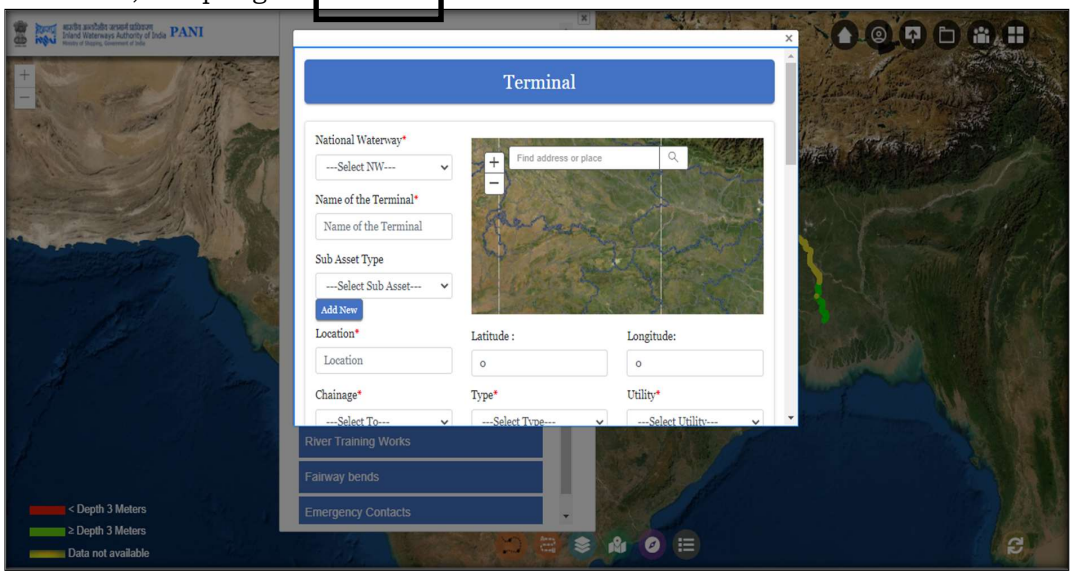
a) **Upload Data** tab provides workspace for uploading or input of data related to Terminals, Navigation Aids & Facilities, Lockgate Infrastructure, Cross Waterway Structure, Active Dredging Works, Pilotage, Tugs, RIS Stations, Badaling Works, Ship Repair Facilities, River Training Works, Fairway Bends and Emergency contacts.

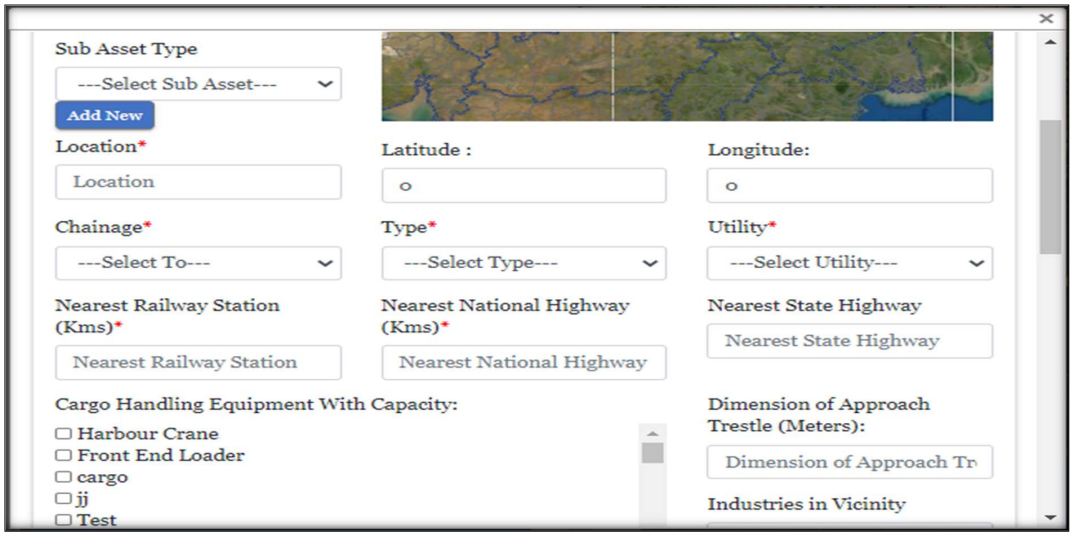


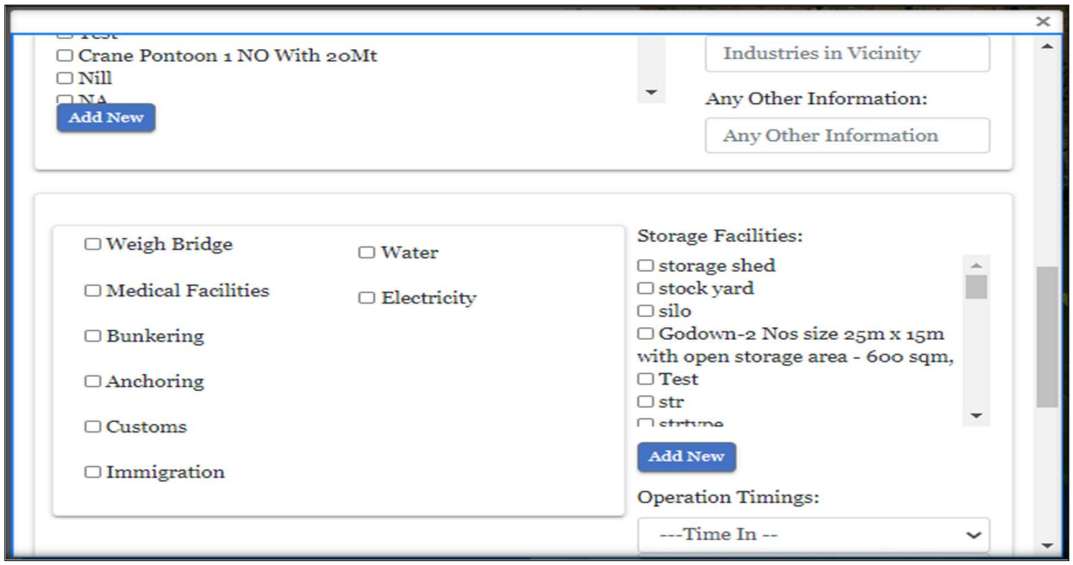
Receipt No : 435606/2021/IWAI-MTR

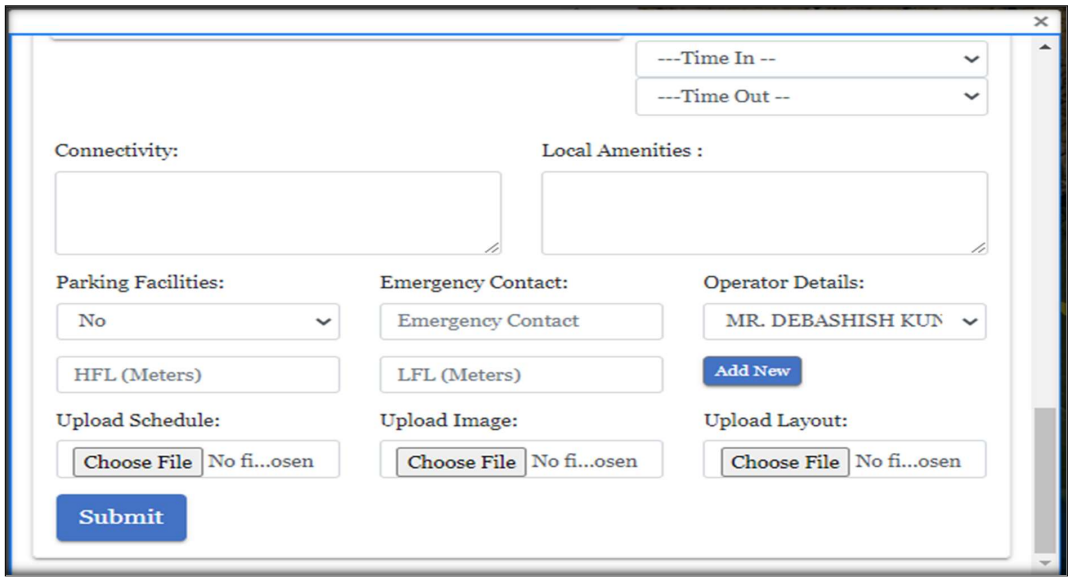


b) For example, the input form for terminal (s) is opened in a pop-up window as follows, on opting for **Terminal** tab

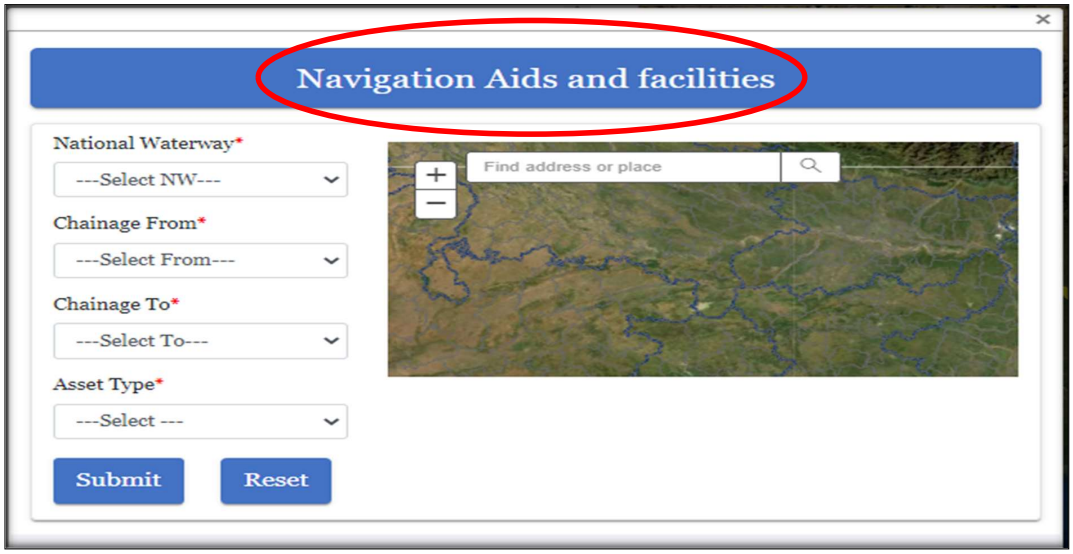




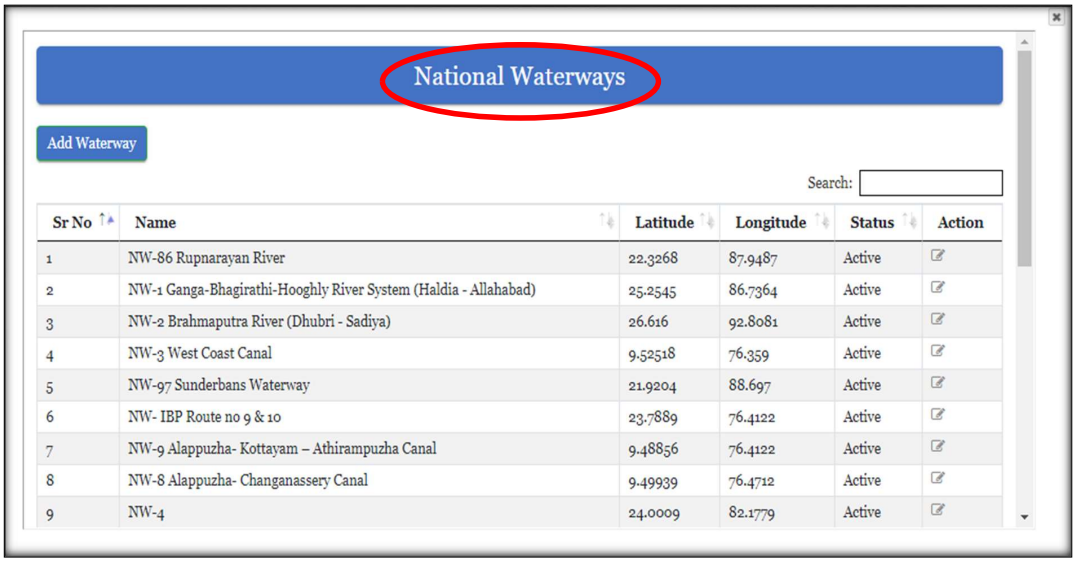


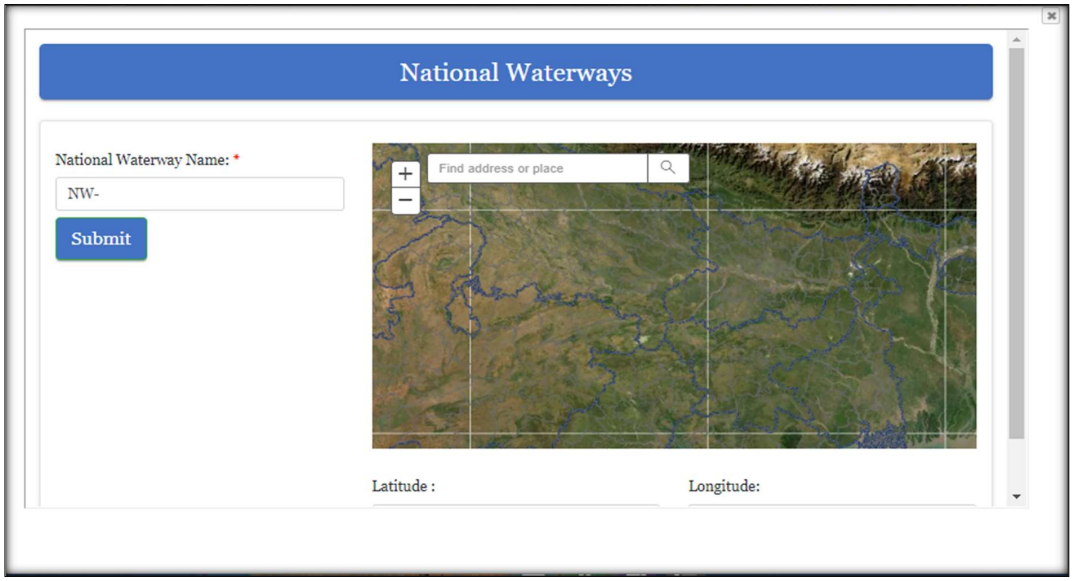


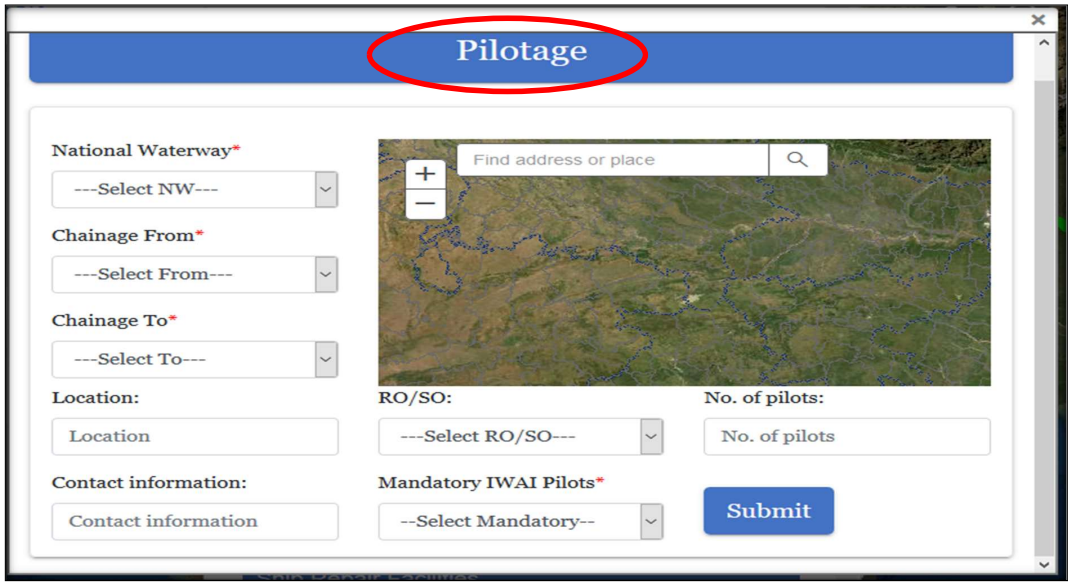
c) Similarly, all other information and data related to other requisite assets shall be uploaded under their specific tabs, *viz.*

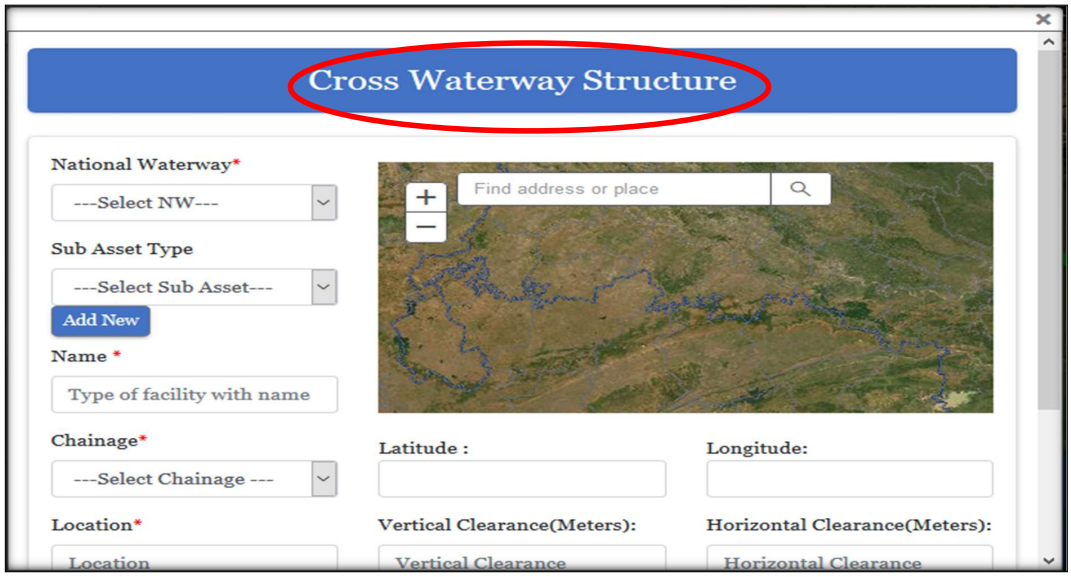


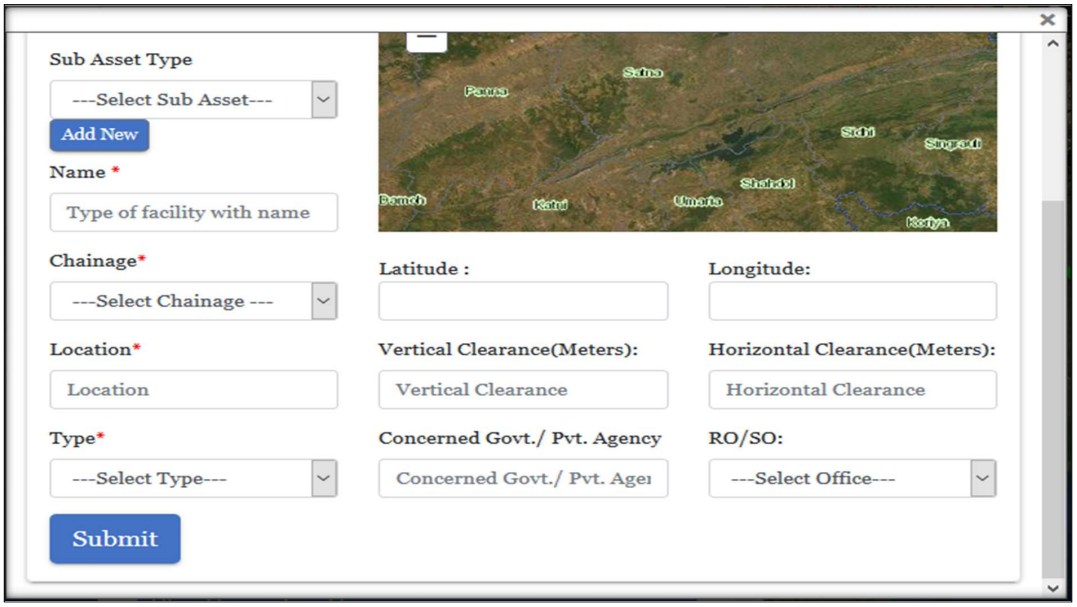
Receipt No : 435606/2021/IWAI-MTR

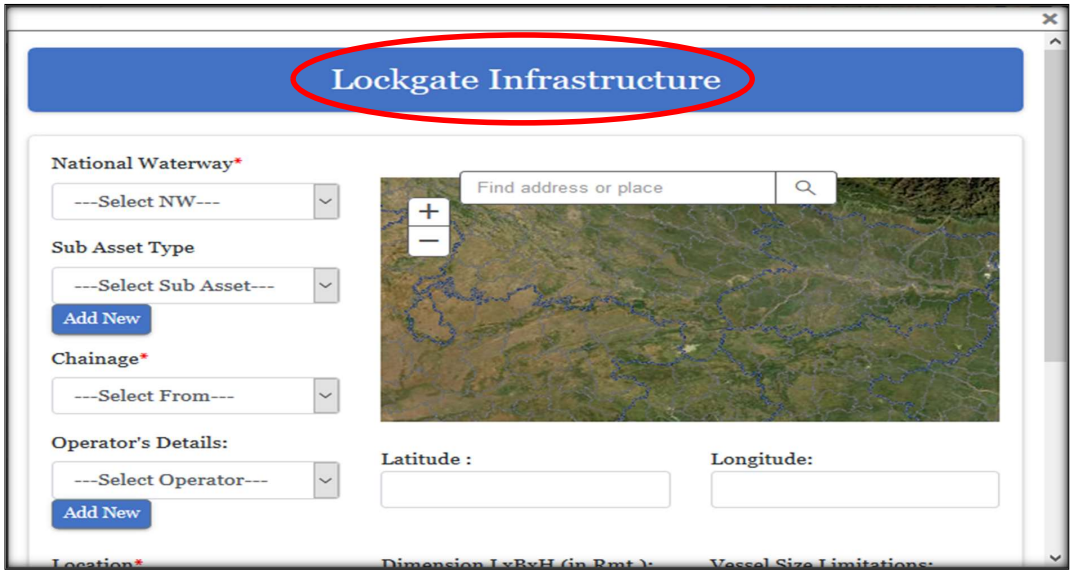


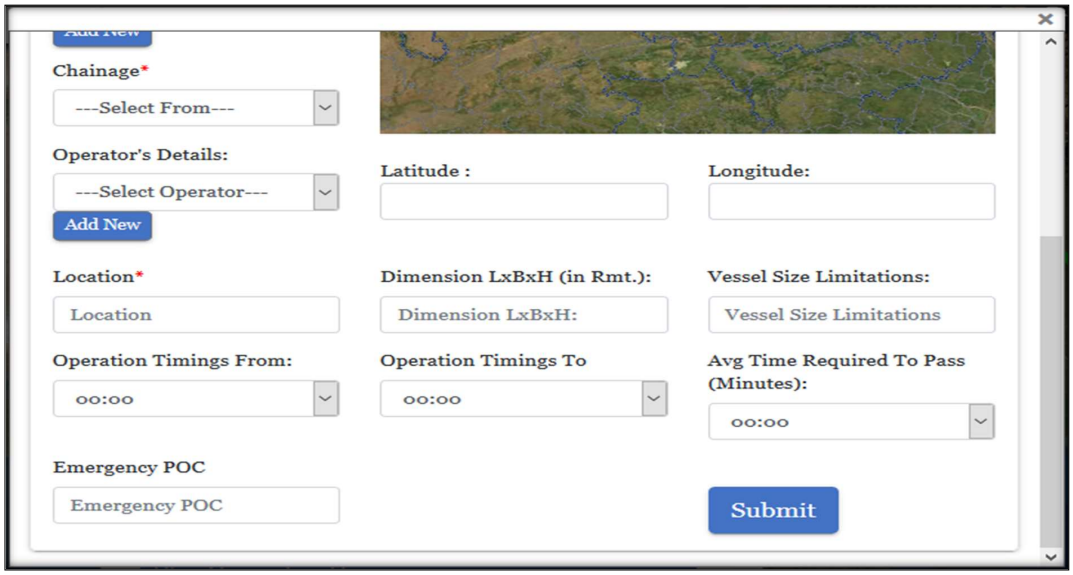


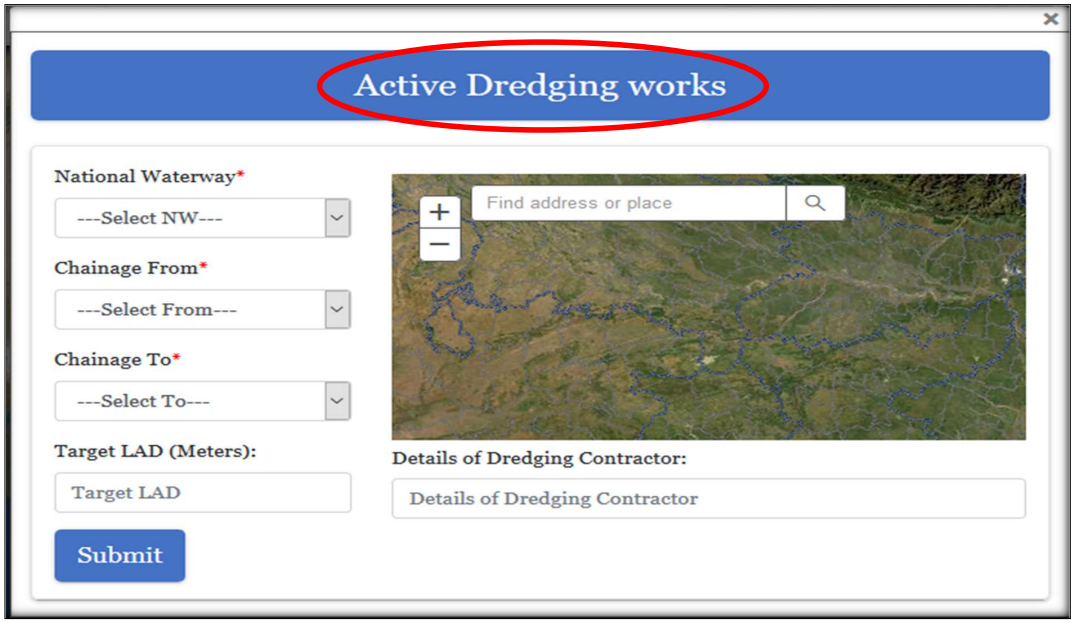


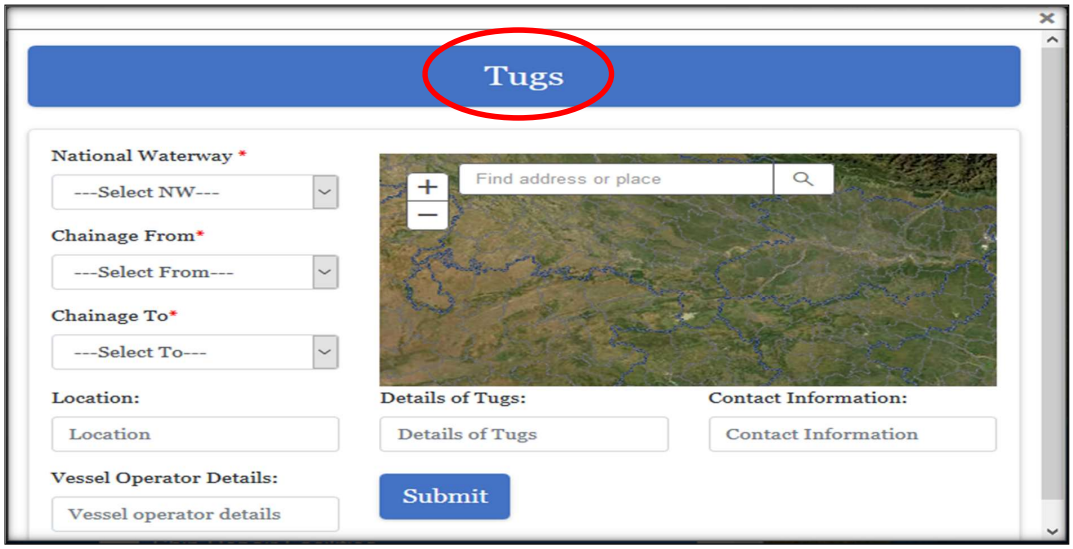

Cross Waterway Structure
National Waterway*
---Select NW---
Sub Asset Type
---Select Sub Asset---
Add New
Name *
Type of facility with name
Chainage*
---Select Chainage ---
Location*
Location
Find address or place
Latitude :
Longitude:
Vertical Clearance(Meters):
Vertical Clearance
Horizontal Clearance(Meters):
Horizontal Clearance


Sub Asset Type
---Select Sub Asset---
Add New
Name *
Type of facility with name
Chainage*
---Select Chainage ---
Location*
Location
Type*
---Select Type---
Submit
Latitude :
Longitude:
Vertical Clearance(Meters):
Vertical Clearance
Horizontal Clearance(Meters):
Horizontal Clearance
Concerned Govt./ Pvt. Agency
Concerned Govt./ Pvt. Agei
RO/SO:
---Select Office---

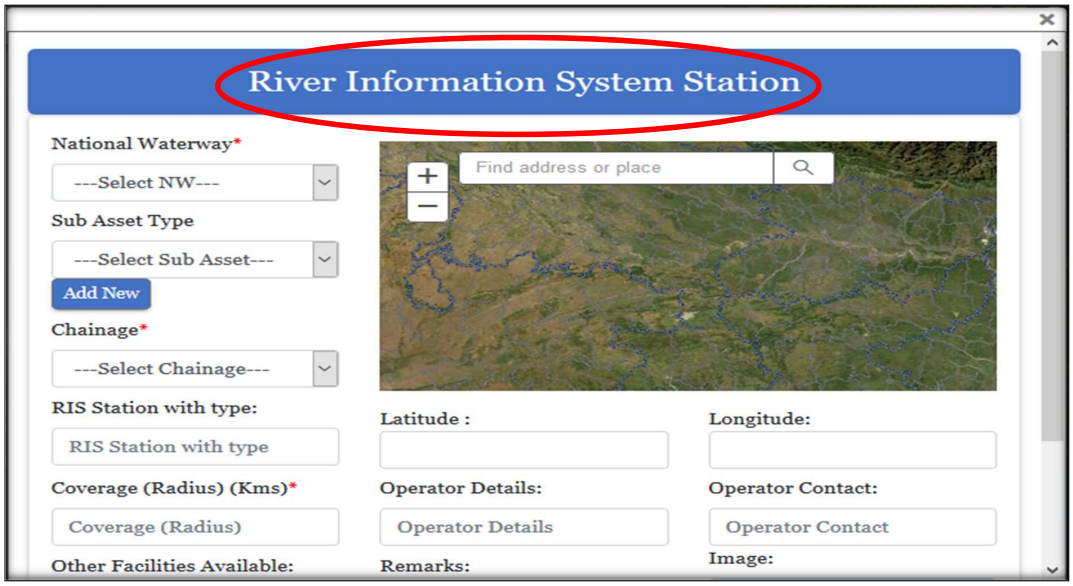

Lockgate Infrastructure
National Waterway*
---Select NW---
Sub Asset Type
---Select Sub Asset---
Add New
Chainage*
---Select From---
Operator's Details:
---Select Operator---
Add New
Find address or place
Latitude :
Longitude:

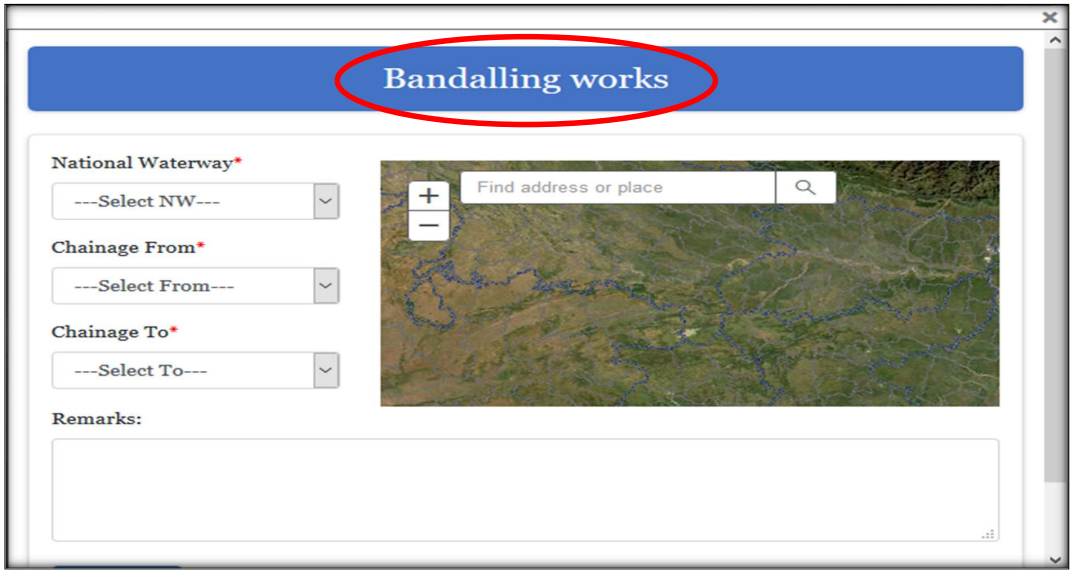

Chainage*
---Select From---
Operator's Details:
---Select Operator---
Add New
Latitude :
Longitude:
Location*
Location
Dimension LxBxH (in Rmt.):
Dimension LxBxH:
Vessel Size Limitations:
Vessel Size Limitations
Operation Timings From:
oo:oo
Operation Timings To
oo:oo
Avg Time Required To Pass (Minutes):
oo:oo
Emergency POC
Emergency POC
Submit

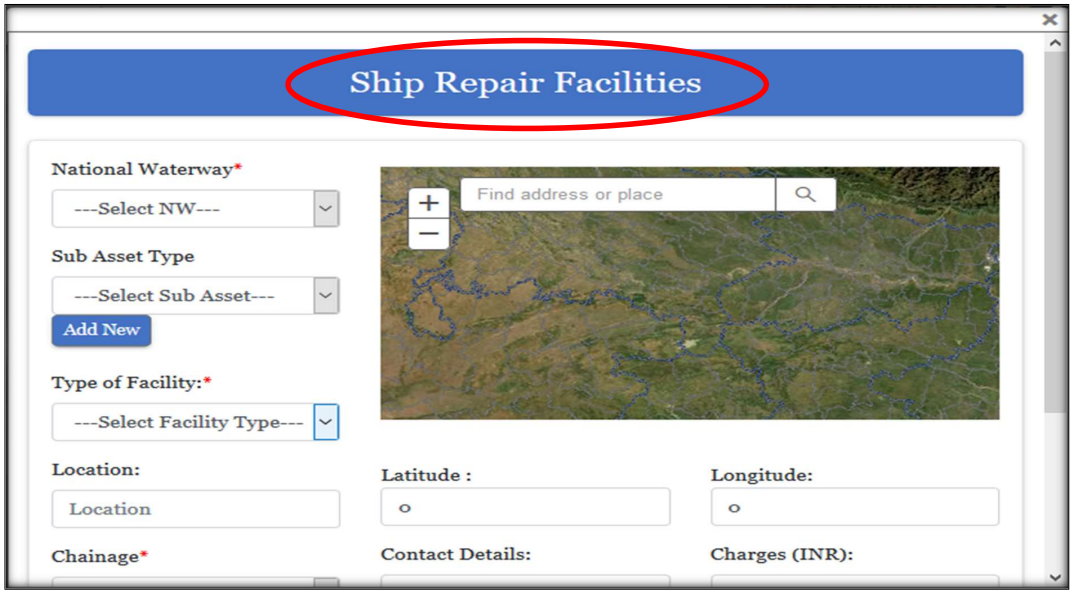

Active Dredging works
National Waterway*
---Select NW---
Chainage From*
---Select From---
Chainage To*
---Select To---
Target LAD (Meters):
Target LAD
Find address or place
Details of Dredging Contractor:
Details of Dredging Contractor
Submit

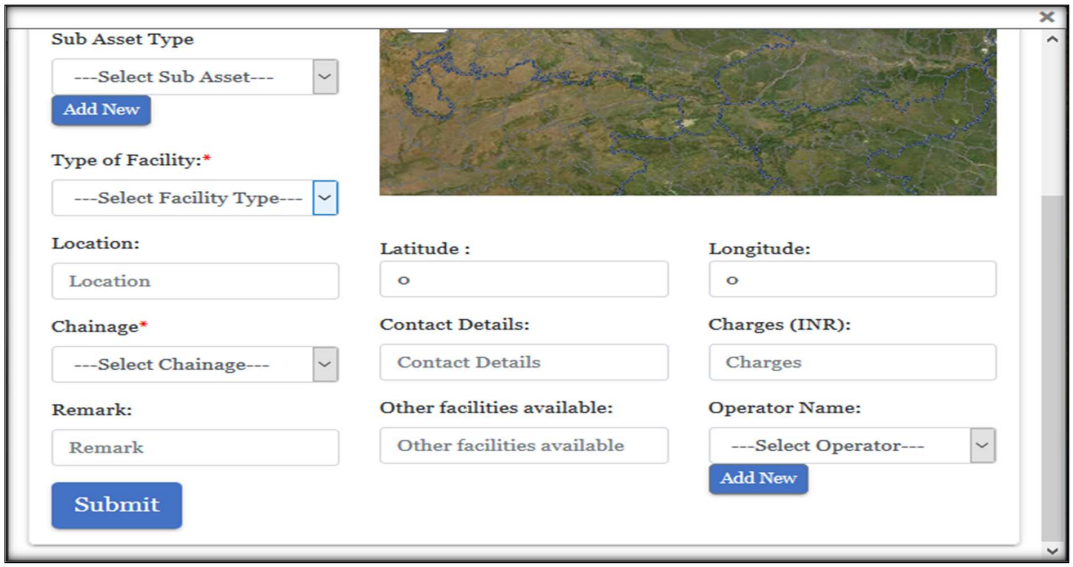

Tugs
National Waterway *
---Select NW---
Chainage From*
---Select From---
Chainage To*
---Select To---
Location:
Location
Vessel Operator Details:
Vessel operator details
Find address or place
Details of Tugs:
Details of Tugs
Contact Information:
Contact Information
Submit

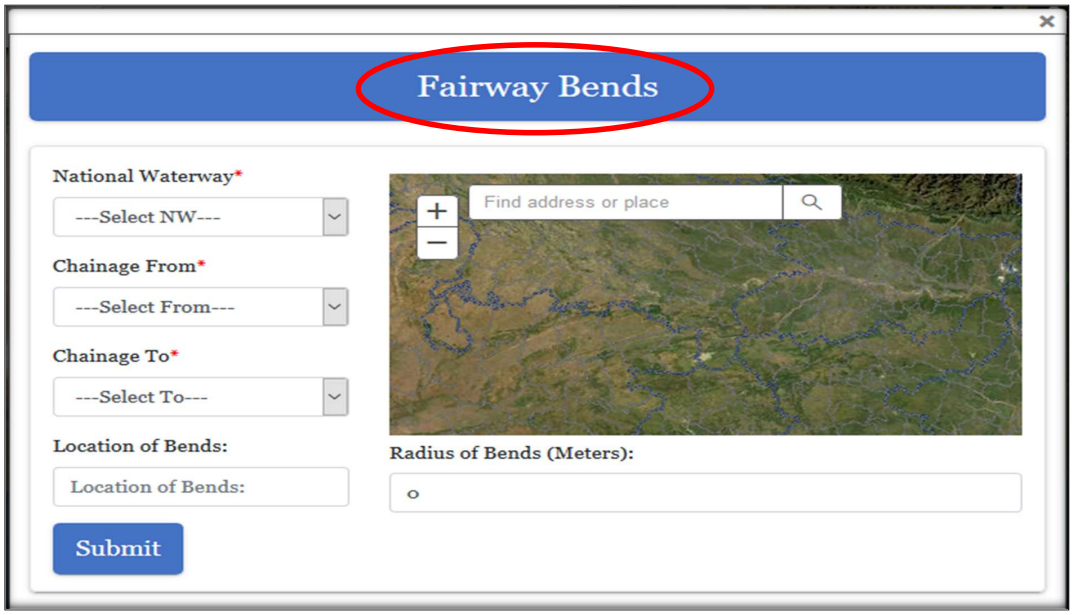
Receipt No : 435606/2021/IWAI-MTR








Sub Asset Type
---Select Sub Asset---
Add New
Type of Facility:*
---Select Facility Type---
Location:
Location
Chainage*
---Select Chainage---
Remark:
Remark
Submit
Latitude :
o
Contact Details:
Contact Details
Other facilities available:
Other facilities available
Longitude:
o
Charges (INR):
Charges
Operator Name:
---Select Operator---
Add New

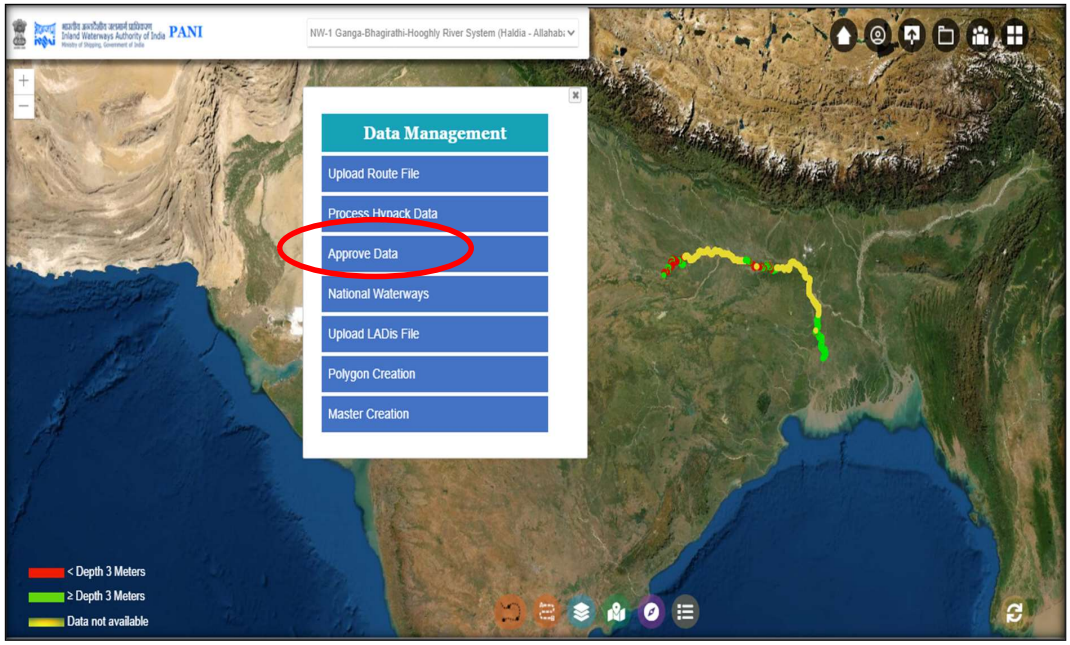

Fairway Bends
National Waterway*
---Select NW---
Chainage From*
---Select From---
Chainage To*
---Select To---
Location of Bends:
Location of Bends:
Submit
Find address or place
Radius of Bends (Meters):
o

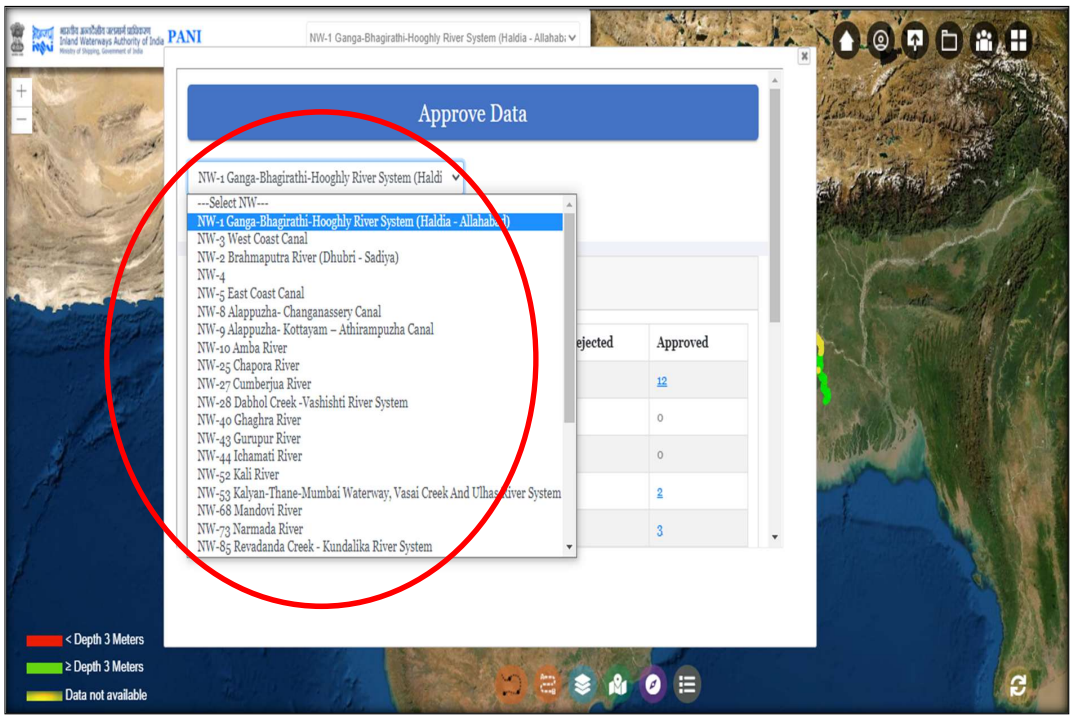
Emergency Contacts
National Waterway*
---Select NW---
Particulars*
---Select Particulars---
Chainage From*
---Select From---
Chainage To*
---Select To---
Contact Details:
Contact Details
Find address or place
Concerned Authority:
Concerned Authority
Contact Person:
Contact Person
Remarks:
Remarks

Receipt No : 435606/2021/IWAI-MTR

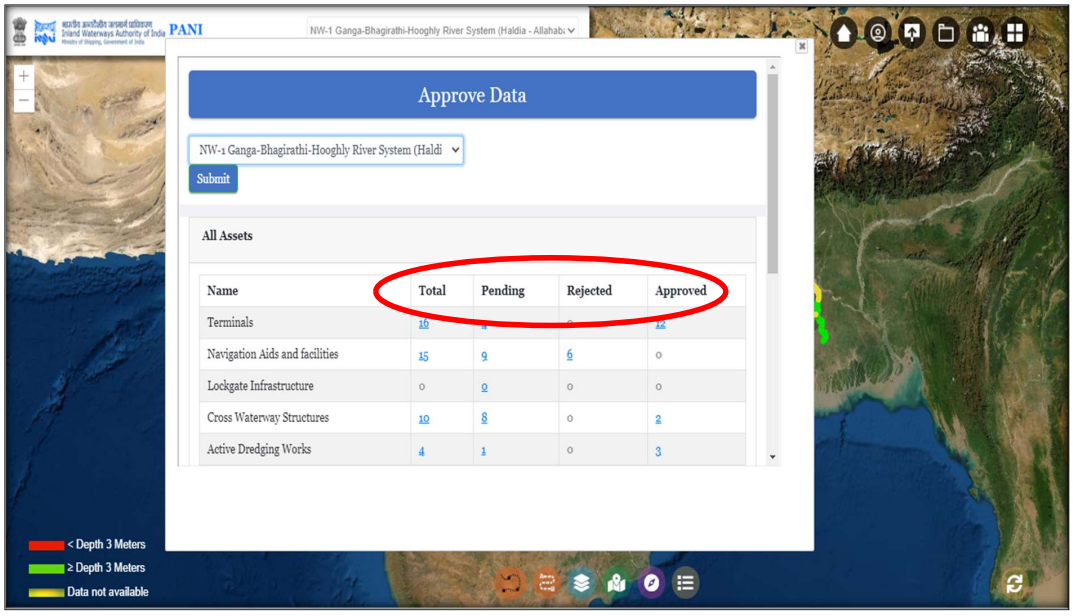
4. Approval of Data

a) After uploading of Assets and Navigation Data in the Portal as above, the data should be approved by the Admin under the tab **Approve Data** under different National Waterways, prior to display in the Public domain.

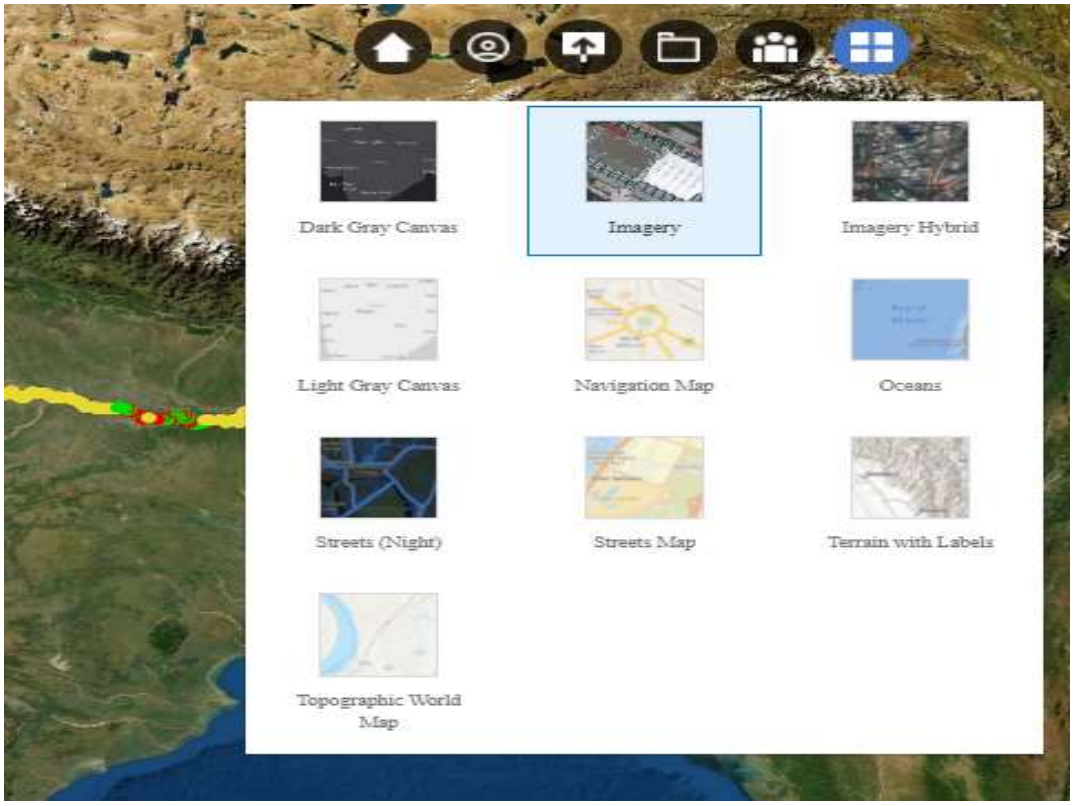




b) The admin can also check the data related to Terminals, Navigation Aids & Facilities, Lockgate Infrastructure, Cross Waterway Structure, etc. in terms of Total, Pending, Rejected & Approved in nos. in the particular National Waterway.



5. To improve the visibility and ease of doing business, the portal has been designed to provide different genres of Maps as shown below:



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भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
पत्तन,पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार
Inland Waterways Authority of India
Ministry of Ports,Shipping and Waterways, Government of India

Standard Operating Procedure

For

(CAR-D PORTAL)

Portal introduction:

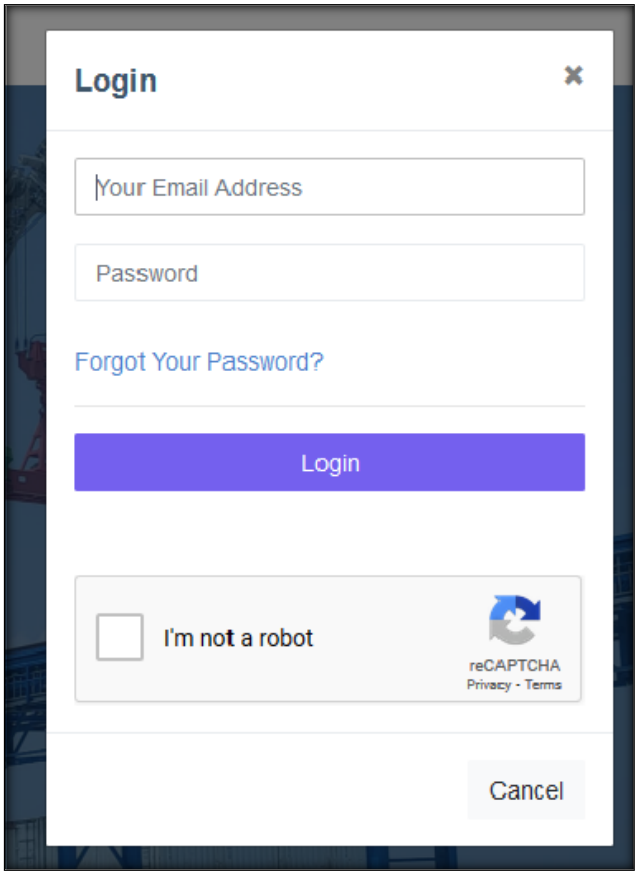
CAR-D is an easy to access web-based portal for collection, compilation, analysis and dissemination of all the Cargo and Cruise movement data for IWAI and its stakeholders. This will help in near real time capturing of Cargo traffic and passenger traffic with the help of regional offices and other Port Trusts. This will remove dependency on manual monthly excel based reporting of the traffic data.

Following procedures shall be followed during the input and approval of the entries made in the Car-D portal:

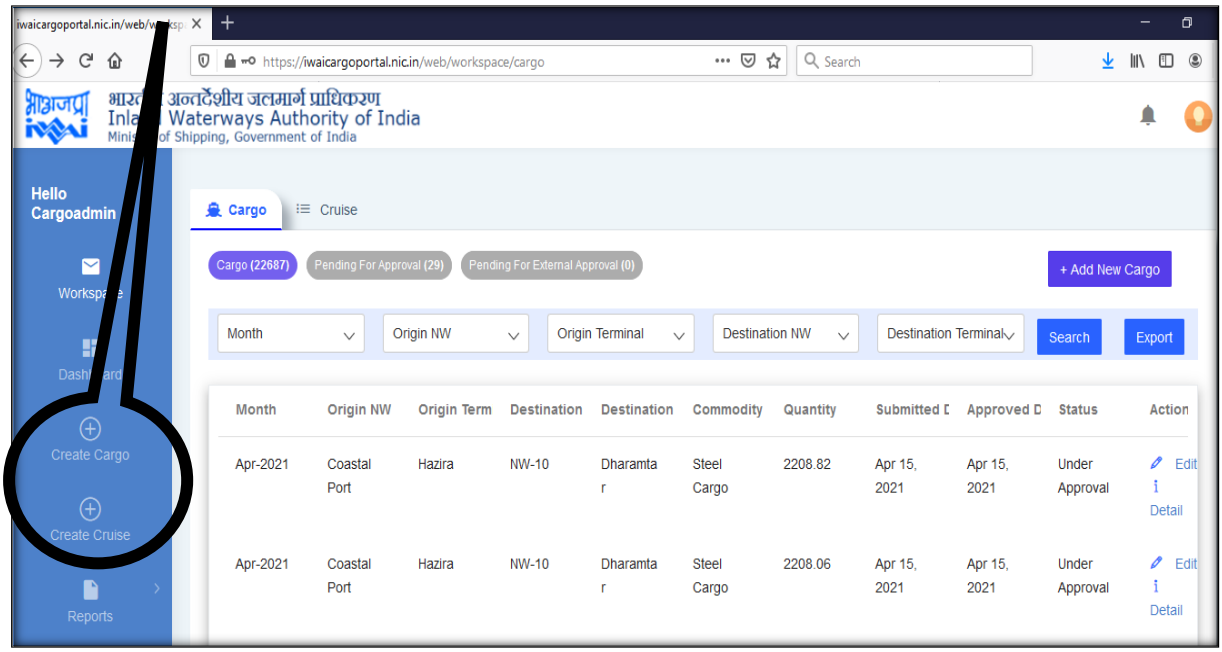
1. The initiator shall login Car-D portal with the designated login credentials under the Login tab at the home page https://iwaicargoportal.nic.in

2. Initiator/Approver/External Approver/Admin

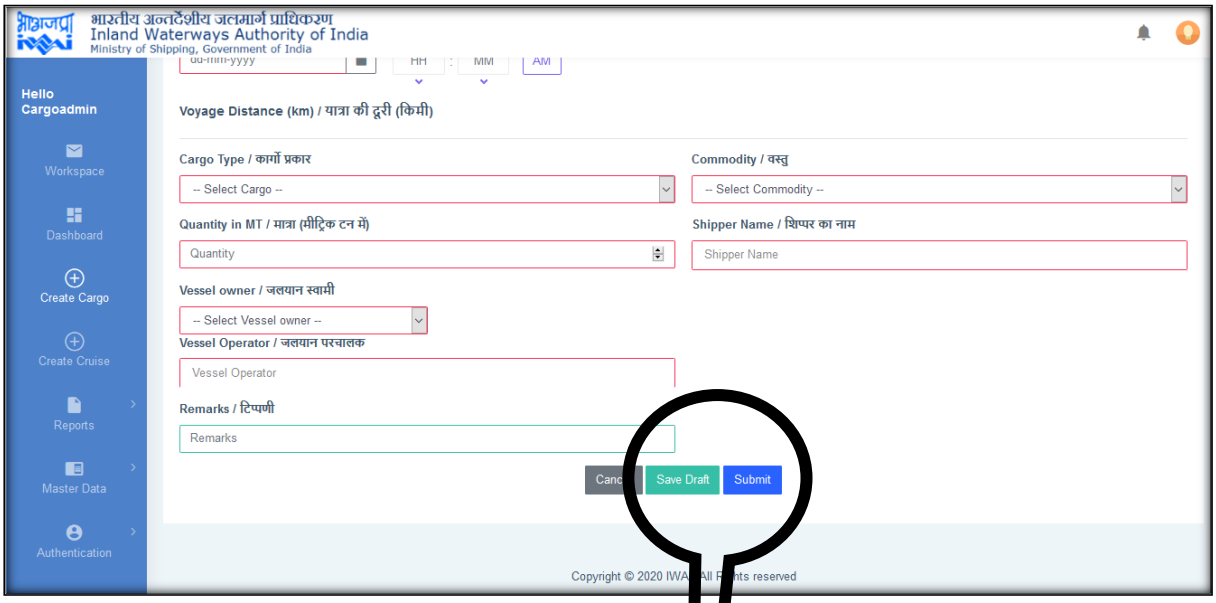
login page



3. Initiator (s) login page having the following screen have Create New Cargo Movement / Cruise Movement tab button creating a cargo movement and cruise movement details.



4. Clicking on Button opens a Create Cargo Form, which resembles as below:



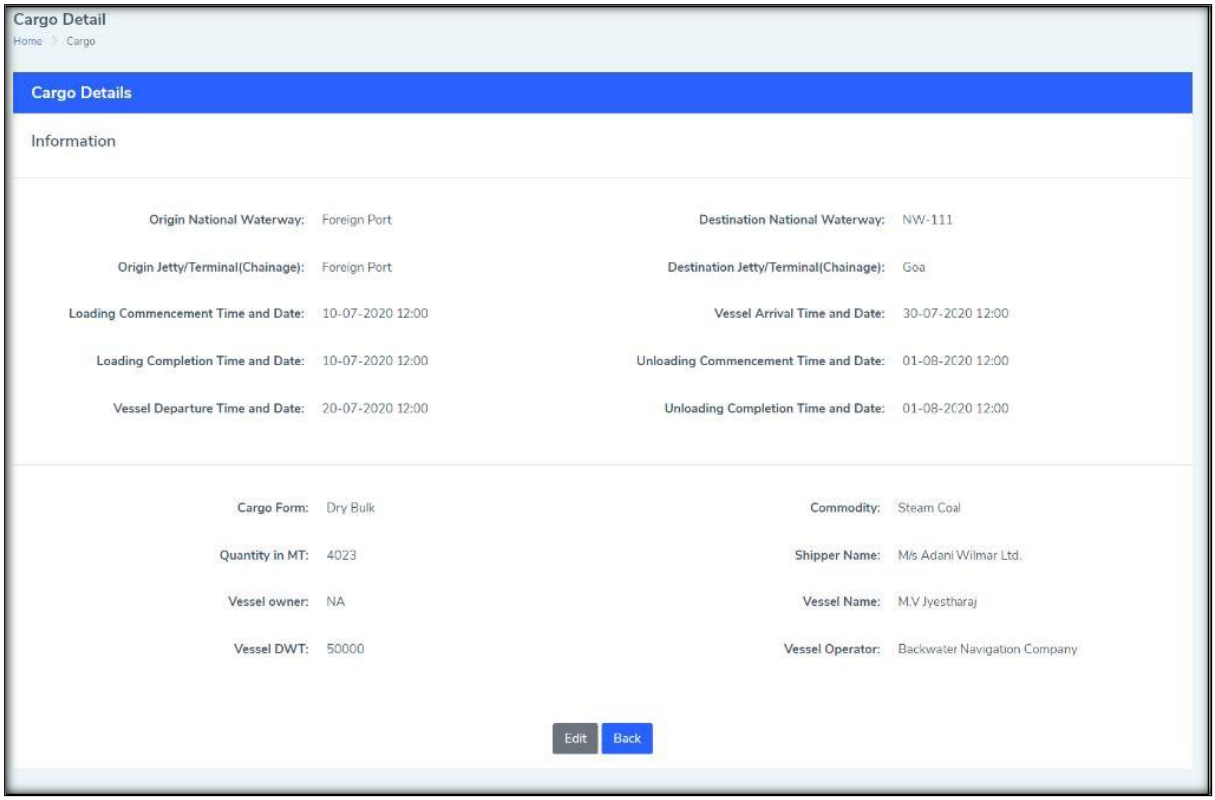
5. The initiator has to input the following mandatory data in the above screens:

a) Origin National Waterway	b) Origin Terminal
c) Vessel Departure Date	d) Destination National Waterway
e) Destination Terminal	f) Vessel Arrival Date
g) No of Passengers	h) Shipper Name
i) Vessel Owner	j) Vessel Name
k) Vessel Capacity	l) Vessel Operator
m) Voyage Distance	

After input of the above data click tab **Save Draft** and/or **Submit**.

6. The entry of the Cargo Data is displayed as under:

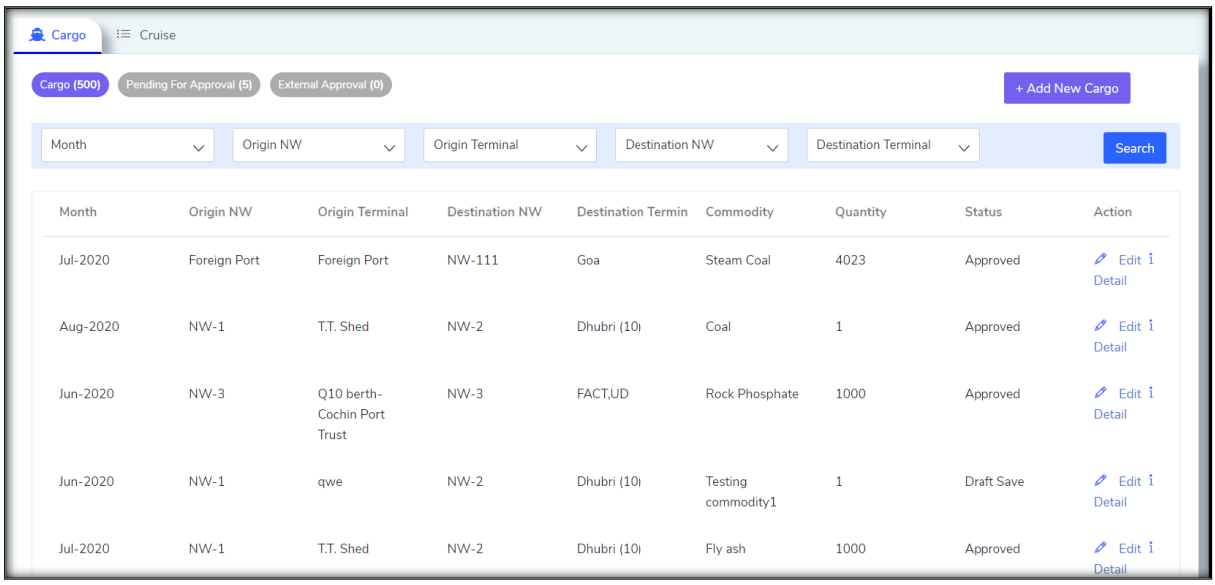
Cargo Details:



7. If the details entered are not appropriate the initiator may **Edit** the data under Save Draft option as appropriate and then Submit.

8. After submission by the initiator, the data entries shall be instrumentally shown as follows:

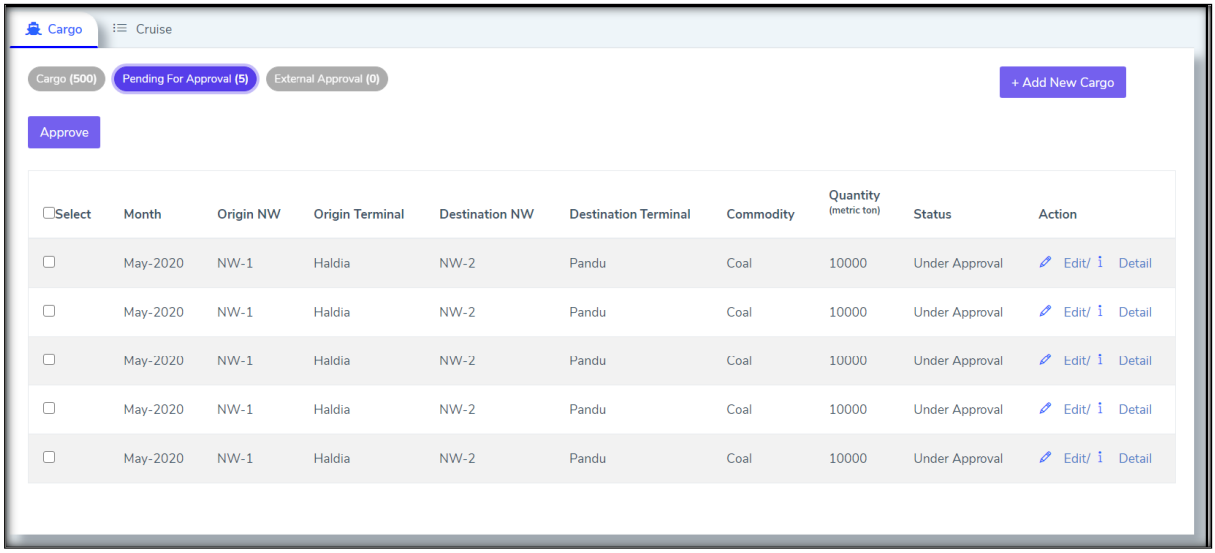
Workspace Cargo:



9. Thereafter, the activity for **Approver** comes-up, wherein the approver may **Edit** and/or Approve the data entered by Initiator, which would further push the data entry to the viewboard of **External Approver**.

   a) List Displays all cargo movements available in the database. The Data can be filtered using search bar.
   b) Detail option displayed the detail of the cargo movement.
   c) Edit option open the cargo movements in an editable form

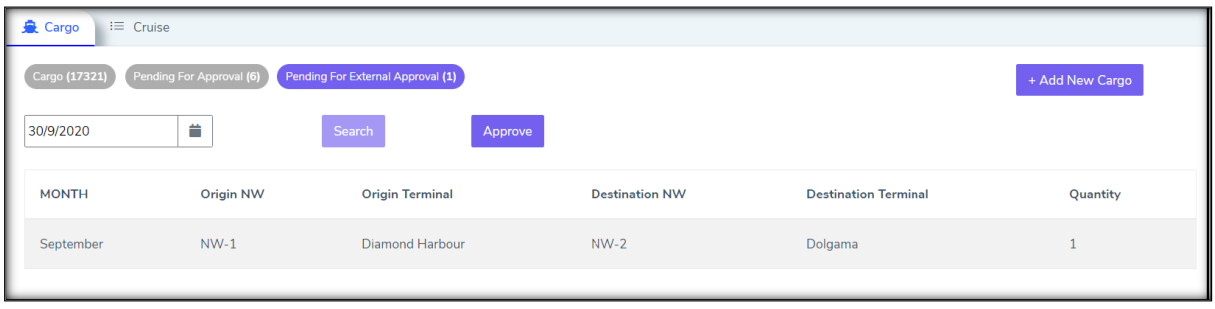
Workspace Cargo – (Pending for Approval):



List displays various cargo movements pending for approval of the users.

10. Once the data entry is appropriated and approved by the External Approver, the data shall automatically transmit to the Dashboard for information to the Public.

Workspace Cargo – (Pending for External Approver):



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भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)
मुख्यालय : जलमार्ग भवन, ए–13, सैक्टर–1, नौएडा–201 301, (उ० प्र०)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Govt. of India)
Head Office : Jalmarg Bhawan, A-13, Sector-1, Noida-201 301 (U.P.)
Website : www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No. IWAI-230217(11)/1/2019-Mem (Tr) Date: 29.09.2023

OFFICE MEMORANDUM

Sub: Standard Operating Procedure (SOP) for Immigration & Customs for cruise vessels plying on Indo-Bangladesh Protocol route - reg.

I am directed to enclose herewith Standard Operating Procedure for operation of cruise vessels along Indo-Bangladesh Protocol route and procedure for Customs & Immigration for the cruise vessels plying on Indo-Bangladesh Protocol route.

2. The consent of the Standard Operating Procedure has been obtained from Bureau of Immigration vide their letters no. DIB UO No. 11/Imm/2022(16)-2089 dated 14.06.2023 and DIB UO No. 11/Imm/2022(16)-20 dated 11.09.2023 and from Commissioner of Customs (Preventive) vide their letter no. CUS/SU/MISC/40/2022-Tech-O/o Commr-Cus-Prev-Kolkata dated 25.07.2023.

3. This issues with the approval of Competent Authority in IWAI.

(A.K. Bansal)
Director (Traffic & Logistics)
Email: akbansal.iwai@nic.in

Encl: as above

To:

1. Shri Vimal Srivastava, Principal Commissioner (Customs & EP)
CBIC, New Delhi
Email: vimal.srivastava@nic.in

2. Commissioner (Immigration), Bureau of Immigration
Ministry of Home Affairs, New Delhi – 110 021
Email: ad-admin.boi@gov.in

3. Commissioner of Customs (Preventive)
3rd Floor, Custom House, 15/1, Strand Road, Kolkata-700001
Email: commrprev-cuswb@nic.in

4. Foreign Regional Registration Officer, 237, AJC Bose Road, Kolkata – 700020
Email: frrokol@nic.in

Copy to:
Director, IWAI Kolkata / Guwahati / Patna / Kochi / Bhubaneshwar

Copy for information to:
PPS / PA to Chairman, Vice-Chairman, Member-Finance / Member-Technical / Member (T&L)

Copy also for information to:
Chief Engineer-PM JMVP, Hydrography Chief, Secretary, IWAI, Director (MM), Director (Tech), Director (Hyd.)

STANDARD OPERATING PROCEDURE (SOP)
FOR CRUISE VESSELS PLYING ON IBP ROUTE

The most important factor to deploy cruise ships in a particular country is the cruise passengers experience. The handling of cruise is a multi-faceted operation involving procedures relating to security, immigration, customs, and health clearance for which this SOPs had been developed after examining in detail the existing regulatory procedures relating to security, immigration and customs for embarking and disembarking. Ideally, the disembarkation from a cruise ship having up to 50 passengers should not take more than 45 minutes with individual queuing times under 15 minutes for all the processes required. Keeping in view the SOPs for handling cruise passengers have been prepared in consultation with the stakeholders.

1. Terms:

i. IWAI means Inland Waterways Authority of India, Ministry of Ports, Shipping & Waterways, Govt of India.

ii. BoI means Bureau of Immigration, Ministry of Home Affairs, Govt of India.

iii. Immigration is the procedure adopted by BoI as per Government of India regulations and guidelines.

iv. MoPSW means Ministry of Ports shipping & Waterways, Govt of India.

v. Customs means the Indian Customs, CBIC, Ministry of Finance, Govt of India.

vi. PIWTT means PROTOCOL ON INLAND WATER TRANSIT AND TRADE entered between the Government of the Republic of India and Government of the People's Republic of Bangladesh.

2. **Responsibilities of Authorities**:

i. Syama Prasad Mookerjee Port, Kolkata, will allow Immigration officials for immigration process in the building (Cafeteria cum lounge Ground Floor) in front of IM Jetty (Indenture Memorial Jetty).

ii. IWAI will ensure that all the required furniture & Internet connection (for office computer and not for counters as they are having leased line connectivity), CCTV facilities and AC is made available at IM Jetty, Kolkata Port and IWAI Terminal, Dhubri. Stabilized electricity supply should be ensured.

iii. FRRO/ BOI, will arrange Computer System, biometric Machine, Passport reader machine, Switch layer 4, lease line to maintain secrecy of the data.

3. **Responsibility of Cruise Vessel owner/ Agent:**

i. Shall inform in advance the timing of arrival of vessel to IWAI 2 days in advance so as to ensure cleanliness and passenger amenities at IM jetty and surrounding areas.

ii. Shall submit the Pre-Arrival Notice for Cruise Vessel 15 days in advance to the IWAI, Customs and BOI.

iii. Provide living space & necessities in vessel for escort officers for the travel as required under this SOP.

4. **BUREAU OF IMMIGRATION CLEARANCE PROCEDURE**: BoI Clearance Procedure for International Passengers (inbound/outbound)

i. The Cruise Operator or Shipping agent shall be required to create User id/ password by registering online on BoI Portal or any other guideline prescribed by BoI.

ii. The passenger manifest submitted would be processed & scrutinized by BoI well before arrival of the ship. The arrival manifest should be submitted 72 hours before and departure manifest 24 hours before.

iii. After berthing at jetty and obtaining requisite clearance from Harbour Master, the passenger shall disembark from the vessel and queue up to the designated Immigration Check Post for immigration clearance at counters.

iv. Face to face check shall be done by the Immigration Officers at the designated ICP (Immigration Check Post).

v. The passenger shall present valid Passport, Visa to Immigration officer at the counter.

vi. For crew onboard the cruise vessels, the relevant procedures as prescribed in Para-15 of the PIWTT shall apply.

vii. Immigration clearances shall be carried out at Indenture Memorial (IM) Jetty belongs to Syama Prasad Mookerjee Port, Kolkata, for inward and outward vessels.

Dhubri

viii. The Customs & Immigration for passengers arriving at Dhubri or departing from Assam shall be carried out at IWAI Terminal at Dhubri. The infrastructure for immigration and customs has already been provided by IWAI at Dhubri Terminal.

ix. All other procedures as mentioned in para 3 (i) to para 3 (iii) and in para 4 (i) to para 4 (vi) shall be carried by Bureau of Immigration/ the cruise operators.

x. After leaving the vessel from Dhubri Terminal, it will not stopover before entering into Bangladesh on River Brahmaputra.

xi. However, escort from Dhubri Terminal to Bangladesh border in Assam may be provided by Border Guarding Force (BGF) of the State Police.

5. CUSTOMS CLEARANCE PROCEDURE

5.1 On arrival of the vessel at the berth Customs shall clear the vessel after sealing the bonded ship stores and receiving the documents below.

5.2 The Steamer Agent of cruise vessels shall present to Customs at each Port of call, an Arrival Manifest, which should contain the following information.

i. Arrival details of the vessel [An application for Entry Inwards (Form56)].

ii. A general declaration (Form 57) giving details of

a. Name of Ship, Nationality, Name of Master, tonnage etc.
b. List of crewmembers (transit and disembarking to be shown separately)
c. List of passengers (transit and disembarking to be shown separately)

iii. A Cargo Declaration (Form58) [In case the vessel carries any cargo under Bill of Lading]

iv. Declaration of goods(Form 59)

a. This needs to be given in respect of all bonded stores
b. Arms and ammunitions, Drugs and dangerous cargo/animal list

v. Last port clearance

vi. Ship's currency declaration

5.3 The ship stores for consumption on board during the stay of the vessel are permitted to be issued from the vessels bond before the bonded stores are sealed by Customs. The overall quantities of the stores would be issued at one time for such period which should normally cover the period of the vessel's stay in India.

5.4 The cruise passengers after immigration can use either green channel/ red channel while coming out of the terminal as is the practice at the airports.

5.5 List of arriving passengers of passenger vessels:

The master of every passenger ship arriving at any port or place in Bangladesh or in India at which it is intended to disembark passengers, shall, before any such passenger is landed, deliver to the Port Officer and proper officer of Customs appointed there a statement in hard copy in triplicate or soft copy in the prescribed form signed by him specifying the total number, indicating the number of each sex, of all the passengers on board and the number of other passengers and the number of crew and such other particulars as may be prescribed by Joint Shipping Committee. The certifying officer shall thereupon, after first having satisfied himself that the entries are correct, countersign and return to the master two of the copies and keep one copy with him. A copy of the passenger list will be sent to the focal point of the other Party at least 24 (Twenty four) hours before the expected date of arrival for their necessary action.

5.6 **List of departing passengers and tourists of passenger vessels**:

i. The master of every passenger ship departing or proceeding on a voyage from any port or place in Bangladesh or in India, shall sign a statement in hard copy in triplicate or soft copy in the prescribed form specifying the total number, indicating the number of each sex, of all passengers embarked and the number of crew, and such other [particulars as may be prescribed, and shall deliver both copies to the Port Officer and proper officer of Customs, who shall thereupon, after first having satisfied himself that the entries are correct, countersign and return to the master two of the copies and keep one copy with him.

ii. If, at any time after the passenger list has been signed and delivered as aforesaid, any additional passenger is taken on board, the master shall add to his copy of the list, and also enter on an additional list signed by him, the prescribed particulars of every such additional passenger.

iii. The master's amended copy of the list shall be signed by the Certifying Officer at the time at which he delivers the additional list to that officer.

6. **Indian Customs Clearances at Hemnagar LCS**:

i. Customs clearances shall be carried out at Hemnagar LCS for inward and outward vessels.

ii. For vessels entering in Assam or departing from Assam, the customs shall be carried out at IWAI Terminal at Dhubri.

भारतीय अंतर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
मुख्यालय: ए-१३, सेक्टर-१, नॉएडा, (उ.प्र.)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Shipping, Govt of India)
Head Office: A-13, Sector-1, Noida-201301, (U.P.)
Website : www.iwai.gov.in I www.iwai.nic.in

Tel : +91-120- 2544036, 2543972, 2527667 Fax: +91-120-2544009, 2544041, 2521764

No. IWAI/Cargo/372/2020 Date: 5th May 2021

Circular

Sub: Standard Operation Procedures (SOP) and Check List for Ro-Ro / Ro-Pax Vessel Operations on National Waterways– reg

1. Competent Authority has approved a Standard Operation Procedures (SOP) and Check List for Ro-Ro / Ro-Pax Vessel Operations on National Waterways (copy enclosed)

2. The SOP shall facilitate a safe, quick, smooth and efficient movement and operation of Ro-Ro / Ro-Pax Vessels on National Waterways and also for safe, efficient and smooth loading or discharge operations of vehicles/trucks and embarking/disembarking of passengers at the Ro-Ro terminals.

3. All are requested to give a wide publicity and circulate the SOP amongst all concerned stake holders and to ensure that it is strictly complied with for safe operations of RO- Ro/ Ro- Pax vessels.

Encl: As above

Yours faithfully,

Bansal

(A.K. Bansal)
Director (Traffic &Logistics)
Email: akbansal.iwai@nic.in
Phone: 0120-2543931

To,

Director,IWAI, Kolkata/Guwahati/Patna//Kochi/Vijayawada, Sub office, IWAI Varanasi/ Farakka/ Dhubri/Bhubneshwar
Copy to : CE (Tech), CE (JMVP), Hy. Chief, Director (Tech), Director (Mech Marine), Director Hyd

Copy for kind information to: PA/PS to Chairperson, Vice Chairman/ Member (Finance)/Member (Traffic& Logistics)/ Member (Tech)

Copy also to: IT Cell for uploading on IWAI website

Standard Operating Procedure (SOP) and Check List for Ro-Ro / Ro-Pax Vessel Operations on National Waterways

1. This **Standard Operating Procedure** is designed to facilitate a safe, quick, smooth and efficient operation of Ro-Ro/ Ro-Pax Vessels on National Waterways and also a safe, efficient and smooth loading/discharging of vehicles and embarking/disembarking of passengers at the Ro-Ro terminals. This includes movements of Ro-Ro vessels both across and also along the National Waterways

All vessels/barges operating on the National Waterways will fully comply with applicable law and all the relevant rules and regulations not limited to the following: -

a. Prevention of Collision on National Waterways Regulations, 2002
b. National Waterway, Safety of Navigation and Shipping Regulations, 2002 including annexures I, II, III and IV
c. Inland Waterways Authority of India (Classification of Inland Waterways in India) (Amendment) Regulations, 2016

d. The Inland Vessel Act, 1917(as amended)
e. Any rules and regulations framed by respective State Governments for operations of Inland vessels within their jurisdiction

2. All Regional Directors will be responsible for ensuring that SOP is followed by vessels and terminals under their jurisdiction on National Waterways. This monitoring will also include loading of cargo and embarking of passengers on Ro-Ro/Ro-Pax vessels at load point/port/terminal, passage from Origin to Destination and discharge of cargo and disembarking of passengers at destination/discharge point/terminal.

3. It is also the responsibility of Regional Director to co-ordinate with the Ro-Ro / Ro-Pax vessel Operators, terminals, local authorities and all concerned so as to ensure a continuous safe and efficient operation of Ro-Ro / Ro-Pax vessels. IWAI has entered into a MoU with various State Governments/Corporations for operation of IWAI owned Ro-Ro / Ro-Pax vessels.

4. The following will be taken into considerations during Ro- Ro operations by vessels and terminals on National Waterways.

A. At Load/Discharge Port/Terminal/Jetty/Location

a. A proper approach, check in and exit gate and parking area at the Ro-Ro terminal for cargo lorries/trucks and other vehicles is maintained and is in a safe and operational condition.

b. A proper ramp for safe loading and discharging of cargo trucks and other vehicles is available.

c. A concourse or hall for waiting passengers and a separate access gangway for passengers where feasible to embark and disembark from the vessel ~~is~~ shall be maintained in good condition

d. A separate entry and exit for passengers to safely enter and exit the Ro-Ro terminal/Jetty. Proper segregation is maintained between vehicles and people. Where feasible Passengers shall disembark vessel first on arrival.

e. To ensure, the depth of water alongside the Ro-Ro jetty/terminal is adequate for berthing at all times.

f. The status of the river, the tidal variation and currents strength and direction are within safe limits for operation of Ro-Ro vessels.

g. The terminal/jetty can be safely used throughout the year with seasonal variations

h. Proper securing arrangements to tie the Ro-Ro vessel safely is available.

i. Systems in place for stoppage of Ro-Ro operations in adverse weather conditions.

j. There is proper and safe connectivity to the loading point/port/terminal by Road.

k. To ensure, the capacity of the terminal to handle trucks with turning radius, size restrictions etc is adequate

l. The size of Ro-Ro vessels which can be handled safely at the terminal taking into account the dimensions of the loading terminal, depth of water available alongside, securing arrangements etc.

m. To ensure, all permissions as required as per National, state and local regulations are available and in order

n. If handling any Hazardous cargo – All safety measures are taken, required permissions are obtained and all National, State and Local regulations should be complied with.

o. Vehicles are properly stowed/parked and secured on the Ro-Ro / Ro-Pax vessel for the intended passage.

p. The risk of pollution and that all measures are taken to reduce risk of pollution caused due to operations.

q. To ensure, additional safety regulations like that of PESO, etc are complied with.

r. The terminal is provided with adequate safety equipment’s like lifebuoys, life jackets, fire extinguishers etc

s. Vehicles being loaded are in proper condition and not leaking Oil or giving out fumes or carrying uncovered dusty cargo or undeclared hazardous goods or faulty refrigerated cargo etc

t. To ensure, properly trained staff is available at the terminal and working hours of all staff at the terminal is regulated

u. To ensure, proper~~ly~~ Security arrangements for regulating vehicles and passengers movement is available at the terminal

v. To ensure, adequate lighting is available for safe operations.

w. To ensure, noise level is maintained to the minimum during operations.

x. To ensure, Ro-Ro/Ro-Pax Vessels decks are in proper condition and not slippery, oiled etc.

y. To ensure, the correct size of vehicles/trucks are stowed/parked in the proper places

z. The master of the vessel to ensure that the loading of the vessel is done in accordance with the approved trim and stability booklet of the vessel. No over loading of the vessel is done and no carriage of oversize vessel above the design limit of deck strength of the vessel /design limit is done. The loading pattern adopted may ensure no undue trim and absolute minimum list of the vessel.

zi. To ensure, proper traffic control at load and discharge operations with regard to directions, speed, weather, blind spots, reversing, parking etc. are observed.

zii. Master of the vessel to ensure that the vessel approaches the jetty in slow and guided manner so as to avoid any damage to the jetty or any fittings of the jetty.

ziii. The master of the vessel to ensure that the ramp operating systems and safety devices, if any, are in proper working condition.

ziv. Sufficient vertical clearance for the vehicles carried onboard Ro-Ro/ Ro-Pax vessels to be ensured.

zv. Ensure availability of sufficient numbers of adequate strength mooring lines both onboard the vessels and terminal.

zvi. To ensure that before the vessel sails from the terminal, all the Navigational Aids and equipment's onboard like AIS, Echo sounder, GPS, wind indicator, Radar, Compass, etc as required by rules and regulations are operational and in proper working condition

B. Passage from Origin to Destination on National Waterways

a. To ensure, the Ro-Ro/ Ro-Pax vessel is in proper operational condition with all valid documents and certificates as required by National, State and Local regulations.

b. To ensure, the LAD available is sufficient for the duration of the expected passage.

c. Any further restrictions like locks, pontoon bridges, overhead/vertical/horizontal clearances of bridges/power lines etc expected along the route are taken into consideration.

d. To ensure, the strength of current, tides and weather conditions expected along the route are within limits for safe passage

e. In case vessel is carrying Hazardous cargo it complies with all the relevant rules and regulations.

f. To ensure, proper certified and trained crew as required as per regulations is available for operation of the Ro-Ro / Ro-Pax vessel.

g. To ensure, all vessels machinery, gear and other navigational equipment's are in proper working condition.

h. To ensure, all safety equipment's including lifesaving and firefighting are in good condition.

i. To ensure, all vehicles are properly stowed/parked and secured for the passage with vessel engines switched off.

j. To ensure, vessel is in stable condition, not overloaded, upright without any list and trimmed by stern.

k. To ensure, safety instructions have been given to all passengers and vehicle drivers prior start of passage and that same is being observed by all.

l . Display of safety instructions on vessels for passenger onboard.

5. All Regional Directors will also make a note of all the Hot Spots in their regions, the difficulties, snags, obstructions and other issues encountered during Ro-Ro vessels operations. Also, assessments and analysis by RO's for critical issues and problems encountered during operations shall be done and a report made to the Head Office detailing the solutions and the recommendations so as to ensure smooth and safe Ro-Ro movements

6. A database for all the Ro-Ro / Ro-Pax movements being undertaken within the jurisdiction shall be maintained with all the vessel details and issues/difficulties being encountered. An analysis to ascertain the suitability of similar movement on NW's during various seasons and periods during the year so as to determine the feasibility of year-round movement on NW's at different locations shall also be done.

7. If any untoward incident is encountered during the Ro-Ro Operations, an inquiry shall be conducted to ascertain the cause and actions shall be taken immediately to rectify the problems/issues without any delay and Head Office shall be informed of the incident/action taken. Simultaneously, the local government /authority shall also be informed in writing about the incident.

8. Amendment to the SOP**:** The SOP may be amended and updated from time to time by the office of Member (Traffic & Logistics) for accommodation of additional aspects relating to Ro-Ro/ Ro-Pax vessel operations on National Waterways.

Check List for Ro-Ro Vessel movements

S. No	**Points to be Checked**	**Action Taken**
1.	**At the Ro-Ro Terminals**	
a.	Proper segregation between vehicles and passengers at the terminal	
b.	Proper parking for vehicles at the terminal	
c	Proper ramp for safe loading/discharging of vehicles/ Trucks at the terminal.	
d	Ro-Ro vessel can safely berth at the terminal	
e	Passengers can safely access and board the Ro-Ro vessel.	
f	All regulations for operations at the terminal are being complied with.	
g.	In case of Hazardous cargo are all statutory clearances for loading in place	
h	All safety equipment in working condition	
i	Proper lighting and signage at the terminal	
j	Safe entry and exit to the terminal	
k	Size and weight of the vehicles being checked and ascertained	
l	Proper trained personnel at the terminal	
m	Tidal, current and weather conditions being monitored.	
n	Proper waiting hall or concourse for passengers available	
o.	Proper security is maintained at the terminal	
p.	Terminal is clean and hygienic condition without any oil spills, garbage etc	
2	**On Board the Vessel**	
a	Is the Ro-Ro vessel being used suitable for the voyage	
b	Is Ro-Ro vessel in operational condition with all machinery and equipment's in proper working condition.	
c	All vessels certificates, documents, insurance papers etc are valid and in order	
d.	Proper certified and trained crew as required as per regulations is available for operation of the Ro-Ro vessel.	
e	Does the vessel if carrying Hazardous cargo comply with all the relevant rules and regulations.	
f	Passage planning for passage is done	
g	Sufficient LAD, air-draft clearance etc available for safe passage	

h.	Sufficient fuel, stores, water, food etc is available on board	
I.	Sufficient safety equipment as required by regulations available on board.	
j.	All vessels machinery and gears in proper working conditions	
k.	Vehicles are stowed/parked and secured properly and safely	
l.	Passengers are safely seated in designed locations	
m.	Tides, currents and weather conditions for the passage have been considered.	
n	Passengers and vehicle owners to be given safety instructions prior start of passage	
o.	Vessel in stable condition, not overloaded & upright without any list.	
p.	All vehicles are properly stowed/parked in the correct location, secured for the passage and engines switched off.	

*****

Standard Operating Procedure (SOP) for movement of vessels registered under Inland Vessel Act on National Waterways

1. **Objective**: This **Standard Operating Procedure** is designed to facilitate the safe movement and operations of Inland vessels on various designated National Waterways so as to avoid any incidents or accidents or problems that may be encountered during the navigation of vessels on the National Waterways. Also, this SOP will enhance efficiency of information sharing so as to achieve seamless operations and data sharing on the National Waterways.

2. All vessels/barges operating on the National Waterways will fully comply with all the relevant rules and regulations not limited to the following: -

. a. Prevention of Collision on National Waterways Regulations, 2002
   b. National Waterway, Safety of Navigation and Shipping Regulations, 2002 including annexures I, II, III and IV
   c. Inland Waterways Authority of India (Classification of Inland Waterways in India) Regulations 2006
   d. The Inland Vessel Act, 1917(as amended)
   e. All the rules and regulations framed by respective State Governments for operations of Inland vessels within their jurisdiction

3. IWAI website is duly updated with all information for safe navigation including river notices which are published fortnightly or monthly as the case may be. All vessels shall regularly consult the IWAI website for latest information on the National Waterways for safe navigation not limited to the following.
   a. Least available depth (LAD) of the channel. Link to LAD is available on IWAI website (http://iwaiportal.nic.in/lad_pub.php) - LAD data on certain stretches of NW-1 is available on Weekly basis which is to be noted by all users on LAD & River Notice Link.
   b. Air draft clearance of bridges and power lines on the waterways - Provided basis High flood level.-Critical bridge clearance w.r.t to water level based on survey are being disseminated in Navigational warning and the same is to be noted by all users on LAD & River Notice Link.
   c. Any other navigational hazard or other restrictions existing on the National Waterways. Navigational warnings issued by IWAI are to be referred to by all users.
   d. Information relating to the Indo Bangladesh Protocol (IBP) routes
   e. Navigational aids including Night navigation facilities
   f. All vessels shall mandatorily carry updated Charts, ENC & river Atlas for the stretch in which they are operating.
   g. VHF Ch 16(dual) shall be kept on and compulsory monitored by vessel so as to have communication link and connection with RIS to receive important Navigational Warnings
   h. Carriage of AIS and DGPS receiver is recommended to obtain full benefit of RIS system
   i. All vessels crossing Farakka lock will fill up a prescribed form indicating the Navigational aids available onboard their vessel and confirmation of their awareness of all navigational information disseminated by IWAI through various forum.

j. On certain stretches of National Waterways presence of pilots on board is made mandatory. Operators are suggested to place request for pilot to the concerned Directors well in advance along with their voyage plan.

4. **Co-ordination with external bodies/ agencies for in-transit support**: Director Kolkata/ Guwahati, IWAI will ensure in-transit clearances such as Permissions and Coordination with Customs and immigration for clearance of vessels sailing on the Indo Bangladesh Protocol route in their jurisdiction. All vessels shall contact the Director IWAI, Kolkata/Guwahati 72 hours before departure with the details in the prescribed format for assistance in obtaining clearances for IBP routes.

5. All vessel Operators/ Masters on arrival at a port/ terminal/ anchorage should submit vessel's Arrival report including vessel's name, arrival date & time, vessel's draft, details of cargo/ passenger onboard (specifically highlighting any dangerous cargo onboard) intended berthing/ anchoring duration and objective (loading/ unloading/ bunkering/ repairs etc.) to IWAI's Regional Director (Head) at the arrival port. The vessel's Mobile phone number if available or the vessel's Masters mobile number is to be shared with the local IWAI authorities which shall also be shared with RIS operators.

6. All vessel Operators/ Masters before departure from ports/terminals/locks/anchorages should submit the vessel's sailing plan including vessel's name, cargo/ passengers onboard (specifically highlighting any dangerous cargo onboard), loaded draft, intended sailing route, day-wise itinerary including ETD (Estimated Time of Departure) from Origin port/ terminal/ anchorage and ETA (Estimated Time of Arrival) at the Destination port/ terminal/ anchorage. Such sailing plan should be submitted to IWAI's Regional Director (Head) of the Origin and Destination port/ terminal/ anchorage.

7. All vessel Operators/ Masters should submit daily Noon report including vessel's name, cargo/ passengers onboard (specifically highlighting any dangerous cargo onboard), vessel's draft, planned anchoring location and time for the day, any unscheduled halt/ breakdown/ incident/ accident faced during the voyage. Such noon report should be submitted to IWAI's Regional Director (Head) at the respective chainage point and Destination port/ terminal/ anchorage.

8. IWAI facilities on National Waterways are available to all for use subject to payment as per the prevailing rules and regulations. The rules and regulations are available on IWAI website regarding Payment of tariff as per Inland Waterway Authority of India (Levy and collection of fees and charges) regulation 2011 (as amended).

9. Berthing facilities and berthing permission at IWAI operated terminals are granted by the respective Regional Director (Head) subject to the prevailing rules and regulations as given on IWAI website. All vessels must obtain requisite permissions.

10. All vessels may make use of registered pilots for safe navigation in stretches not familiar to the vessel's Master after paying the prescribed fees. A written request must be made to the

concerned Regional Director (Head) at least 48 hours in advance. List of pilots with locations are available on IWAI Website.

11. Regional Director may notify critical stretches of NW in their jurisdiction mandatory for pilot on board based on their assessment at the local levels.

12. Emergency situations: In case of any emergency, assistance to the extent possible shall be provided by the Regional Director's at the respective chainage point. A contact list of IWAI offices for emergency services for various stretches on the waterway is available in River Notices on IWAI's website for easy access of all concerned.

13. A vessel before sailing shall ensure that the vessel has all the required permissions, cargo is properly stowed & secured, is properly manned, equipped, has done the route plan to the destination taking into accounts the current/tides with sufficient LAD and air draft on the route for the intended voyage. Equipment aboard are fully functional.

14. Sailing Order for movements conducted by vessels under IWAI's operational control: Regional Director (Head) will issue sailing order as per prescribed format for movements conducted by vessels under IWAI's operational control. The sailing order will be issued while ensuring that the vessel during its voyage complies strictly with applicable waterways related information for chainage till destination point as available on official IWAI website.

15. Deviation: In case there is any deviation from this SOP due to operational exigencies or unforeseen circumstances, the same shall be recorded by the concerned Regional Director (Head) and should be brought to the notice of the office of Member (Traffic), IWAI, Noida for necessary action if any.

16. Amendment to the SOP: The SOP may be amended and updated from time to time by the office of Member (Traffic & Logistics) for accommodation of additional aspects for safe and seamless vessel movement on National Waterways.

Signed

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(Director Traffic & Logistics)

Annex - B

Standard Operating Procedure

For

Organising Seminar/Webinar/Stakeholder Conference

1. A scheme comprising of the allocated budget alongwith the numbers of Seminar, Webinar & Stakeholder Conferences to be held in the respective month of the Financial-Year shall be approved from the Competent Authority.
2. Finalization of the contours of the event including
    a) Date, Topic and the associate business partner, if any.
    b) Selection of the venue (including Dais Plan & Seating arrangement) or mode of the event.
    c) Estimated budget of the event.
    d) Selection of the moderator, chief guest and executive speakers of the event.
    e) Agenda of the event including tentative minute to minute schedule of the event alongwith the topic against the speakers.
    f) Compilation of invitations, presentation, advertisements, brochures, information leaf, short-films, back-drop if any, etc.
3. Approval of the Competent Authority on the contours of the events finalized above.
4. After the approval of the Competent Authority on the contours of the event, following shall be complied:
    a) Invitation to the Chief Guest (s), Executive Speakers and Participants.
    b) Pursue confirmation of the Chief Guest (s), Speakers and industry Participants.
    c) Finalization of the presentation, short-film, back-drop if any, etc.
    d) Creation of the platform and finalization of participation link for Chief Guest (s), Speakers and Industry-Participants/Guest, if any.
    e) Testing of the venue including audio-video arrangement and participation links, if any, as applicable.
5. On the event day, following shall be complied:
    a) Proofing of the venue, testing of servers, internet connectivity, audio-video connectivity etc., if any, as applicable
    b) Registration of the Participants/Guests.

c) Ensure follow-up of the minute to minute schedule.

d) Recording of the proceeding of the event.

e) Facilitation of the refreshments, if any.

6. Post event report shall be compiled and submitted to Competent Authority for approval and record. The post event report shall comprises of information like,

a) Summary of Event,

b) Speaker (s) list with contact details and their designated topics brief.

c) Presentation of the speaker (s) and key points.

d) Photographs/Snapshots/Screenshots of the event at appropriate positions.

e) List of industry participation including delegates name and contact details.

f) Actionable/Key outcome of the event.

7. Detailed invoice on expenditure occurred during the event.

8. Ensuring compilation the event report and approval of the Competent Authority before release of payments, if any.

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STANDARD OPERATING PROCEDURE (SOP)
FOR THE MOU ON USE OF INLAND WATERWAYS
FOR TRANSPORTATION OF BILATERAL TRADE AND TRANSIT CARGOES
BETWEEN
THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH
AND
THE ROYAL GOVERNMENT OF BHUTAN

1. INTRODUCTION

Pursuant to the **Article 14 of the Memorandum of Understanding (MoU)** on Use of Inland Waterways for Transportation of Bilateral Trade and Transit Cargoes between the Government of the People's Republic of Bangladesh and the Royal Government of Bhutan signed on 18 April 2017, the two Parties have agreed to adopt this Standard Operating Procedure (SOP) to activate, operate and facilitate the trade and transit between the two countries as per the said MoU.

2. SCOPE

This SOP intends to promote and facilitate day to day commercial operation of vessels plying between the two countries in accordance with the MoU and to minimize unnecessary hindrance in realizing optimum benefit for both the countries. The SOP aims to enhance the bilateral trade, transit and commerce ensuring credibility, accuracy, efficiency and transparency in the conduct of trade.

3. APPLICABILITY

The SOP shall apply to all related public authorities, shipping companies, business firms and vessels involved in transportation of cargos using riverine routes and seaports of Bangladesh under the MoU.

4. DEFINITION

For the purpose of this SOP unless the context otherwise requires, definition of the terms mentioned in Article 2 of the MOU shall prevail.

5. AGREED TRADE ROUTES

5.1 The agreed trade routes for the purpose of this SOP are:

a. Chattogram(Chittagong)-Chandpur-Mawa-Aricha-Sirajganj-Chilmari-Daikhawa;
b. Mongla-Kawkhali-Barishal-Chandpur-Mawa-Aricha-Sirajganj-Chilmari-Daikhawa;
c. Kalapara (Payra Port)-Barishal-Chandpur-Mawa-Aricha-Sirajganj-Chilmari-Daikhawa; and
d. Narayanganj port will be used primarily as port of call for loading and unloading bilateral trade cargos.

5.2 Additional routes, sea ports and river ports may be added or discontinued through mutual agreement from time to time.

6. MODE OF TRANSPORT

Multimodal mode of transport consisting of water transport, rail and road transport depending on theconvenience of the transportation may be used.

7. PROHIBITED AND RESTRICTED GOODS

7.1 Goods prohibited under the laws and regulations of Bangladesh shall not be permitted for transit through Bangladesh.

7.2 Goods restricted under the laws and regulations of Bangladesh shall be permitted for transit on prior approval of relevant authorities.

8. PORT DUES AND OTHER CHARGES

8.1 Relevant administrative fees and charges shall be levied for use of coastal, river, land and sea port facilities and customs services as per the domestic and relevant international laws, port tariff and conventions.

8.2 The payment of fees and charges shall, to the extent practicable, allow the option of electronic payment.

9. ENTRY AND EXIT POINT

The entry and exit points for trade through riverine route and for crew members of cargo vessels shall be the following and additional point may be notified from time to time.

Bhutan:

(a) Samdrup Jongkhar
(b) Gelegphu
(c) Rinchenthang (Nganglam)
(d) Phuentsholing
(e) Samtse

Bangladesh:

(a) Monghalhat
(b) Noonkhawa
(c) Daikhawa
(d) Nakugaon
(e) Haluaghat
(f) Banglabandha
(g) Burimari
(h) Tamabil
(i) Narayanganj
(j) Gobrakura Koraitoli
(k) Mongla Port
(l) Chattogram (Chittagong) Port
(m) Payra Port

10. IMMIGRATION

Crew and other personnel travelling for the purpose of trade under the said MoU shall carry valid travel documents as mentioned in Article 5 of the MoU.

11. RECOGNITION OF CERTIFICATES

The nationality, measuring and safety certificates, as well as other shipping documents issued by the respective Competent Authority in accordance with the requirement of the respective national laws shall be recognized by the relevant authorities of the other country. Minimum safety check shall be applicable by the Contracting Parties in order to verify the safety

standards of the vessels calling at their ports, without hampering the cargo operation or causing delay to the vessel.

12. INSURANCE OF VESSEL AND CARGO

The vessels plying through or between the two countries under this SOP on the designated route shall carry certificate of insurance with limited liability as agreed by both Parties under Article 10 of the MoU.

13. CUSTOMS CHECKS AND DOCUMENTATION

IMPORT PROCEDURE:

When goods are imported from third countries for Bhutan through Bangladesh, the following procedure shall be observed at the place of entry into Bangladesh:

a) Clearance of goods imported for Bhutan shall be against Letter of Guarantee issued by the Royal Government of Bhutan;

b) At the Customs Station, the importer or his agent (hereinafter referred to as the "Importer") shall present the Letter of Guarantee. The classification of goods and duty shall be completed by the Bangladesh Customs.

c) Containerized goods, close bodied vessels and tankers on transit shall be subjected to Electronic Seal & Lock as per the provisions in the Electronic Seal &Lock Service Rules, 2018 of Bangladesh.

d) The Customs Station, after having satisfied with the procedures in Para C above, shall endorse all the copies of the Letter of Guarantee.

e) In case of imports not reaching their destination, the Customs officials of the two countries shall get in contact so as to trace the movement of the goods. In case the goods are found to have been diverted intentionally or purposely into Bangladesh, the Bangladesh Authorities would invoke the Guarantee.

f) The Customs Authority can inspect any consignment (containerized or non-containerized) as per the risk management criteria. The Customs Authority can also inspect the electronic seal & lock and goods during the movement through its territory for the sake of national security and revenue purposes.

EXPORT PROCEDURE

The import procedure detailed above shall apply *mutatis mutandis* for Bhutan's export to third countries.

14. TRADE FACILITATION

Both contracting Parties shall endeavor to simplify and harmonize all rules, regulations and procedures concerning port, customs, immigrations, trade etc. to the extent possible.

15. SETTLEMENT OF DISPUTES

Any dispute arising out of interpretation and/or implementation of this SOP shall be resolved amicably between the Parties by negotiations through the Joint Technical Committee. If unresolved, the Parties may refer the dispute to the Commerce Secretary level meeting which is held annually as mentioned in Article 15 of the MoU.

16. AMENDMENT TO THE SOP

The Joint Technical Committee of two countries shall consult each other as and when necessary for any amendment to the SOP. The amendment shall be made in writing by mutual consent of the Joint Technical Committee.

17. VALIDITY AND ENTRY INTO FORCE OF THE SOP

This SOP shall come into force with effect from the date of signing and shall remain in force as long as the MoU remains valid.

Done at **Dhaka** on **13 April 2019** in two original copies in the English language, both being equally authentic.

For the Government of the People's Republic of Bangladesh

(Mr. Md. Abdus Samad)
Secretary
Ministry of Shipping

For the Royal Government of Bhutan

(H.E. Dasho Yeshi Wangdi)
Secretary
Ministry of Economic Affairs

(1)

STANDARD OPERATING PROCEDURE (SOP)

OF

MoU ON PASSENGER AND CRUISE SERVICES ON THE COASTAL AND PROTOCOL ROUTE

BETWEEN

THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

AND

THE GOVERNMENT OF THE REPUBLIC OF INDIA

Standard Operating Procedure (SOP) on MoU on Passenger and Cruise services on the Coastal and Protocol route between Bangladesh and India

1. Introduction:

In pursuance of Article 12 of the Memorandum of Understanding (MoU) on Passenger and Cruise services on the Coastal and Protocol route between the Government of the People's Republic of Bangladesh and the Government of the Republic of India in the year 2017, with a view to making mutually beneficial arrangements for the use of their waterways for trade and commerce between the two countries in accordance with the laws of both countries, both parties agreed to adopt this SOP.

2. Scope:

This Standard Operating Procedure (SOP) is designed to promote and facilitate the day to day passenger and cruise services and operations of the vessels plying between the two countries in accordance with the MoU and to minimize any unnecessary hindrance in service and operation for the optimum benefit to the peoples of the two countries.

The purpose of SOP is to enhance the bilateral movement of passenger, tourist and cruise as well as credibility, accuracy, efficiency and transparency therein. The procedures mentioned in this SOP will remove unexpected problem that may occur during movement of passenger and cruise vessels. In case, there is any deviation during the operation, the same may be referred to the designated Joint Standing Committee on Protocol on Inland Water Transit & Trade (PIWT&T) or Joint Shipping Committee (JSC) on Coastal Shipping of two countries for resolution.

3. Applicability:

(i) The SOP is applicable to all related public authorities, shipping companies, enterprises and vessels involved in plying between two countries, under the MoU on Passenger and Cruise Services on the Coastal and Protocol route.

(ii) The SOP shall apply to vessels engaged on passenger and cruise service, which are registered under Inland Vessels Act 1917 and Merchant Shipping Act 1958, as amended from time to time in case of Indian vessels and the Inland Shipping Ordinance, 1976 and Merchant Shipping Ordinance, 1983 as amended from time to time, in case of Bangladesh vessels.

4. Definition:

For the purpose of this SOP unless the context otherwise requires:

(i) The term "Competent Authorities" means in case of Coastal Route the Department of Shipping, Ministry of Shipping in Bangladesh and the Directorate General (DG) of Shipping in India and in case of Inland Waterways, Bangladesh Inland Water Transport Authority (BIWTA) in Bangladesh and Inland Waterways Authority of India (IWAI) in India.

(ii) The term "Coastal Route" will refer to the routes between:

1. Chennai-Krishnapatnam-Kakinada-Visakhapatnam-Paradip-Haldia-Kolkata-Mongla-Payra- Chattogram.
2. Chattogram-Payra-Mongla-Kolkata-Haldia-Paradip-Visakhapatnam-Kakinada-Krishnapatnam-Chennai.
3. Chennai-Krishnapatnam-Kakinada-Visakhapatnam-Paradip-Haldia-Kolkata-Mongla-Khulna.
4. Khulna-Mongla-Kolkata-Haldia-Paradip-Visakhapatnam-Kakinada-Krishnapatnam-Chennai.
5. Chennai- Krishnapatnam- Kakinada- Visakhapatnam- Paradip-Haldia- Kolkata-Payra.
6. Payra-Kolkata-Haldia-Paradip-Visakhapatnam-Kakinada-Krishnapatnam-Chennai.
7. Chennai- Krishnapatnam- Kakinada- Visakhapatnam- Paradip-Haldia-Kolkata- Pangaon- Narayanganj- Ashuganj.
8. Ashuganj- Narayanganj- Pangaon- Kolkata- Haldia- Paradip-Visakhapatnam- Kakinada- Krishnapatnam- Chennai.

(iii) The term "PIWT&T Route" will refer to the routes between:

1. Kolkata- Haldia- Raimongal- Chalna- Khulna- Mongla-Kawkhali-Barisal- Hizla- Chandpur- Narayanganj- Aricha-Sirajganj-Bahadurabad- Chilmari- Dhubri- Pandu- Shilghat.
2. Shilghat-Pandu-Dhubri-Chilmari- Bahadurabad- Sirajganj- Aricha-Narayanganj-Chandpur-Hizla-Barisal-Kawkhali- Mongla- Khulna-Chalna- Raimongal- Haldia- Kolkata.
3. Kolkata-Haldia-Raimongal-Mongla-Kawkhali-Barisal-Hizla-Chandpur-Narayanganj-Bhairab Bazar-Ashuganj-Ajmiriganj-Markuli-Sherpur-Fenchuganj-Zakiganj-Karimganj.
4. Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj-Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Hizla- Barisal-Kawkhal- Mongla- Raimongal- Haldia- Kolkata
5. Rajshahi-Godagari-Dhulian.

6. Dhulian-Godagari-Rajshahi.
7. Karimganj- Zakiganj- Fenchuganj- Sherpur- Markuli- Ajmiriganj- Ashuganj- Bhairab Bazar- Narayanganj- Chandpur- Aricha- Sirajganj- Bahadurabad – Chilmari- Dhubri- Pandu- Shilghat.
8. Shilghat-Pandu-Dhubri-Chilmari- Bahadurabad- Sirajganj- Aricha- Chandpur- Narayanganj- Bhairab Bazar- Ashuganj- Ajmiriganj- Markuli- Sherpur- Fenchuganj- Zakiganj- Karimganj.

Or such other routes as may be prescribed by the Competent Authorities from time to time. A vessel may commence a voyage from any port of one Contracting Party and terminate at any port of another Contracting Party using a full route or part thereof.

(iv) The term "Vessels" means the watercrafts which are registered in accordance with the national laws of both Contracting Parties and sailing under its flag. This will cover vessels which carry only passengers and tourists and their accompanied baggage.

(v) The term "Passenger Ship" means a ship carrying more than twelve passengers or tourists.

(vi) The term "Agreement" means the Agreement on Coastal Shipping signed between Bangladesh and India.

(vii) The term "PIWT&T" means the Protocol on Inland Water Transit and Trade between Bangladesh and India.

5. Conservancy and Pilotage:

(i) Each country will maintain the river routes falling within its territory in a navigable condition and provide all the essential pilotage and conservancy services, including hydrographic surveys and supply of charts, if prepared and available for commercial navigational use to inland water transport and coastal operators and aids to night navigation where facilities for such navigation already exist.

(ii) Acknowledging that there may be routes or parts of routes in one country, primarily being used for navigation purpose, the country maintaining such routes will provide aids to night navigation on such routes, provided the country using such routes pays, by MoU, for the installation and maintenance of such aids. The amount to be paid and the manner of its payment shall be mutually agreed upon by the Parties.

6. Port dues and other charges:

(i) Port dues may be levied by the Competent/Port Authorities in either country on the vessels belonging to the other country and engaged in inter country trade, which will be treated as domestic vessel engaged in coastal shipping and not as Foreign Going (FG) vessel.

(ii) The Competent Authorities in either country may also levy on the vessels of the other country charges for conservancy, pilotage and other specific services at par with those charged from the local vessels. The charges will be determined with reference to GRT/NRT passenger and tourist carrying capacity of the vessels, as applicable to similar type of domestic vessel engaged in inland and coastal shipping.

(iii) The routes between Port Chattogram of the Karnaphuli river and Bay of Bengal Ports of India and the route between Port Mongla of the Pussur river and Bay of Bengal Ports of India and Port Payra of the Payra river and Bay of Bengal Ports of India are recognized by both sides as routes being maintained primarily for the use of MoU on Passenger and Cruise services on the Coastal and Protocol route.

(iv) Each party shall maintain required draft and navigational aids for the above mentioned services on these routes.

7. Port facilities:

Each country will permit the vessels of the other country to utilize all available jetties and other handling facilities at the designated Port of Call in either country on the same terms and conditions as are applicable to local vessels for embarkation and disembarkation of passengers and tourists.

8. List of arriving passengers of passenger vessels:

The master of every passenger ship arriving at any port or place in Bangladesh or in India at which it is intended to disembark passengers, shall, before any such passenger is landed, deliver to the Port Officer and proper officer of Customs appointed there a statement in hard copy in triplicate or soft copy in the prescribed form signed by him specifying the total number, indicating the number of each sex, of all the passengers on board and the number of other passengers and the number of crew and such other particulars as may be prescribed by Joint Shipping Committee. The certifying officer shall thereupon, after first having satisfied himself that the entries are correct, countersign and

return to the master two of the copies and keep one copy with him. A copy of the passenger list will be sent to the focal point of the other Party at least 24 (twenty four) hours before the expected date of arrival for their necessary action.

9. List of departing passengers and tourists of passenger vessels:

(i) The master of every passenger ship departing or proceeding on a voyage from any port or place in Bangladesh or in India , shall sign a statement in hard copy in triplicate or soft copy in the prescribed form specifying the total number, indicating the number of each sex, of all passengers embarked and the number of crew, and such other particulars as may be prescribed, and shall deliver both copies to the Port Officer and proper officer of Customs, who shall thereupon, after first having satisfied himself that the entries are correct, countersign and return to the master two of the copies and keep one copy with him.

(ii) If, at any time after the passenger list has been signed and delivered as aforesaid, any additional passenger is taken on board, the master shall add to his copy of the list, and also enter on an additional list signed by him, the prescribed particulars of every such additional passenger.

(iii) The master's amended copy of the list shall be signed by the Certifying Officer at the time at which he delivers the additional list to that officer.

10. Deaths on Board:

(i) The Master of every vessel will record in the log book everycase of death happening on board, including the date and supposed cause of death of any crew, any soul on board, including passengers and shall, when the vessel arrives at her destination, will notify the Competent Authority at the earliest.

(ii) Upon receiving the information, the Competent Authority will notify all concerned agencies, such as local police station, border customs and local consular office (if any), without delay, with the aim to send back the mortal remains to the country of the deceased.

(iii) The Competent Authority will also inform about the death and the measures taken to its counterpart at the earliest.

11. Medical Officers, nurses and attendants:

(i) Every passenger ship which has on board more than one hundred persons, which number shall include passengers, cabin passengers and crew, shall have on board a Medical Officer possessing such qualifications as may be prescribed by the Joint Shipping Committee. If the number of such persons exceeds one thousand, two such Medical Officers shall be carried and if the number exceeds two thousand, three such Medical Officers shall be carried. In addition to the aforementioned Medical Officers there shall also be carried such nurses and attendants to be qualified and approved as prescribed by the Competent Authorities.

(ii) The services of all such Medical Officers, nurses and attendants shall be provided without charge to crew and all passengers on board.

(iii) Every such Medical Officer shall keep diaries and submit reports or other returns to the Competent Authority as may be prescribed.

12. Supply of bunkers:

The vessels of either country plying between the two countries and also between places in the same country through the other country will be permitted to purchase fuel required by them for the purpose of their operations on payment of the convertible currency. Vessels of one country may be bunkered at the following points of other country:

	Bangladesh	India
i.	Chattogram	Chennai
ii.	Mongla	Krisnapatnam
iii.	Khulna	Visakhapatnam
iv.	Payra	Kakinada
v.	Narayanganj	Paradip
vi.	Pangaon	Haldia
vii.	Ashuganj	Kolkata
viii.	Sheikbaria	Budge-Budge
ix.	Barisal	Karimganj
x.	Sirajganj	Namkhana
xi.	Chilmari	Pandu
xii.	Chandpur	Dhubri

or at any other points as determined mutually from time to time by the Competent Authorities of both the countries.

13. Purchase of essential stores:

The vessels operating in either country will be allowed to purchase in convertible currency the stores which they may require for their operation during the voyage in the other country at places of bunkering. In order to do so, conversion facilities will be provided at the bunkering points.

14. Purchase of provisions by the fleet personnel during voyage/cruise:

Fresh food, goods and other provisions essential for fleet personnel will be allowed to be purchased in either country to meet the requirements of voyage. The purchase will be made in convertible currency at the points of bunkering. In order to do so, currency conversion facilities will be provided at the bunkering points. In exceptional circumstances only, purchases may be made at places other than the bunkering points. The appropriate authorities of either country may prescribe the manner in which such purchases may be made, should it be deemed necessary.

15. Repair facilities:

Vessels of either country calling for urgent repairs en route will be allowed to have repairs done at the Private or Government owned or any reputed marine workshop in either country with the prior permission of the respective Department of Shipping/DG Shipping. The expenditure incurred on such repairs will be reported by the operators to the concerned foreign exchange authorities for their clearance.

16. Removal of Wreck:

The owner of the vessel will be responsible to remove the wreck (if any) in consultation with Department of Shipping/DG Shipping through their agent or through the vessel's insurer in accordance with existing national law of the Contracting Parties.

17. Settlement of Disputes:

If any dispute arises between the Parties relating to the operation or payment of freight or dues of ships or interpretation or application of this SOP, the Parties shall endeavor to settle by mutual understanding, if not reached in a consensus then

through arbitration, or through "the Court of the country", where the dispute has arisen.

18. Assistance to be provided by either country to the vessels of the other in distress:

Each country will provide all the necessary facilities to the vessels of the other, which may be grounded or otherwise in distress during their voyage in its waterways. Expenditure incurred in salvage operations, if required on such occasions, shall be cleared in accordance with the arrangements to be made by the owner or his appointed agent in consultation with Competent Authorities.

19. Submission of voyage forecast for voyage permission to use waterways:

The vessels of one country before using the waterways of the other country will obtain the permission of the other country for an entry.

20. Validity of entry permission:

Such permission will be granted with a validity of 01 (one) "round voyage" subject to renewal. However, the voyage forecasts, in the prescribed form, for the vessels of one country will be submitted to "the Competent Authority" of other country at least 72 (seventy two) hours before the expected date of entry.

21. Port of Call:

One country will provide the facilities of "Ports of Call" to the vessels of the other country engaged in inter country trade and number of such Ports of Call will be equal in both countries. Both the Parties agreed that the following would be treated as 'Ports of Call' in their respective country.

Bangladesh	India
Chattogram	Chennai
Mongla	Dhubri
Khulna	Silghat
Payra	Pandu
Narayanganj	Paradip
Pangaon	Haldia
Ashuganj	Kolkata
Sirajganj	Karimganj

Or any other port of call as decided by the Joint Shipping Committee or Competent Authorities.

22. Recognition of survey certificates and other documents:

(i) With regards to movement of vessel in Coastal routes, vessels under the SOP are to comply River Sea Vessel (RSV) – IV or equivalent standards. Vessels classified as per RSV – III equivalent standards may operate between Bangladesh Ports and Kolkata/Haldia (India) Port. However, such operations would be subject to permission and certification by Government of the People's Republic of Bangladesh with respect to requisite insurance and fair weather period of operation.

With regard to movement of vessel in the Protocol route under PIWT&T, the vessel registered under Inland Vessels Act, 1917 as amended from time to time in case of Indian Vessels and the Inland Shipping Ordinance, 1976 as amended from time to time in case of Bangladesh Vessels.

(ii) The survey certificates, statutory documents any Dispensation or Exemption issued in accordance with RSV Notification or equivalent standards by the Department of Shipping/DG Shipping for the vessels under their flag / registry will be recognized and accepted as valid by the other. These certificates or documents shall be produced by the Master of the vessels concerned at the points of entry and other places, as may be required, during the voyage.

(iii) Applicability of Port State Control (PSC) will not extend to vessels operating under the Bangladesh-India Agreement on Coastal Shipping and PIWT&T. However, an inspection schedule may be prescribed and agreed by both parties on proper control mechanism for inspection of vessels as per RSV or equivalent standards, under intimation to the respective authorities of the two countries.

23. Flying of Flags:

The vessels of each country will carry its national flag and the national flag of the country through which it is plying besides its house flag.

24. Use of radio-telephone by river craft:

Vessels will be equipped with radio-telephone and other radio equipment as per RSV Notification or equivalent and for facilities of speedy commercial

communications, especially in emergencies, in conformity with the current radio regulations of the country through which the vessels are in operation or en route.

25. Documentation required for entry of passengers and tourists of the two countries:

A passenger and tourist travelling on the Indo-Bangladesh Coastal and Protocol routes shall have valid passport and visa for travel. They will be allowed to embark and disembark at the identified coastal and inland ports in India and Bangladesh after completion of immigration and custom formalities.

26. Crew shore leave:

The Master and crew of passenger/tourist vessels shall have valid certificate of employment and permits with a photograph of the concerned individual duly authenticated by authorities of the respective countries. Such crew members who possess a valid passport (without visa) will also be allowed to embark and disembark at the identified coastal and inland ports in India and Bangladesh for 72 hours in a port of call and bunkering station after completion of immigration and custom formalities. The officers supervising or controlling the fleet of the operators in either country shall carry passport endorsed with the multiple entry visa.

27. Change of crew and dispensation:

(i) The passenger vessels operating under this MoU plying between the waters of two countries will be allowed to change crew in case of necessity, which they may require for their operation during the voyage in the other country at places of bunkering or in a port of call. In order to do so, required permission to change the crew will be taken, prior to change, from the Competent Authority, specifying the need for change of crew.

(ii) Change of crew dispensation should be given only in special cases with permission from the Competent Authority of both the countries, specifying the need for change of crew.

28. Insurance of Vessel, Passenger and Tourist:

The vessels plying through or between the two countries on the designated route shall carry certificate of insurance with limited liability, or as agreed by both parties, for vessel, passenger and tourist.

29. Permission to fleet personnel and traveling officers to go by air, rail or road in special circumstances:

Fleet personnel and other officers attending the vessels at ports, in either country will be allowed to travel by rail, road or air, whenever they are required to attend the vessels. Ships Master and crew will be allowed to travel by rail, road or air for joining the vessel and after completion of duties or when they have to leave by reasons of sickness or other urgent contingencies. Such movements will be simultaneously reported to the appropriate authorities of either country and shall be allowed to travel to their home country.

30. Evolving uniform documentation for vessels:

The document issued in accordance with the regulations in one country, in respect of the cargo carried by vessels going to the other country will be accepted by the other. Efforts will be made to evolve uniform documentation in both the countries in hard copies in duplicate or soft copies as early as possible.

A Manifest in hard copies in duplicate or soft copies indicating passengers and tourist and their baggage details in addition to the Manifest Book shall be submitted to the Customs Officer at the point of entry. One copy of the Manifest will be retained by him and the other, duly endorsed will be sent in sealed cover through the Master of the vessel to the Customs Officers at the exit points for the designated routes.

31. Submission of Documents for permission to ply under MoU on Passenger and Cruise services on the Coastal and Protocol route:

The following documents shall be submitted to the Competent Authorities for permission to ply and enter into the port of call under MoU:

1. Certificate of Registry;
2. Certificate of Class (MSO Vessel)/Safety Equipment Certificate (MSO Vessel)/ Annual Survey Certificate (ISO Vessel) issued by the approved recognize organization of the contracting government;
3. Tonnage Certificate;
4. Load Line Certificate;
5. Insurance Certificate;
6. Safe Manning Certificate (Document);
7. Crew List;

8. IOPP Exemption Certificate;
9. Competency Certificates of Crew;
10. Evacuation Plan;
11. Safety Plan;
12. Stability Booklet;
13. Certificate of Survey;
14. Any other documents as prescribed by the Joint Shipping Committee/Joint Standing Committee.

32. Reporting of vessel at arrival:

Every ship plying under the MoU will report to the nearest sea port/inland port at the time of arrival with necessary documents for port entry permission.

33. Customs checks and documentation:

Both the countries agree to reduce customs documentation and other requirements to the essential minimum for the purpose of easier movement and to have custom stations at or near the points of entry and exit in each country.

34. Freight remittance facilities:

The fare/freight earned by the vessels on account of transportation of passengers and cruise operation of either country from the traffic, originating in the other and carried by them, will be allowed to be remitted to the owners of the vessels in accordance with the arrangements for remittance, and any surplus collection between the two countries that may be accumulated from time to time.

35. Arrangements for settlement, clearance and remittance:

Subject to their respective foreign exchange regulations, the Competent Authorities under Ministry of Shipping of Bangladesh and India, shall through mutual consultations, establish a comprehensive system for quick settlement, clearance and remittance of all sums, claims, or dues on account of goods supplied, services rendered or facilities accorded to the vessels of one country in or by the other.

36. Opening of branch offices and appointment of agents:

The operators of vessels in one country will be allowed to open their branch offices or appoint agents in the other country to carryout ship related activities. However, such branch offices will be notified to the Competent Authorities under Ministry of Shipping of country concerned and in accordance with national laws of the Contracting Parties.

37. Meeting of Joint Shipping and Standing Committee:

(i) Meeting of Joint Shipping and Standing Committee may be held twice a year, or when necessary, or any time requested in writing by any of the Contracting Party, to review the situation with regard to the execution of the MoU on Passenger and Cruise services on the Coastal and Protocol route, or any other matter relating to operation of ship under the scope of the MoU.

(ii) The Joint Shipping Committee should deliberate on the issue of maximum luggage a passenger may carry in terms of weight/volume and furnish their recommendations to the Competent Authority of both the countries for acceptance.

38. Focal Point for the Execution of SOP:

Ministry of Shipping or Competent Authorities in India and Bangladesh will act as the Focal Point to authenticate/declare a ship fit to ply under MoU on Passenger and Cruise services on the Coastal and Protocol route and authentication of Seafarer ID card, Shipping *Agency Owner,* Cruise Operators and Manager ID card for vessels plying under this MoU or for any other matter tendered by the Government.

39. Addition of new Routes and more Ports of Call:

Additional routes and new Port of Call may be added through an Addendum to this SOP by mutual consultation between the two countries.

40. Amendment to the SOP:

Amendment, alteration, addition, repeal of any provision of this SOP may be done by both the Governments by mutual consultations and through exchange of letters.

If for operational reason it is required to make amendments or supplements to this SOP, or one Contracting Party intends to make amendments or supplements to this SOP, it shall notify the other Contracting Party in writing and the

Contracting Parties shall meet within 03 (three) months after such notification. The amendments or supplements agreed upon by the Contracting Parties through consultation shall enter into force after their mutual reconfirmation.

41. Validity and entry into force of the SOP:

1. This SOP shall enter into force immediately after signing of this SOP under MoU on Passenger and Cruise services on the Coastal and Protocol route between Bangladesh and India.

2. This SOP will remain valid till the validity of "The MoU". It may be reviewed once a year by the Joint Shipping Committee. It shall be automatically renewed for next consecutive 05 (five) years. However, the SOP may be terminated by either Contracting Party by notice in writing to the other "Contracting Party", and the termination shall be effective 06 (six) months after the date on which the notice is served by the other Contracting Party.

Done at New Delhi, India on 25th October, 2018 in two originals in the English Language, both being equally authentic.

For and on behalf of the
Government
of the People's Republic of Bangladesh

25/10/18

Commodore Syed Ariful Islam, (TAS),
ndc, psc, BN
Director General, Department of
Shipping
Ministry of Shipping
Government of the People's
Republic of Bangladesh

For and on behalf of the
Government
of the Republic of India

25.10.18

Rajat Sachar
Senior Economic Adviser
Ministry of Shipping
Government of the Republic of
India

Standard Operating Procedure (SOP)

of the

Agreement on the use of

Chattogram and Mongla Ports

for Movement of Goods to and from India

between

the Government of the People's Republic

of Bangladesh

and

the Government of the Republic of India

Standard Operating Procedure (SOP) of the Agreement on the use of Chattogram and Mongla Ports for Movement of Goods to and from India between the Government of the People's Republic of Bangladesh and the Government of the Republic of India

1. Introduction:

In pursuance of Article 2 and also in accordance with Article 9 of the Agreement between the Government of the People's Republic of Bangladesh and the Government of the Republic of India signed on 25 October 2018 on the use of Chattogram and Mongla Ports for Movement of Goods to and from India for facilitation of use of Chattogram and Mongla Ports for movement of Indian goods, in accordance with the laws of both the countries, both parties agree to adopt this SOP.

2. Scope:

This Standard Operating Procedure (SOP) is designed to facilitate the movement of goods to and from India through Chattogram and Mongla Ports along authorized routes in Bangladesh as mentioned in Article 6 of the Agreement in a secure and simplified manner.

3. Applicability:

The SOP is applicable to the cargo, vehicles and vessels moving between the two countries, under the Agreement on the use of Chattogram and Mongla Ports for Movement of Goods to and from India between the Government of Bangladesh and the Government of India.

4. Definition:

Unless the context otherwise requires, for the purpose of this SOP:

(1) **"Agreement"** means the Agreement between the Government of the People's Republic of Bangladesh and the Government of the Republic of India signed on 25 October 2018 on the use of Chattogram and Mongla Ports for Movement of Goods to and from India.

(2) **"Customs Bond"** refers to a bond in non-judicial stamp paper as prescribed according to Article 7 of the Agreement, as prescribed in Annex-A.

(3) **"Customs Transit Declaration (CTD)"** means the declaration as prescribed in Annex-B or the declaration as may be required to be submitted in the customs computer system of Bangladesh.

(4) **"Inter Governmental Committee (IGC)"** means the Committee as mentioned in the Article 10 of the Agreement.

(5) "**Over dimensional cargo**" means machineries and equipment having dimension more than 40' X 8' X 9' and are not suitable for containerization.

(6) **"Party"** means the Government of the People's Republic of Bangladesh or the Government of the Republic of India jointly referred to as the "Parties".

5. Documentation:

(i) The movement of goods from one part of India to another, through Chattogram and Mongla Ports shall be accompanied by a CTD.

(a) The CTD shall be filed in quintuplicate by the consignor or his authorised agent with the Customs at the port of exit in India. The customs officer at the port of exit in India shall endorse all copies of the CTD, retain the quintuplicate copy and hand over the remaining copies to the consignor or his authorised agent.
(b) The consignor or his authorised agent shall submit the four copies of the CTD duly authenticated by the customs at the port of exit in India to the customs at the port of entry in Bangladesh. The customs officer at the port of entry in Bangladesh shall endorse all the copies of the CTD, retain the quadruplicate copy and hand over the remaining copies to the consignor or his authorised agent.
(c) The consignor or his authorized agent shall submit the triplicate copy of the CTD duly endorsed by Bangladesh Customs to the port authorities who shall release the goods to the consignor or his authorized agent.
(d) The consignor or his authorised agent shall submit the remaining two copies of the CTD with the customs at the port of exit in Bangladesh. The customs officer at the port of exit in Bangladesh shall endorse both copies of the CTD, retain the duplicate copy and hand over the original copy of the CTD to the consignor or his authorised agent.
(e) The consignor or his authorised agent shall submit the original copy of the CTD to the Customs at the port of entry into India.

Provided that if the CTD is filed in the customs computer system of Bangladesh, there shall be no requirement of filing the manual copies of the CTD as approved by Indian Customs to Bangladesh Customs.

(ii) Following the provision of the Customs Act, 1969 of Bangladesh, the person in charge of the vessel or the conveyance or his authorized agent, carrying the cargo for movement to and from India shall transmit the manifest to the customs computer system by a registered user at the Custom House of the applicable port of entry in Bangladesh. The manifest will be checked and registered by the Customs, if all the information is found consistent and correct.

(iii) The consignor or his authorized agent shall submit the CTD along with the following documents at the Custom House of the applicable port of entry in Bangladesh:-

a) Bill of lading;
b) Invoice;
c) Packing List; and
d) A Customs Bond in non-judicial stamp paper.

(iv) The custom officer at the customs house of the port of entry in Bangladesh will authenticate the submitted documents, check the online declaration if applicable, confirm the customs bond and validate the CTD.

(v) The consignor or his authorized agent will pay the administrative and operational fees and other charges as prescribed in the Agreement.

(vi) The containerized cargo shall be scanned by the X-ray scanner, as required by Bangladesh Customs.

(vii) An electronic seal & lock will be affixed before departure for the exit port. In case of non-containerised cargo, the goods shall be put into a closed body truck or tanker and an electronic seal & lock will be affixed.

(viii) Once the formalities are completed, the consignor or his authorized agent will approach the gate Customs counter. The gate customs officer shall enter the electronic seal & lock number in the CTD. If the CTD is filed in the customs computer system, the X-ray scans, if any, will be uploaded in the system.

(ix) The vehicle under movement may be checked by Customs during the transit movement on the basis of alerts by the electronic seal & lock or based on intelligence.

(x) When the cargo arrives at the port of exit in Bangladesh, the custom officer at the entrance gate shall immediately check the vehicle registration and electronic seal & lock against the CTD. If the electronic seal & lock is found intact, the customs officer shall endorse the CTD. If the CTD is filed in the customs computer system, the customs officer shall update the CTD with the validated arrival option. Upon such endorsement or validation, the vehicle shall be allowed to proceed to the entry port of India.

Provided that if the electronic seal & lock are found tampered, the customs officer at the port of exit will conduct due examination of the goods and if the goods are found matching with the CTD, the customs officer will affix a one-time-lock (OTL), update the CTD with the details of the OTL and endorse the CTD. If the CTD is filed in the customs computer system, the customs officer shall update the CTD with the validated arrival option. Upon such endorsement or validation, the vehicle shall be allowed to proceed to the entry port of India.

Provided also that if the electronic seal & lock are found tampered, and the customs officer at the port of exit upon examination of the goods finds that the goods are not as per the declaration, the customs will initiate necessary action as per domestic legislation.

(xi) When the cargo arrives at the port of exit in Bangladesh beyond the time limit for transit as allowed under para 9 of the SOP, the customs officer may take action as he deems appropriate.

6. Over dimensional cargo: In respect of over dimensional cargo, the following procedure shall be followed:-

(i) where the load compartment of the means of transport is found to be not amenable to sealing due to the nature of the goods, the customs officer at the port of entry in Bangladesh, shall examine and verify the identifying marks of the goods, as declared in the CTD and on being satisfied that the goods presented to him are as per the declaration in the CTD, allow the goods to be loaded on to the means of transport for onward movement to the port of exit in Bangladesh without sealing.

(ii) On arrival of the goods at the port of exit in Bangladesh, the customs officer shall check that the goods presented to him are as per the declaration in the CTD, and on being satisfied, allow the onward movement of the goods.

7. Activities allowed during Movement:

(i) The appropriate officer of customs may allow the following to be done under Customs supervision during the transit:-

a) Inspect the goods;

b) Deal with the goods and their packaging in such manner as may be necessary to prevent loss or deterioration or damage to the goods.

(ii) During movement through Bangladesh, wherever it becomes necessary to break bulk consignments or shift the goods from one means of transport to another, it shall be done only under the supervision of the officials of the Bangladesh Customs.

8. Time Limits for Completion of Transit Transport Operation:

The goods in transit upon their exit from the port of entry in Bangladesh shall reach the port of exit in Bangladesh within 7 days.

Provided that if the transport operator is unable to timely complete the transit transport operation due to force majeure or other reasonable causes, he/she shall file a request for extension of time with the Customs Authority at the port of entry in Bangladesh. The Customs Authority at the port of entry in Bangladesh will grant such extension if they are satisfied that the timely completion of the transit transport operation was prevented by force majeure or other reasonable causes.

9. Unscheduled Halts, Accidents and Vehicle Breakdowns during movement:

In the event of an accident, breakdown or repair of a vehicle on way to its destination, the crew/Authorized Transport Operator or the authorized agent shall immediately inform the local police office and also the customs officer at the port of entry.

10. Proof of successful completion of transit:

The CTD duly authenticated by the customs officer at the point of exit in Bangladesh, shall be accepted as evidence that goods exited Bangladesh.

11. Amendment to the SOP:

(i) Either party can propose an amendment to the SOP which shall be taken up by the
Inter-Governmental Committee for further deliberations.

(ii) The recommendations of the Inter-Governmental Committee in this regard shall be submitted to the respective Governments for approval.

(iii) Such amendments shall be subject to the approval of the Parties.

12. Commencement of the SOP:

The SOP shall enter into force on the 5th day of October, 2019.

Done in duplicate in English at New Delhi, India on the 5th day of October, 2019.

IN WITNESS WHEREOF, the undersigned being duly authorized thereto by their respective Governments have signed this SOP with reference to the Agreement between India and Bangladesh for use of Chattogram and Mongla Ports for movement of goods to and from India and the Memorandum of Understanding between the Ministry of Shipping, Government of the Peoples Republic of Bangladesh and Ministry of Shipping, Government of the Republic of India.

For and on behalf of the Government of the Republic of India	For and on behalf of the Government of the People's Republic of Bangladesh
5/10/2019	
(Gopal Krishna)	**(Syed Muazzem Ali)**
Secretary, Ministry of Shipping	**High Commissioner, Bangladesh**

Annexure-A

To

The Commissioner of Customs

Custom House, Chattogram/Mongla

The undersigned undertakes that the goods under Custom declaration number_____ dated _____, Invoice no. _____dated _____, Bill of lading no. _____ dated _____of the quantity, value and HS code thereof are destined to be transported to India through _____ port to India within 7 days from the date of its exit from the port of entry in Bangladesh (para 8 of the SOP refers). In case of failure to do so, the undersigned is liable to pay Tk _____ only or the amount ascertained by Bangladesh Customs equivalent to the amount of duty and taxes applicable in case of import of the goods into Bangladesh, to the Commissioner of Customs, Custom House Chattogram/Mongla and the consignment shall be subjected to the provisions under the Customs Act 1969, the Value Added Tax 1991 and any other law applicable there to.

Signature

Name:

Contact Details

Witnesses:

1.

2.

3.

Annexure – B

CUSTOMS TRANSIT DECLARATION

(To be filed in quintuplicate in terms of Para 5 of the SOP)

Part A *To be filed by the consignor of the goods or his authorised agent in terms of Para 5 of the SOP*	
Name of the consignor and address Telephone No. Email-id	
Name of consignee and address Telephone No. Email-id	
Port of Exit in India	
Port of Entry into Bangladesh	
Port of Exit in Bangladesh	
Port of re-entry into India	

Details of goods

Container nos.	Marks and serial nos. of packages/ distinguishing marks for over-dimensional cargo.	Description of goods	H.S code	Quantity (with units)	gross weight	C.I.F Value (in INR/BD Taka)

I/We declare that the goods entered herein are for India through Bangladesh and shall not be diverted or retained in Bangladesh.
I/We declare that all the entries made herein above are true and correct to the best of my/our knowledge and belief.

(Signature of consignor/ authorised agent/ authorized transport operator along with seal.)

Part B

(to be filled by the customs officer at the port of exit in India)

Seal no of OTL(s) affixed (if any):
Allowed further movement to the port of entry in Bangladesh.

(Signature and stamp of the Customs Officer)

Part C

(to be filled by the customs officer at the port of entry in Bangladesh)

Serial no. of the electronic lock & seal (s):	
Registration No. of Vehicle (s)/ truck(s):	

Allowed further movement to the port of exit in Bangladesh.

(Signature and stamp of the Customs Officer)

Part D

(to be filled by the customs officer at the port of exit in Bangladesh)

Allowed to exit Bangladesh.

Signature and stamp of the Customs Officer)

Attached Documents:

1. Bill of lading;
2. Invoice;
3. Packing List; and
4. A Customs Bond in non-judicial stamp paper

17.9 Annexure – SOP – Finance wing

Format for Certification under GFR – 12A

Certified that I have satisfied myself that the conditions on which funds were released have been duly fulfilled/are being fulfilled and that I have exercised following checks to see that the money has been actually utilized for the purpose for which it was sanctioned: -

(i) The main accounts and other subsidiary accounts and registers (including assets registers) are maintained as prescribed in the relevant Act/Rules/Standing instructions (mention the Act/Rules) and have been duly audited by designated auditors. The figures depicted above tally with the audited figures mentioned in financial statements/accounts.

(ii) There exist internal controls for safeguarding public funds/assets, watching outcomes and achievements of physical targets against the financial inputs, ensuring quality in asset creation etc. & the periodic evaluation of internal controls is exercised to ensure their effectiveness.

(iii) To the best of our knowledge and belief, no transactions have been entered that are in violation of relevant Act/Rules/standing instructions and scheme guidelines.

(iv) The responsibilities among the key functionaries for execution of the scheme have been assigned in clear terms and are not general in nature.

(v) The benefits were extended to the intended beneficiaries and only such areas/ districts were covered where the scheme was intended to operate.

(vi) The expenditure on various components of the scheme was in the proportions authorized as per the scheme guidelines and terms and conditions of the funds-in-aid.

Date : _____

Place : _____

(Signature)
Name:
Director,

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
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मुख्यालय: जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301 (उ0प्र0)

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F. No. IWAI/Fin./Standardization/2025-26 Dated 08.08.2025

OFFICE MEMORANDUM

Sub: SOP/Guidelines for Preparation of Estimates for Different Works, Goods & Services in IWAI- Regarding.

Ref: F. No. IWAI/Fin./Standardization/2016-17/2019 dated 02.08.2019, IWAI/ Fin/ Standardization/2016-17 dated 16.11.2018 and OM of even no. dated 29.03.2017.

It has been observed that proposals emanating from various wings seeking financial concurrence for estimates for different works are not complete & submitted to finance for concurrence casually without details. As a result, time bound works get hampered & are subject to errors. Department of Expenditure, Ministry of Finance, Government of India has issued Comprehensive Guidelines with standard reference document in Public Procurement in the form of Manual for procurement for Works as well as Goods & Services. As available in Standard Documents, estimate shall be prepared with utmost care & following are the stipulated Guidelines.

2. The Proposals being sent to Finance Wing for concurrence/ advice/ vetting etc. should be self-contained and brought out comprehensively duly indicating: -

a) Plinth Area Rates which provide a quick but fairly accurate method of estimate of Civil works (wherever applicable).

b) Schedules of rates for each kind of works commonly executed (for example CPWD Rates, DSR & respective Schedules of rates of different states.)

c) Analysis of rates by taking market rates of labour, material, cartage etc.

d) Average rates of items recently tendered by IWAI for similar items with same specifications (Concerned Chief Engineer shall certify estimate are reasonable & justifying with market rates).

e) Other basis available in GFR & Manuals ensuring reasonability of estimates.

All proposals should be sent to Finance wing through wing head/Concerned CE certifying the reasonability of estimates duly following the prescribed guidelines, failing which the proposal would not be entertained/ processed in Finance.

3. Data bank for item wise-work awarded shall be maintained by IWAI. All concerned CE shall invariably give a copy of work order to finance wing, who shall compile the same & share with IT Wing.

4. TEC shall verify that rates are reasonable as certified by the concerned CE before recommending award of work.

5. It is, therefore, directed to ensure strict compliance to the above-mentioned points to ensure standardization & unified approval in estimate preparations.

This issues with the approval of Competent Authority

(Ashish Yadav)
Chief Accounts Officer

Copy to:-

1. Chief Engineer (JMVP)/ Chief Engineer (Tech)/ Chief Engineer (Traffic& NER), Chief Engineer (Other Waterways), Hy. Chief-IWAI, Noida
2. Director, IWAI, Patna/ Kolkata/ Guwahati/ Kochi/ Varanasi.
3. Officer-in-charge, IWAI, Allahabad/ Sahibganj/ Bhubaneswar/ Vijayawada/ Mumbai/ J&K.
4. Assistant Secretary (A&E), IWAI, Noida.
5. All Dy. Director (F&A), IWAI, Noida.
6. PCSA, IWAI, Noida

Copy for information to:- PPS/PS/PA to Chairperson, Vice-Chairman & P.D. (JMVP), Member (Finance), Member (Technical), Member (Traffic), Secretary IWAI, Noida.

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
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F. No. IWAI/Fin./Standardization/2016-17/2019 02.08.2019

OFFICE MEMORANDUM

It has been observed that proposals emanating from various wings seeking financial concurrence are not complete in all respects which are therefore returned by Finance Wing with queries resulting in avoidable delay. It is therefore, reiterated to present the proposal enclosing the summary sheet circulated earlier to facilitate quick processing vide office circular No.IWAI/Fin./Standardization/2016-17 dated 29.03.2019 and OM of even no. dated 16.11.2018. The proposals must clearly state the approval of the scheme by the Competent Authority, the relevant budgetary head to book the expenditure and availability of fund. It must also be ensured to record the approval of the concerned wing head to seek financial concurrence as it is seen that many proposals are received by Finance Wing without approval of the concerned wing head.

2. The Proposals being sent to Finance Wing for concurrence/ advice/ vetting etc. should be self-contained and brought out comprehensively. *All proposals should be sent to Finance wing through wing head only, failing which the proposal would not be entertained/ processed in Finance.*

3. It is the responsibility of the concerned wing to obtain the approval of the relevant competent authority. As such, the Finance Wing would only convey the financial concurrence and return the file to the originating wing. Approval of the Competent Authority as per the Delegation of Financial Powers may be sought by the concerned wing quoting/ citing the relevant portion of noting or the diary No. of the concurrence received from Finance Wing.

4. It is, therefore, directed to ensure strict compliance to the above mentioned points for a smooth and efficient processing of proposals in Finance Wing.

This issues with the approval of Member (Finance).

(A. K. Gupta)
Director (Fin. & Accts.)

To

1. Secretary, IWAI, Noida
2. Chief Engineer (Tech)/ Chief Engineer (JMVP)/Hy. Chief/ Chief Engineer (Traffic), IWAI, Noida.
3. Chief Engineer, IWAI, Patna
4. Director, IWAI, Kolkata/Guwahati/Kochi/Vijayawada

5. Director (F&A)/Traffic/Marine/Hy. & P&C/NER/Tech., IWAI, Noida
6. Director (IT), IWAI, Noida – for uploading on website.
7. Officer-in-charge, IWAI, Allahabad/ Varanasi/ Sahibganj/ Bhubaneshwar.
8. Dy. Director & RE/ Finance, IWAI, Noida.
9. Assistant Secretary (A&E)/ R&T, IWAI, Noida

Copy for information to:- PPS/PS/PA to Chairperson, Vice-Chairman & PD (JMVP), Member (Finance), Member (Technical), Member (Traffic), IWAI, Noida.

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Important/Immediate

F.No. IWAI/Fin./Standardization/2016-17

Dated: 16.11.2018

OFFICE MEMORANDUM

Subject: Standardization of processes of Sanction and Release of payment against various types of Bills/Claims in IWAI

Reference is invited to Finance Wing Office Circular of even No. dated 29.03.2017 (copy enclosed) where-in two Standardized templates, one for obtaining/conveying sanction (on note sheet) and other, a checklist to be accompanied therewith, capturing all relevant information relating to the proposal was introduced for uniformly adopting in IWAI including its Regional Offices and Sub Offices.

2. However, it has been noticed/observed that the above guidelines are not being followed scrupulously so as to facilitate seeking financial concurrence and approval of the Competent Authority and releasing the payment there-against, resultantly queries etc. are often to be raised by Finance Wing seeking clarification etc. Avoidable delay is also caused.

3. Secondly, as GST is being charged/paid instead to VAT, Service Tax, Excise duty etc. and also due to certain necessary insertions, the ibid templates are being revised.

4. It is once again re-iterated the necessity of the same and also that no proposal shall be considered in Finance Division without the completely filled information in the stated revised templates.

5. It is, accordingly, directed to all concerned to adopt/use these templates (copy enclosed) for all future Sanctions/Payments scrupulously to standardize and smoothen the processes of Sanction and payments etc.

6. Proposal seeking financial concurrence without the prescribed templates will be returned back to the originating wing without examination.

7. This issues with the approval of Member (Finance), IWAI.

(A.K. Gupta)
Director (Finance & Accounts)

Encl.: As above.

To

1. Chief Engineer (Tech), CE & PM (JMVP)
2. Chief Engineer, R.O, Patna

16/11/18 Time 5.30 PM

O/C

3. Director, IWAI, Kolkata/ Kochi/Guwahati/ Vijayawada.
4. Officer–in-charge, IWAI, Allahabad/Varanasi/Sahibganj/Bhubaneshwar,
5. All Directors/D.S.(Traffic), IWAI, Noida.
6. All Assistant Secretary, IWAI, Noida.
7. All Dy. Director (Fin.)/Dy. Dir & RE, IWAI, Noida.

Copy for information to: - PPS/ Sr.PS/ PA to Chairperson/ Vice-Chairman & Projec Director (JMVP)/ Member (Finance)/ Member (Technical)/ Member (Traffic) & Secretary IWAI, Noida.

भाअप्रा
IWAI

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
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Important/Immediate

F.No. IWAI/Fin./Standardization/2016-17 Dated: 29.03.2017

Office Circular

Subject: Standardization of processes of Sanction and Release of payment against various types of Bills/Claims in IWAI

It has been observed that proposals seeking financial concurrence and approval of the Competent Authority are neither complete nor based on any standard template. As a result queries are often raised by Finance Wing seeking clarification.

2. There was a felt need for Standardization of processes of sanction and release of payment in respect of various types of bills/claims.

3. Keeping in view the above, it has been decided to introduce two Standardized templates, one for obtaining/conveying sanction (on note sheet) and other, a checklist to be accompanied therewith, capturing all relevant information relating to the proposal which may be uniformly adopted in IWAI including its Regional Offices and Sub Offices.

4. It is, accordingly, directed to all concerned to adopt/use these templates (copy enclosed) for all future Sanctions/Payments scrupulously to standardize and smoothen the processes of Sanction and payments etc.

This issues with the approval of Member (Finance), IWAI.

Yours faithfully,

(A.K. Gupta)
Chief Accounts Officer (I/c)

Encl. As above.

To

1. Chief Engineer (C)
2. Chief Engineer (Tr.)/PM-JMVP
3. Hydrographic Chief
4. Director (IT)
5. Director (M)
6. Deputy Secretary (P&C)
7. The Director, IWAI, Patna
8. The Director, IWAI, Kolkata
9. The Director, IWAI, Guwahati
11. The Director, IWAI, Kochi.

Contd.

12. Office-In-charge, Sub- Offices
Allahabad/Varanasi/Bhagalpur/Farakka/Hemnagar/Dibrugarh
(Assam)/Kollam/ Bhubaneswar (Odisa)/Vijayawada (A.P.)

Copy for information to:
(I) PS to Chairman
(II)PS to Vice-Chairman/P.D. (JMVP)
(III) PA to Member (Finance)
(IV) PA to Member (Tech.).
(V) PA to Member (Traffic).

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F. No. IWAI/FIN/Misc/Fund/2025-26 Dated: 18.07.2025

OFFICE MEMORANDUM

Subject: Transfer of Funds to Regional and Sub-Offices – reg.

1. In accordance with the approved Budget Estimates (BE) and Revised Estimates (RE), the Finance Wing of IWAI submits quarterly fund requisitions to the Ministry of Ports, Shipping and Waterways (MoPSW). The Ministry, in turn, releases funds to IWAI under various heads, subject to the submission of a Utilization Certificate in GFR Form 12A.

2. The GFR Form 12A (copy enclosed) serves as the Utilization Certificate for Autonomous Bodies and is to be certified by the Competent Authority of IWAI, based on expenditure incurred at the Head Office and field Offices. Upon receipt of funds from MoPSW, the same are further released/allocated to concerned Offices for disbursement to vendors/contractors. In this regard, it is imperative to ensure financial accountability and compliance with established norms by all the offices.

3. Accordingly, all Regional/Sub-Offices are directed to submit a **Certificate towards utilization as per applicable rules & guidelines (format attached)**, duly signed by the respective **Director/Officer in charge**, along with fund requirements. Fund requirement shall be placed to the concerned controlling officer/CE who in turn shall examine and recommend the requirement for ongoing works and activities in regional offices.

4. This issues with the approval of the **Competent Authority.**

(Ashish Yadav)
Chief Accounts Officer

Copy to:

1. Director, IWAI, Kolkata/Patna/Guwahati/Kochi/Varanasi/Bhubaneshwar/Mumbai.
2. Officer-in-charge, IWAI, Prayagraj/Varanasi/Sahibganj/Srinagar

Copy for information to:- PPS/PS/PA to Chairman, Vice-Chairman & PD (JMVP), Member (Finance)(I/c), Member (Technical), Member (Traffic), Secretary IWAI, Noida, Chief Engineer (Tech)/ Chief Engineer (NER)/ Chief Engineer (OWW)/ Chief Engineer (JMVP)/ Hydrographic Chief, IWAI, Noida.

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File No. IWAI/FIN/TSA/2025-26 Date: 19.05.2025

Office Memorandum

Subject: Implementation of Treasury Single Account (TSA) system of PFMS in place of EAT Module of PFMS in IWAI - reg.

Ref: 1. Letter of this office of even no dated 02.05.2025 & ministry Letter no.: G-20014/1/2021-IWT dated 02.05.2025 regarding universal implementation of TSA in place of EAT Module of PFMS in IWAI.

2. Letter of even no dated 02.05.2025 for training for TSA to Regional Offices, IWAI & H.O, Noida

I am directed to refer to above-mentioned order dated 02.05.2025 where in implementation of TSA in IWAI for existing & future demands of Authority was conveyed. The Online training for all stake holders in IWAI, H.O. and ROs has already been arranged by Finance wing, HO in coordination with the office of Pr. CCA, MoPS&W on 09.05.2025, at Ganga Conference Hall in IWAI, HO, Noida.

Online fund under TSA is being released to all Regional Offices, IWAI for further release to vendors. All concerned shall ensure work shall be executed as per rules & funds under TSA shall be released as per government guidelines & TSA Manual.

A record of all transaction shall invariably be maintained so as to keep log of transaction for release digitally by IWAI. Same shall be produced to Audit & record shall be maintained in tally ERP -9 for each release. Format for release under TSA is enclosed for reference & immediate compliance.

This issues with the approval of the Competent Authority.

(Ashish Yadav)
Chief Accounts Officer

Enclosed: As above.

To,

1. All Dy. Directors of Finance Wing, IWAI.
2. Regional and Sub-Offices of IWAI.

Copy for kind information to: - PPS/ Sr. PS / PA to Chairman / Vice-Chairman & Member (Finance) (I/c) / Member (Technical) / Member (T&L), Secretary, IWAI, Noida.

Inland Waterways Authority of India
(TSA Payment Details)

S. No.	Journal Voucher Details		Payment Voucher Details		Vendor Details		PFMS Details			Approved By		Remarks	Status
	JV No.	Approval Date	Payment No.	Approval Date	Vender Name	Amount payable	Maker ID/Name	Making Date	Amount	Approval ID/Name	Date		
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													

17.10 Annexure – SOP – Administration section

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
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F. No- 8/IWAI/Estt/2/99 **Dated:- 08.09.2020**

Circular

Subject:- Standard Operating Procedure (SOP) for handling of Court matters in IWAI- reg.

The approval of Competent Authority is hereby conveyed with respect to Standard Operating Procedure for the handling of Court matters and to ensure streamlining of Court cases and Arbitration disputes at IWAI, Head Office, Noida and the Regional Offices. The copy of the approved SOP is enclosed for immediate operation and compliance.

Ajay Kumar

(Ajay Kumar)
Assistant Secretary (Estt)
Email:- ajaykumar.iwai@nic.in
Mob:- 9958196871

Copy to-(By E-mail)

i) Chief Engineer (Technical)/Chief Engineer-Project Manager (JMVP)/ Hy. Chief/ Director (F&A)/ Director(NWs)/ Director (M)/ Director (NER)/ Director (Tr.&L)/ Director (Technical)/ Director (Hy. & Vig)/Deputy Secretary (P&C)/Assistant Secretary (P&C)/ Assistant Secretary (Admn. & Rectt.) , IWAI, Noida
ii) Director, IWAI, Kolkata /Kochi/Guwahati/ Vijayawada, Bhubaneswar
iii) Deputy Director, IWAI, Patna
iv) Officer-in-charge of Sub-office- Varanasi, Allahabad, Sahibganj
v) PCSA,IT-for uploading in IWAI website.
vi) Hindi Cell- for Hindi Translation
vii) Master Copy/Office Copy

Copy for kind information to: (By E-mail)

PPS/PS/PA to Chairperson/ Vice-Chairman & Project Director (JMVP)/ Member (Finance)/Member (Technical)/ Member (Tr&L)/Secretary. IWAI, Noida

Standard Operating Procedure in the Legal Matters pertaining to IWAI

Introduction

1. Inland Waterways Authority of India is a Statutory Authority constituted under The IWAI Act, 1985. It has its Head Office at Noida and Regional Offices at- Allahabad, Patna, Kochi and Guwahati and Vijayawada. To achieve positive, expeditious and optimum fruitful results and to protect, preserve and secure the rights of IWAI through a legal team and a Proper set of Standard Operating Procedure (SOP) is required. At present, the Legal Section at IWAI Noida consists of two Legal Consultants. The jobs of the Senior Consultant (Legal)/ Consultant (Legal) have been defined as under:-

a) To defend Court Matters and ensure timely submission of replies / Counter affidavit before the various Courts/ Fora.

b) Provide advice on all legal matters within scope of legal specialty in compliance with applicable statutes, rules and regulations while minimizing liability and highlighting risks.

c) Interpretation and application of contractual provisions to implement legal contracts.

d) Represent and defend IWAI before judicial administration and governmental authorities in litigation matters, through external advocates/ Law firms.

e) To draft /vet responses to the queries or requests from Government entities.

f) Recommend improvements to departmental policy and direct the implementation of procedures.

g) Develop and review legal documents drafted by, or sent to, IWAI.

h) Vetting of MOUs.

i) Perform any other duties as determined by the IWAI.

Aim

2. The Aim of this SOP is to lay down standard procedure for handling of Legal cases in IWAI.

Justification

3. Increasing number of Court cases in an organization is a matter of serious concern these days. The best thing an organization can do in this situation is to strengthen its complete administrative machinery to handle these Court cases in an efficient and time bound manner.

Ajay Kumar

4. Efficient handling of Court cases in an organization will therefore require an effective streamlined legal system. In order to circumvent the scenario & to curb the court cases, there is a need for an effective mechanism to deal with Court cases/arbitration disputes in IWAI, HQ & Regional Offices objectively & expeditiously. This would ensure streamlining the Legal system.

Procedure for handling of Court matters:-

5. Types of Legal cases being dealt in IWAI can be broadly categorized in to following heads and procedure for standard operating procedure for handling same is give in succeeding paras:

(a) Preparation of replies/counter affidavit in Cases Filed against IWAI.

(b) Preparation of Complaints/Petition by IWAI.

(c) Legal Opinion /vetting by the Law Firms/Legal Section.

(d) Arbitration cases

6. **Preparation of replies/counter affidavit in Cases Filed Against IWAI**

- On receipt of a Notice from the Court/ opposite Counsel the Legal Section shall send it to the Concerned wings for Comments.
- The Legal Section shall move the file simultaneously for appointment of Advocate.
- Parawise comments alongwith relevant annexures are to be prepared by the concerned wing who infact are dealing with the matter.
- In case if the matter involves seeking comments from different wings then it is incumbent on the concerned wing to get the comments from those wings and consolidate the same. The 'concerned wing' shall be the Wing under which cause of action has arisen or as may be directed by the Competent Authority. However, requisite assistance will be provided by the Legal Cell thereby leaving no scope for intradepartmental conflicts. The concerned wing shall seek approval of the consolidated parawise comments from the Competent Authority after Vetting by the Legal Section.
- The Legal Section will give it a legal shape during the vetting and then send the same to the concerned wing for seeking Approval.
- After the Approved comments are sent to the Counsel thereafter which the Legal Section has to Liasion between the Advocate and the concerned wing of IWAI to ensure timely submission of Counter Affidavits/evidence etc and watch the Court proceedings.
- However, in cases pertaining to Regional Offices the Director/ Office incharge shall ensure timely filing of the same before the Court after seeking approval of the Head office. After submission of counter affidavits/ replies, the Director shall attend the Court hearings as and when required.

Ajay Kumar

7. **Preparation of Complaints/Petition by IWAI**

- In case if a Writ petition or any petition is to be filed before any Court /Fora on behalf of IWAI, the Concerned wing shall supply the Complete factual matrix of the case alongwith the complete relevant documents.
- Appointment procedure of the Counsel shall be done by the Legal Wing .
- The concerned wing shall supply the complete facts and details to the Counsel for the drafting of the complaint/petition.
- The Legal Consultants shall however , assist the concerned Wing in briefing the Counsel/Law firm.
- The petition so prepared shall be submitted to the Competent Authority for Approval by the concerned Wing.
- After approval Legal Section has to Liaison between the Advocate and the concerned wing of IWAI to ensure timely filing of the said Complaint/Petition.
- The Legal Wing shall ensure at the Head Office and the Director/Office in charge shall ensure that the court hearings are attended regularly.

8. **Legal Opinion /Vetting by Law firms**

- Recently vide order dated 24.06.2020 the Competent Authority in order to streamline the system of taking legal opinion and legal vetting from the Law Firms/Advocates.
- Legal Opinion /Vetting of the documents having substantial/ crucial issues of facts was ordered to be sent directly by the concerned Wing Head to empanelled Law Firm / Advocates for obtaining /seeking the legal opinion.
- The Concerned wing shall ensure that relevant documents, records and a detailed note bringing out the specific queries and issues on which the legal opinion is being sought are sent with the query.

9. **Legal opinion/vetting by the Legal Section**

Any other matter on which legal opinion/vetting is required from the Legal Section, IWAI, the same may be sent by the concerned wing as per the present procedure through respective Wing Heads. However, the concerned Wing has to ensure that whenever the any matter is sent to the Legal Section for Opinion /vetting ,the complete facts and documents connected with the matter may be sent to the Legal Section, bringing out specifically the issue on which the legal Opinion or advice is required.

10. **Arbitration cases**

- On receipt of a Notice from the Arbitrator/ opposite Party, Respective Wing will prepare parawise comments/ counter claim or statement of claim / evidence and any other documents to be filed before the Arbitrator and Legal Section shall assist Wing in looking after arbitration matters.

Ajay Kumar

- In case if the matter involves seeking comments from different wings then it is incumbent on the concerned wing to get the comments from those wings and consolidate the same.
- After Consolidating the said parawise comments the same will be sent to the Legal Section for Vetting.
- The Legal Section will give it a legal shape during the vetting and then send the same back to the concerned wing. The concerned wing shall seek approval of the Competent Authority.
- After the Approved comments are sent to the Counsel then the Legal Section alongwith the concerned wing has to ensure timely submission of Counter Affidavits/evidence etc before the Arbitrator and attend the hearings alongwith the Appointed Counsel.
- The hearings need to be attended by at least one officer as designated nodal officer by the Concerned Wing; He will assist the counsel in the Arbitration. During hearings in case any questions relating to Technical/Finance/Traffic aspect are asked for by the Court/Arbitrator, Nodal officer shall submit with suitable reply accordingly. Moreover, arbitration matters involve huge financial stakes it will be in the in the interest of IWAI to appoint a nodal officer in each of Arbitration matter.

Conclusion

11. Legal Cases are important matter which requires time bound action by all concerned. Concerned Wing having material facts pertaining to the case has important role to play along with Legal Section of IWAI. Efficient handling of all Legal case is imperative on part of all concerned as stakes of Authority are involved.

Ajay Kumar

17.11 Annexure – Present strength of IWAI

S.NO	Grade	Designation	Level in the pay matrix as per 7th CPC	Sanctioned	Remarks
1	**2**	**3**	**4**	**5**	**6**
1	A	SECRETARY	13	1	
2	A	CHIEF ENGINEER	13	4	
3	A	HYDROGRAPHIC CHIEF	13	1	
4	A	CHIEF ACCOUNTS OFFICER	12	1	
5	A	DIRECTOR (Technical)	12	7	
6	A	DIRECTOR (Hydrography)	12	2	
7	A	DEPUTY SECRETARY	12	1	
8	A	ASSISTANT SECRETARY	11	3	
9	A	DEPUTY DIRECTOR (Engg.)	11	8	
10	A	DEPUTY DIRECTOR (Finance / Accounts)	11	4	
11	A	SENIOR HYDROGRAPHIC SURVEYOR (SHS)	11	4	
12	A	PRINCIPAL PRIVATE SECRETARY (PPS)	11	1	

S.NO	Grade	Designation	Level in the pay matrix as per 7th CPC	Sanctioned	Remarks
13	A	ASSISTANT DIRECTOR (Engg.)	10	15	
14	A	ASSISTANT HYDROGRAPHIC SURVEYOR (AHS)	10	13	
15	A	PROGRAMMER CUM SYSTEM ANALYST (PCSA)	10	1	
16	A	SENIOR ACCOUNTS OFFICER	10	2	
17	A	HINDI OFFICER	10	1	
18	B	ACCOUNTS OFFICER	7	4	
19	B	SECTION OFFICER	7	6	
20	B	INLAND DREDGE MASTER	7	4	Marked for Natural attrition

S.NO	Grade	Designation	Level in the pay matrix as per 7th CPC	Sanctioned	Remarks
21	B	PRIVATE SECRETARY / SENIOR PERSONAL ASSISTANT	7	4	
22	B	JUNIOR ACCOUNTS OFFICER	6	20	
23	B	TECHNICAL ASSISTANT	6	27	
24	B	JUNIOR HYDROGRAPHIC SURVEYOR (JHS)	6	32	
25	B	LICENCE ENGINE DRIVER	6	1	Marked for Natural attrition
26	B	ELECTRONIC DATA PROCESSING ASSISTANT (EDPA)	6	3	
27	B	ASSISTANT	6	8	

S.NO	Grade	Designation	Level in the pay matrix as per 7th CPC	Sanctioned	Remarks
28	B	DREDGE CONTROL OPERATOR	6	10	Marked for Natural attrition
29	B	PERSONAL ASSISTANT	6	5	
30	B	MASTER lst CLASS	6	3	Marked for Natural attrition
31	B	DRAFTSMAN GRADE - IInd	6	5	
32	C	STENOGRAPHER GRADE 'D'	4	4	
33	C	UPPER DIVISION CLERK	4	15	
34	C	STORE KEEPER	4	2	
35	C	DRAFTSMAN GRADE - IIIrd	4	5	Marked for Natural attrition
36	C	PIPELINE INCHARGE	4	1	
37	C	MASTER 2nd CLASS	4	16	

S.NO	Grade	Designation	Level in the pay matrix as per 7th CPC	Sanctioned	Remarks
38	C	DRIVER lst CLASS	4	10	
39	C	LOWER DIVISION CLERK	2	7	
40	C	PIPELINE ASSISTANT	2	1	
41	C	ELECTRICIAN	2	1	
42	C	STAFF CAR DRIVER	2	6	
43	C	MASTER 3rd CLASS	2	3	Marked for Natural attrition
44	C	MULTI-TASKING STAFF	1	33	
45	C	LASCAR	1	5	
46	C	PILOT INSPECTOR	1	2	
47	C	SEACUNNY	1	1	
48	C	HEAD PILOT	1	3	
49	C	MARKING DANDI	1	9	
50	C	COOK	1	3	
51	C	MARKING MANJHY	1	3	
52	C	PILOT	1	1	
Members are excluding in this List					

17.12 Annexure – Pay scale at IWAI

Scale of pay					
S.NO	**GR.**	**Designation**	**Pre-revised Pay Scale (As per 6th CPC) + Grade Pay**	**Level in the pay matrix as per 7th CPC**	**As per 7th CPC**
1	**2**	**3**	**4**	**5**	**6**
1	A	SECRETARY	37400-67000+8700	13	123100 - 215900
2	A	CHIEF ENGINEER	37400-67000+8700	13	123100 - 215900
3	A	HYDROGRAPHIC CHIEF	37400-67000+8700	13	123100 - 215900
4	A	CHIEF ACCOUNTS OFFICER	15600-39100+7600	12	78800 - 209200
5	A	DIRECTOR (Technical)	15600-39100+7600	12	78800 - 209200
6	A	DIRECTOR (Hydrography)	15600-39100+7600	12	78800 - 209200
7	A	DEPUTY SECRETARY (Admn.)	15600-39100+7600	12	78800 - 209200
8	A	ASSISTANT SECRETARY	15600-39100+6600	11	67700 - 208700
9	A	DEPUTY DIRECTOR (Finance / Accounts)	15600-39100+6600	11	67700 - 208700
10	A	SENIOR HYDROGRAPHIC SURVEYOR (SHS)	15600-39100+6600	11	67700 - 208700
11	A	PRINCIPAL PRIVATE SECRETARY (PPS)	15600-39100+6600	11	67700 - 208700
12	A	ASSISTANT DIRECTOR (Engg.)	15600-39100+5400	10	56100 - 177500

Scale of pay					
S.NO	**GR.**	**Designation**	**Pre-revised Pay Scale (As per 6th CPC) + Grade Pay**	**Level in the pay matrix as per 7th CPC**	**As per 7th CPC**
1	**2**	**3**	**4**	**5**	**6**
13	A	ASSISTANT HYDROGRAPHIC SURVEYOR (AHS)	15600-39100+5400	10	56100 - 177500
14	A	PROGRAMMER CUM SYSTEM ANALYST (PCSA)	15600-39100+5400	10	56100 - 177500
15	A	SENIOR ACCOUNTS OFFICER	15600-39100+5400	10	56100 - 177500
16	A	HINDI OFFICER	15600-39100+5400	10	56100 - 177500
17	B	ACCOUNTS OFFICER	9300-34800 + 4600	7	44900 - 142400
18	B	SECTION OFFICER	9300-34800 + 4600	7	44900 - 142400
19	B	INLAND DREDGE MASTER	9300-34800 + 4600	7	44900 - 142400
20	B	PRIVATE SECRETARY / SENIOR PERSONAL ASSISTANT	9300-34800 + 4600	7	44900 - 142400
21	B	JUNIOR ACCOUNTS OFFICER	9300-34800 + 4200	6	35400 - 112400

Scale of pay					
S.NO	**GR.**	**Designation**	**Pre-revised Pay Scale (As per 6th CPC) + Grade Pay**	**Level in the pay matrix as per 7th CPC**	**As per 7th CPC**
1	**2**	**3**	**4**	**5**	**6**
22	B	TECHNICAL ASSISTANT	9300-34800 + 4200	6	35400 - 112400
23	B	JUNIOR HYDROGRAPHIC SURVEYOR (JHS)	9300-34800 + 4200	6	35400 - 112400
24	B	LICENCE ENGINE DRIVER	9300-34800 + 4200	6	35400 - 112400
25	B	ELECTRONIC DATA PROCESSING ASSISTANT (EDPA)	9300-34800 + 4200	6	35400 - 112400
26	B	ASSISTANT	9300-34800 + 4200	6	35400 - 112400
27	B	DREDGE CONTROL OPERATOR	9300-34800 + 4200	6	35400 - 112400
28	B	PERSONAL ASSISTANT	9300-34800 + 4200	6	35400 - 112400
29	B	MASTER Ist CLASS	9300-34800 + 4200	6	35400 - 112400
30	B	DRAFTSMAN GRADE – lind	9300-34800 + 4200	6	35400 - 112400

Scale of pay					
S.NO	**GR.**	**Designation**	**Pre-revised Pay Scale (As per 6th CPC) + Grade Pay**	**Level in the pay matrix as per 7th CPC**	**As per 7th CPC**
1	**2**	**3**	**4**	**5**	**6**
31	C	STENOGRAPHER GRADE 'D'	5200-20200 + 2400	4	25500 - 81100
32	C	UPPER DIVISION CLERK	5200-20200 + 2400	4	25500 - 81100
33	C	STORE KEEPER	5200-20200 + 2400	4	25500 - 81100
34	C	DRAFTSMAN GRADE – IIIrd	5200-20200 + 2400	4	25500 - 81100
35	C	PIPELINE INCHARGE	5200-20200 + 2400	4	25500 - 81100
36	C	MASTER 2nd CLASS	5200-20200 + 2400	4	25500 - 81100
37	C	DRIVER Ist CLASS	5200-20200 + 2400	4	25500 - 81100
38	C	LOWER DIVISION CLERK	5200-20200 + 1900	2	19900 - 63200
39	C	PIPELINE ASSISTANT	5200-20200 + 1900	2	19900 - 63200
40	C	ELECTRICIAN	5200-20200 + 1900	2	19900 - 63200
41	C	STAFF CAR DRIVER	5200-20200 + 1900	2	19900 - 63200
42	C	MASTER 3rd CLASS	5200-20200 + 1900	2	19900 - 63200

Scale of pay					
S.NO	**GR.**	**Designation**	**Pre-revised Pay Scale (As per 6th CPC) + Grade Pay**	**Level in the pay matrix as per 7th CPC**	**As per 7th CPC**
1	**2**	**3**	**4**	**5**	**6**
43	C	MULTI- TASKING STAFF	5200-20200 + 1800	1	18000 - 56900
44	C	LASCAR	5200-20200 + 1800	1	18000 - 56900
45	C	PILOT INSPECTOR	5200-20200 + 1800	1	18000 - 56900
46	C	SEACUNNY	5200-20200 + 1800	1	18000 - 56900
47	C	HEAD PILOT	5200-20200 + 1800	1	18000 - 56900
48	C	MARKING DANDI	5200-20200 + 1800	1	18000 - 56900
49	C	COOK	5200-20200 + 1800	1	18000 - 56900
50	C	MARKING MANJHY	5200-20200 + 1800	1	18000 - 56900
51	C	PILOT	5200-20200 + 1800	1	18000 - 56900
Members are excluding in this List					

17.13 Annexure – ICC

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)
मुख्यालयः जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301 (उ0प्र0)

INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Govt. of India)
Head Office : Jalmarg Bhawan, A-13, Sector-1, Noida-201 301 (U.P.)
Website: www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No. IWAI-12035/40/2020-AS(AE) Dated 08.08.2024

OFFICE ORDER

Sub : **Reconstitution of Internal Complaints Committee (ICC) in connection with the Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013** – reg.

The Competent Authority by exercising the power under section 4(1) of Sexual Harassment of Women at workplace (Prevention, Prohibition Redressal) Act, 2013 has reconstituted internal Complaints Committee (ICC) to meet the objective of the act and also to provide protection against Sexual Harassment to Women at work place and for the prevention and redressal of complaints pertaining to Sexual Harassment of Women employees and for matters connected therewith or incidental thereto as under :-

1. Smt. Payal Choudhary Manchanda, Sr. Consultant (Legal) - Presiding Officer
2. Smt. Pragya Kandal, Hindi Officer - Member
3. Sh. Mukesh Kumar, Section Officer - Member
4. Dr. (Mrs.) Mridula Tandon - External Member

Presiding Officer and every member of Internal Complaints Committee shall hold office for such period, not exceeding three years from the date of their nominations.

The Internal Complaints Committee shall in each calendar year prepare an annual report under section 21 of the said Act read Rule 14 which shall have details of number of cases filed, if any, and their disposal under this Act.

08.08.24

(Neeraj Singh)
Assistant Secretary (A&E)
Email Id <nsingh@iwai.gov.in>
Phone No.: 0120-2474050

Copy to :-

i. All Committee Members.
ii. Dr. (Mrs.) Mridula Tandon, Chairperson, Jashn-e-Hind, President, SAKSHI (NGO) New Delhi (External Member, D-332, Defence Colony, New Delhi – 110024).

Copy for kind information to: - (By E-mail)

i. The Director, (IWT), MoPS&W Transport Bhawan, 1 Parliament Street, New Delhi – 110001.
ii. Chief Engineer (JMVP) / Chief Engineer (Tech.)/ Chief Engineer (Tr.& Log.) Hydrographic Chief / Chief Accounts Officer / Director (NER)/ Deputy Secretary (P&C)/ Director (RE)/ Director (JMVP)/ Assistant Secretary (P&C)/ Assistant Secretary (L&H) IWAI, Noida
iii. Chief Engineer, IWAI, Patna.
iv. Director, IWAI, Kolkata/ Guwahati/ Kochi/ Bhubaneswar
v. Officer-In-Charge, Sub Offices, IWAI, Varanasi/ Allahabad/ Sahibganj/ Farakka/ Vijayawada.
vi. IT Wing – For uploading on IWAI Website.
vii. Section Officer (Estt.-I), IWAI, Noida.
viii. P.P.S./P.S./P.A. to Chairman / Vice-Chairman / Member (Traffic & Logistics-I/c) Member (Finance) /Member (Technical)/ Secretary, IWAI, Noida.

18. Annexure – DOPT Guidelines

18.1 classification of posts

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 9th November, 2017

S.O. 3578(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with rule 6 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number S.O. 2079(E), dated the 20th August, 2014, except as respects things done or omitted to be done before such supersession, the President hereby directs that with effect from the date of publication of this Order in the Official Gazette, all civil posts except persons serving in the Indian Audit and Accounts Department under the Union, shall be classified as follows:—

S.No.	Description of Posts	Classification of posts
(1)	(2)	(3)
1	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.	Group A
2.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.	Group B
3.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.	Group C

Explanation – For the purpose of this Order, 'Level' in relation to a post means, the Level specified in third row of Part A of the Schedule to the Central Civil Services (Revised Pay) Rules, 2016.

[F. No. 11012/10/2016-Estt.A-III]

GYANENDRA DEV TRIPATHI, Jt. Secy.

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Updated upto 15.10.2018

THE CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

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THE SCHEDULE

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THE CENTRAL CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES, 1965

In exercise of powers conferred by 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 Indian Audit and Accounts Department, the President hereby makes the following rules, namely:-

PART I —GENERAL

1. Short title and commencement—

(1) These Rules may be called the Central Civil Services (Classification, Control and Appeal) Rules, 1965.
(2) They shall come in to force on the 1st December, 1965.

2. Interpretation

In these rules, unless the context otherwise requires, -

(a) "*appointing authority*", in relation to a Government servant, means -
- (i) the authority empowered to make appointments to the Service of which the Government servant is for the time being a member or to the grade of the Service in which the Government servant is for the time being included, or
- (ii) the authority empowered to make appointments to the post which the Government servant for the time being holds, or
- (iii) the authority which appointed the Government servant to such Service, grade or post, as the case may be, or
- (iv) where the Government servant having been a permanent member of any other Service or having substantively held any other permanent post, has been in continuous employment of the Government, the authority which appointed him to that Service or to any grade in that Service or to that post,

whichever authority is the highest authority;

(b) "*cadre authority*", in relation to a Service, has the same meaning as in the rules regulating that Service;

(c) "*Central Civil Service and Central Civil post*" includes a civilian Service or civilian post, as the case may be, of the corresponding Group in the Defence Services;

(d) "*Commission*" means the Union Public Service Commission;

(e) "*Defence Services*" means services under the Government of India in the Ministry of Defence, paid out of the Defence Services Estimates, and not subject to the Army Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957) and the Air Force Act, 1950 (45 of 1950);

(f) "*Department of the Government of India*" means any establishment or organization declared by the President by a notification in the Official Gazette to be a department of the Government of India;

(g) "*disciplinary authority*" means the authority competent under these rules to impose on a Government servant any of the penalties specified in Rule 11;

(h) "*Government servant"* means a person who -

(i) is a member of a Service or holds a civil post under the Union, and includes any such person on foreign service or whose services are temporarily placed at the disposal of a State Government, or a local or other authority;

(ii) is a member of a Service or holds a civil post under a State Government and whose services are temporarily placed at the disposal of the Central Government;

(iii) is in the service of a local or other authority and whose services are temporarily placed at the disposal of the Central Government;

(i) " *head of the department*" for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the head of the department under the Fundamental and Supplementary Rules or the Civil Service Regulations, as the case may be;

(j) "*head of the office*" for the purpose of exercising the powers as appointing, disciplinary, appellate or reviewing authority, means the authority declared to be the head of the office under the General Financial Rules;

(k) *"Schedule*" means the Schedule to these rules;

(l) *"Secretary*" means the Secretary to the Government of India in any Ministry or Department, and includes-

(i) a Special Secretary or an Additional Secretary,
(ii) a Joint Secretary placed in independent charge of a Ministry or Department,
(iii) in relation to the Cabinet Secretariat, the Secretary to the Cabinet,
(iv) in relation to the President's Secretariat, the Secretary to the President, or as the case may be, the Military Secretary to the President,
(v) in relation to Prime Minister's Secretariat, the Secretary to the Prime Minister, and
(vi) in relation to the Planning Commission, the Secretary or the Additional Secretary to the Planning Commission;

(m) *"Service"* means a civil service of the Union.

3. Application

(1) These rules shall apply to every Government servant including every civilian Government servant in the Defence Services, but shall not apply to -

(a) any railway servant, as defined in Rule 102 of Volume I of the Indian Railways Establishment Code,
(b) any member of the All India Services,
(c) any person in casual employment,
(d) any person subject to discharge from service on less than one month's notice,
(e) any person for whom special provision is made, in respect of matters covered by these rules, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the President before or after the commencement of these rules, in regard to matters covered by such special provisions.

(2) Notwithstanding anything contained in sub-rule (1), the President may by order exclude any Group of Government servants from the operation of all or any of these rules.

(3) Notwithstanding anything contained in sub-rule (1), or the Indian Railways Establishment Code, these rules shall apply to every Government servant temporarily transferred to a Service or post coming within Exception (a) or (e) in sub-rule (1), to whom, but for such transfer, these rules would apply.

(4) If any doubt arises, -
(a) whether these rules or any of them apply to any person, or
(b) whether any person to whom these rules apply belongs a particular Service,
the matter shall be referred to the President, who shall decide the same.

PART II – CLASSIFICATION

4. Classification of Services

(1) The Civil Services of the Union shall be classified as follows :-

(i) Central Civil Services, Group ‘A’;
(ii) Central Civil Services, Group ‘B’;
(iii) Central Civil Services, Group ‘C’;
(iv) Central Civil Services, Group ‘D’.

(2) If a Service consists of more than one grade, different grades of such Service may be included in different groups.

5. Constitution of Central Civil Services

The Central Civil Services, Group 'A', Group 'B', Group 'C' and Group 'D', shall consist of the Services and grades of Services specified in the Schedule.

6. Classification of Posts

Civil Posts under the Union other than those ordinarily held by persons to whom these rules do not apply, shall, by a general or special order of the President, be classified as follows :-

(i) Central Civil Posts, Group 'A';
(ii) Central Civil Posts, Group 'B';
(iii) Central Civil Posts, Group 'C';
(iv) Central Civil Posts, Group 'D'.

6-A

All references to Central Civil Services/Central Civil Posts, Class I, Class II, Class III and Class IV in all Rules, Orders, Schedules, Notifications, Regulations, Instructions in force, immediately before the commencement of these rules shall be construed as references to Central Civil Services/Central Civil Posts, Group 'A', Group 'B', Group 'C' and Group 'D' respectively, and any reference to "Class or Classes" therein in this context shall be construed as reference to "Group or Groups", as the case may be.

7. General Central Service

Central Civil posts of any group not included in any other Central Civil Service shall be deemed to be included in the General Central Service of the corresponding group and a Government servant appointed to any such post shall be deemed to be a member of that Service unless he is already a member of any other Central Civil Service of the same group.

PART III – APPOINTING AUTHORITY

8. Appointments to Group 'A' Services and Posts

All appointments to Central Civil Services, Group 'A' and Central Civil Posts, Group 'A', shall be made by the President :

Provided that the President may, by a general or a special order and subject to such conditions as he may specify in such order, delegate to any other authority the power to make such appointments.

9. Appointments to other Services and Posts

(1) All appointments to the Central Civil Services (other than the General Central Service) Group 'B', Group 'C' and Group 'D' shall be made by the authorities specified in this behalf in the Schedule :

Provided that in respect of Group 'C' and Group 'D', Civilian Services, or civilian posts in the Defence Services appointments may be made by officers empowered in this behalf by the aforesaid authorities.

(2) All appointments to Central Civil Posts, Group 'B', Group 'C' and Group 'D', included in the General Central Service shall be made by the authorities specified in that behalf by a general or special order of the President, or where no such order has been made, by the authorities, specified in this behalf in the Schedule.

PART IV – SUSPENSION

10. Suspension

(1) The appointing authority or any authority to which it is subordinate or the disciplinary authority or any other authority empowered in that behalf by the President, by general or special order, may place a Government servant under suspension-

(a) where a disciplinary proceeding against him is contemplated or is pending; or
(aa) where, in the opinion of the authority aforesaid, he has engaged himself in activities prejudicial to the interest of the security of the State; or
(b) where a case against him in respect of any criminal offence is under investigation, inquiry or trial:

Provided that, except in case of an order of suspension made by the Comptroller and Auditor - General in regard to a member of the Indian Audit and Accounts Service and in regard to an Assistant Accountant General or equivalent (other than a regular member of the Indian Audit and Accounts Service), where the order of suspension is made by an authority lower than the appointing authority, such authority shall forthwith report to the appointing authority the circumstances in which the order was made.

(2) A Government servant shall be deemed to have been placed under suspension by an order of appointing authority -

(a) with effect from the date of his detention, if he is detained in custody, whether on a criminal charge or otherwise, for a period exceeding forty-eight hours;
(b) with effect from the date of his conviction, if, in the event of a conviction for an offence, he is sentenced to a term of imprisonment exceeding forty-eight hours and is not forthwith dismissed or removed or compulsorily retired consequent to such conviction.

EXPLANATION - The period of forty-eight hours referred to in clause (b) of this sub-rule shall be computed from the commencement of the imprisonment after the conviction and for this purpose, intermittent periods of imprisonment, if any, shall be taken into account.

(3) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant under suspension is set aside in appeal or on review under these rules and the case is remitted for further inquiry or action or with any other directions, the order of his suspension shall be deemed to have continued in force on and from the date of the original order of dismissal, removal or compulsory retirement and shall remain in force until further orders.

(4) Where a penalty of dismissal, removal or compulsory retirement from service imposed upon a Government servant is set aside or declared or rendered void in

consequence of or by a decision of a Court of Law and the disciplinary authority, on a consideration of the circumstances of the case, decides to hold a further inquiry against him on the allegations on which the penalty of dismissal, removal or compulsory retirement was originally imposed, the Government servant shall be deemed to have been placed under suspension by the Appointing Authority from the date of the original order of dismissal, removal or compulsory retirement and shall continue to remain under suspension until further orders :

Provided that no such further inquiry shall be ordered unless it is intended to meet a situation where the Court has passed an order purely on technical grounds without going into the merits of the case.

(5) (a) Subject to the provisions contained in sub-rule (7), and order of suspension made or deemed to have been made under this rule shall continue to remain in force until it is modified or revoked by the authority competent to do so.

(b) Where a Government servant is suspended or is deemed to have been suspended (whether in connection with any disciplinary proceeding or otherwise), and any other disciplinary proceeding is commenced against him during the continuance of that suspension, the authority competent to place him under suspension may, for reasons to be recorded by him in writing, direct that the Government servant shall continue to be under suspension until the termination of all or any of such proceedings.

(c) An order of suspension made or deemed to have been made under this rule may at any time be modified or revoked by the authority which made or is deemed to have made the order or by any authority to which that authority is subordinate.

(6) An order of suspension made or deemed to have been made under this rule shall be reviewed by the authority which is competent to modify or revoke the suspension, before expiry of ninety days from the effective date of suspension, on the recommendation of the Review Committee constituted for the purpose and pass orders either extending or revoking the suspension. Subsequent reviews shall be made before expiry of the extended period of suspension. Extension of suspension shall not be for a period exceeding one hundred and eighty days at a time.

(7) An order of suspension made or deemed to have been made under sub-rule (1) or (2) of this rule shall not be valid after a period of ninety days unless it is extended after review, for a further period before the expiry of ninety days.

Provided that no such review of suspension shall be necessary in the case of deemed suspension under sub-rule (2), if the Government servant continues to be under suspension at the time of completion of ninety days of suspension and the ninety days period in such case will count from the date the Government servant detained in custody is released from detention or the date on which the fact of his release from detention is intimated to his appointing authority, whichever is later.

PART V – PENALTIES AND DISCIPLINARY AUHTORITIES

11. Penalties

The following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a Government servant, namely :-

Minor Penalties –

(i) censure;
(ii) withholding of his promotion;
(iii) recovery from his pay of the whole or part of any pecuniary loss caused by him to the Government by negligence or breach of orders;
(iii a) reduction to lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.
(iv) withholding of increments of pay;

Major Penalties –

(v) save as provided for in clause (iii) (a), reduction to a lower stage in the time-scale of pay for a specified period, with further directions as to whether or not the Government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(vi) reduction to lower time-scale of pay, grade, post or Service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the Government servant during such specified period to the time-scale of pay, grade, post or Service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period –

(a) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and
(b) the Government servant shall regain his original seniority in the higher time scale of pay , grade, post or service;

(vii) compulsory retirement;

(viii) removal from service which shall not be a disqualification for future employment under the Government;

(ix) dismissal from service which shall ordinarily be a disqualification for future employment under the Government.

Provided that, in every case in which the charge of possession of assets disproportionate to known-sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward for doing or forbearing to do any official act is established, the penalty mentioned in clause (viii) or clause (ix) shall be imposed :

Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

Explanation.—The following shall not amounted to a penalty within the meaning of this rule, namely:—

(i) withholding of increments of pay of a Government servant for his failure to pass any departmental examination in accordance with the rules or orders governing the Service to which he belongs or post which he holds or the terms of his appointment;

(ii) stoppage of a Government servant at the efficiency bar in the timescale of pay on the ground of his unfitness to cross the bar;

(iii) non-promotion of a Government servant, whether in a substantive or officiating capacity, after consideration of his case, to a Service, grade or post for promotion to which he is eligible;

(iv) reversion of a Government servant officiating in a higher Service, grade, or post to a lower Service, grade or post, on the ground that he is considered to be unsuitable for such higher Service, grade or post or on any administrative ground unconnected with his conduct;

(v) reversion of a Government servant, appointed on probation to any other Service, grade or post, to his permanent Service, grade or post during or at the end of the period of probation in accordance with the terms of his appointment or the rules and orders governing such probation;

(vi) replacement of the services of a Government servant whose services had been borrowed from a State Government or an authority under the control of a State Government, at the disposal of the State Government or the authority from which the services of such Government servant had been borrowed;

(vii) compulsory retirement of a Government servant in accordance with the provisions relating to his superannuation or retirement;

(viii) termination of the services—

(a) of a Government servant appointed on probation, during or at the end of the period of his probation, in accordance with the terms of his appointment or the rules and orders governing such probation; or

(b) of a temporary Government servant in accordance with the provisions of sub-rule (1) of rule 5 of the Central Civil Services (Temporary Service) Rules, 1965; or

(c) of a Government servant, employed under an agreement, in accordance with the terms of such agreement.

(ix) Any compensation awarded on the recommendation of the Complaints Committee referred to in the proviso to sub-rule (2) of rule 14 and established in the Department of the Government of India for inquiring into any complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964.

12. Disciplinary Authorities

(1) The President may impose any of the penalties specified in Rule 11 on any Government servant.

(2) Without prejudice to the provisions of sub-rule (1), but subject to the provisions of sub-rule (4), any of the penalties specified in Rule 11 may be imposed on –

(a) a member of a Central Civil Service other than the General Central Service, by the appointing authority or the authority specified in the schedule in this behalf or by any other authority empowered in this behalf by a general or special order of the President;

(b) a person appointed to a Central Civil Post included in the General Central Service, by the authority specified in this behalf by a general or special order of the President or, where no such order has been made, by the appointing authority or the authority specified in the Schedule in this behalf.

(3) Subject to the provisions of sub-rule (4), the power to impose any of the penalties specified in Rule 11 may also be exercised, in the case of a member of a Central Civil Services, Group 'C' (other than the Central Secretariat Clerical Service), or a Central Civil Service, Group 'D' ,-

(a) if he is serving in a Ministry or Department of the Government of India, by the Secretary to the Government of India in that Ministry or Department, or

(b) if he is serving in any office, by the head of that office, except where the head of that office is lower in rank than the authority competent to impose the penalty under sub-rule (2).

(4) Notwithstanding anything contained in this rule –

(a) except where the penalty specified in clause (v) or clause (vi) of Rule 11 is imposed by the Comptroller and Auditor-General on a member of the Indian Audit and Accounts Service, no penalty specified in clause (v) to (ix) of that rule shall be imposed by any authority subordinate to the appointing authority;

(b) where a Government servant who is a member of a Service other than then General Central Service or who has been substantively appointed to any civil post in the General Central Service, is temporarily appointed to any other Service or post, the authority competent to impose on such Government servant any of the penalties specified in clauses (v) to (ix) of Rule 11 shall not impose any such penalties unless it has consulted such authority, not being an authority subordinate to it, as would have been competent under sub-rule (2) to impose on the Government servant any of the said penalties had he not been appointed to such other Service or post;

(c) in respect of a probationer undergoing training at the Lal Bahadur Shastri National Academy of Administration, the Director of the said Academy shall be the authority competent to impose on such probationer any of the penalties specified in clauses (i) and (iii) of rule 11 after observing the procedure laid down in rule 16.

EXPLANATION I. For the purposes of clause (c), 'probationer' means a person appointed to a Central Civil Service on probation.

EXPLANATION II. Where a Government servant belonging to a Service or holding a Central Civil post of any Group, is promoted, whether on probation or temporarily to the Service or Central Civil post of the next higher Group, he shall be deemed for the purposes of this rule to belong to the Service of, or hold the Central Civil post of, such higher Group.

13. Authority to institute proceedings

(1) The President or any other authority empowered by him by general or special order may -

(a) institute disciplinary proceedings against any Government servant;
(b) direct a disciplinary authority to institute disciplinary proceedings against any Government servant on whom that disciplinary authority is competent to impose under these rules any of the penalties specified in rule 11.

(2) A disciplinary authority competent under these rules to impose any of the penalties specified in clauses (i) to (iv) of rule 11 may institute disciplinary proceedings against any Government servant for the imposition of any of the penalties specified in clauses (v) to (ix) of rule 11 notwithstanding that such disciplinary authority is not competent under these rules to impose any of the latter penalties.

PART VI – PROCEDURE FOR IMPOSING PENALTIES

14. Procedure for imposing major penalties

(1) No order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry held, as far as may be, in the manner provided in this rule and rule 15, or in the manner provided by the Public Servants (Inquiries) Act, 1850 (37 of 1850), where such inquiry is held under that Act.

(2) Whenever the disciplinary authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof.

Provided that where there is a complaint of sexual harassment within the meaning of rule 3 C of the Central Civil Services (Conduct) Rules, 1964, the Complaints Committee established in each Ministry or Department or Office for inquiring into such complaints, shall be deemed to be the inquiring authority appointed by the disciplinary authority for the purpose of these rules and the Complaints Committee shall hold, if separate procedure has not been prescribed for the Complaints Committee for holding the inquiry into the complaints of sexual harassment, the inquiry as far as practicable in accordance with the procedure laid down in these rules.

Explanation.—

(i) Where the disciplinary authority itself holds the inquiry, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) to the inquiring authority shall be construed as a reference to the disciplinary authority.

(ii) Where the disciplinary authority appoints a retired Government servant as inquiring authority, any reference in sub-rule (7) to sub-rule (20) and in sub-rule (22) shall include such authority.

(3) Where it is proposed to hold an inquiry against a Government servant under this rule and rule 15, the disciplinary authority shall draw up or cause to be drawn up-

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct articles of charge;
(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge, which shall contain-

(a) a statement of all relevant facts including any admission or confession made by the Government servant;
(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

(4) (a) The Disciplinary Authority shall deliver or cause to be delivered to the Government servant a copy of the articles of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each article or charges is proposed to be sustained.

(b) On receipt of the articles of charge, the Government servant shall be required to submit his written statement of defence, if he so desires, and also state whether he desires to be heard in person, within a period of fifteen days, which may be further extended for a period not exceeding fifteen days at a time for reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his behalf:

Provided that under no circumstances, the extension of time for filing written statement of defence shall exceed forty-five days from the date of receipt of articles of charge.

5 (a) On receipt of the written statement of defence, the disciplinary authority may itself inquire into such of the articles of charge as are not

admitted, or, if it considers it necessary so to do, appoint, under sub-rule (2), an inquiring authority for the purpose, and where all the articles of charge have been admitted by the Government servant in his written statement of defence, the disciplinary authority shall record its findings on each charge after taking such evidence as it may think fit and shall act in the manner laid down in rule 15.

(b) If no written statement of defence is submitted by the Government servant, the disciplinary authority may itself inquire into the articles of charge, or may, if it considers it necessary to do so, appoint, under sub-rule (2), an inquiring authority for the purpose.

(c) Where the disciplinary authority itself inquires into any article of charge or appoints an inquiring authority for holding an inquiry into such charge, it may, by an order, appoint a Government servant or a legal practitioner, to be known as the "Presenting Officer" to present on its behalf the case in support of the articles of charge.

Explanation- For the purposes of this rule, the expression 'Government servant' includes a person who has ceased to be in Government service.

(6) The disciplinary authority shall, where it is not the inquiring authority, forward to the inquiring authority-

(i) a copy of the articles of charge and the statement of the imputations of misconduct or misbehaviour;
(ii) a copy of the written statement of the defence, if any, submitted by the Government servant;
(iii) a copy of the statements of witnesses, if any, referred to in sub-rule (3);
(iv) evidence proving the delivery of the documents referred to in sub-rule (3) to the Government servant; and
(v) a copy of the order appointing the "Presenting Officer".

(7) The Government servant shall appear in person before the inquiring authority on such day and at such time within ten working days from the date of receipt by the inquiring authority of the articles of charge and the statement of the imputations of misconduct or misbehaviour, as the inquiring authority may, by notice in writing, specify, in this behalf, or within such further time, not exceeding ten days, as the inquiring authority may allow.

(8) (a) The Government servant may take the assistance of any other Government servant posted in any office either at his headquarters or at the place where the inquiry is held, to present the case on his behalf, but

may not engage a legal practitioner for the purpose, unless the Presenting Officer appointed by the disciplinary authority is a legal practitioner, or, the disciplinary authority, having regard to the circumstances of the case, so permits;

Provided that the Government servant may take the assistance of any other Government servant posted at any other station, if the inquiring authority having regard to the circumstances of the case, and for reasons to be recorded in writing, so permits.

Note : The Government servant shall not take the assistance of any other Government servant who has three pending disciplinary cases on hand in which he has to give assistance.

(b) The Government servant may also take the assistance of a retired Government servant to present the case on his behalf, subject to such conditions as may be specified by the President from time to time by general or special order in this behalf.

(9) If the Government servant who has not admitted any of the articles of charge in his written statement of defence or has not submitted any written statement of defence, appears before the inquiring authority, such authority shall ask him whether he is guilty or has any defence to make and if he pleads guilty to any of the articles of charge, the inquiring authority shall record the plea, sign the record and obtain the signature of the Government servant thereon.

(10) The inquiring authority shall return a finding of guilt in respect of those articles of charge to which the government servant pleads guilty.

(11) The inquiring authority shall, if the Government servant fails to appear within the specified time or refuses or omits to plead, require the Presenting Officer to produce the evidence by which he proposes to prove the articles of charge, and shall adjourn the case to a later date not exceeding thirty days, after recording an order that the Government servant may, for the purpose of preparing his defence:

(i) inspect within five days of the order or within such further time not exceeding five days as the inquiring authority may allow, the documents specified in the list referred to in sub-rule (3);
(ii) submit a list of witnesses to be examined on his behalf;

NOTE- If the Government servant applies orally or in writing for the supply of copies of the statements of witnesses mentioned in the list referred to in sub-

rule (3), the inquiring authority shall furnish him with such copies as early as possible and in any case not later than three days before the commencement of the examination of the witnesses on behalf of the disciplinary authority.

(iii) give a notice within ten days of the order or within such further time not exceeding ten days as the inquiring authority may allow, for the discovery or production of any documents which are in the possession of Government but not mentioned in the list referred to in sub-rule (3).

NOTE.- The Government servant shall indicate the relevance of the documents required by him to be discovered or produced by the Government.

(12) The inquiring authority shall, on receipt of the notice for the discovery or production of documents, forward the same or copies thereof to the authority in whose custody or possession the documents are kept, with a requisition for the production of the documents by such date as may be specified in such requisition:

Provided that the inquiring authority may, for reasons to be recorded by it in writing, refuse to requisition such of the documents as are, in its opinion, not relevant to the case.

(13) On receipt of the requisition referred to in sub-rule (12), every authority having the custody or possession of the requisitioned documents shall produce the same or issue a non-availability certificate before the Inquiring Authority within one month of the receipt of such requisition:

Provided that if the authority having the custody or possession of the requisitioned documents is satisfied for reasons to be recorded by it in writing that the production of all or any of such documents would be against the public interest or security of the State, it shall inform the Inquiring Authority accordingly and the Inquiring Authority shall, on being so informed, communicate the information to the Government servant and withdraw the requisition made by it for the production or discovery of such documents.

(14) On the date fixed for the inquiry, the oral and documentary evidence by which the articles of charge are proposed to be proved shall be produced by or on behalf of the disciplinary authority. The witnesses shall be examined by or on behalf of the Presenting Officer and may be cross-examined by or on behalf of the Government servant. The Presenting Officer shall be entitled to re-examine the witnesses on any points on which they have been cross-examined, but not on any new matter, without the leave of the inquiring authority. The inquiring authority may also put such questions to the witnesses as it thinks fit.

(15) If it shall appear necessary before the close of the case on behalf of the disciplinary authority, the inquiring authority may, in its discretion, allow the Presenting Officer to produce evidence not included in the list given to the Government servant or may itself call for new evidence or recall and re-examine any witness and in such case the Government servant shall be entitled to have, if he demands it, a copy of the list of further evidence proposed to be produced and an adjournment of the inquiry for three clear days before the production of such new evidence, exclusive of the day of adjournment and the day to which the inquiry is adjourned. The inquiring authority shall give the Government servant an opportunity of inspecting such documents before they are taken on the record. The inquiring authority may also allow the Government servant to produce new evidence, if it is of the opinion that the production of such evidence is necessary, in the interests of justice.

NOTE.- New evidence shall not be permitted or called for or any witness shall not be recalled to fill up any gap in the evidence. Such evidence may be called for only when there is an inherent lacuna or defect in the evidence which has been produced originally.

(16) When the case for the disciplinary authority is closed, the Government servant shall be required to state his defence, orally or in writing, as he may prefer. If the defence is made orally, it shall be recorded and the Government servant shall be required to sign the record. In either case, a copy of the statement of defence shall be given to the Presenting Officer, if any, appointed.

(17) The evidence on behalf of the Government servant shall then be produced. The Government servant may examine himself in his own behalf if he so prefers. The witnesses produced by the Government servant shall then be examined and shall be liable to cross-examination, re-examination and examination by the inquiring authority according to the provisions applicable to the witnesses for the disciplinary authority.

(18) The inquiring authority may, after the Government servant closes his case, and shall, if the Government servant has not examined himself, generally question him on the circumstances appearing against him in the evidence for the purpose of enabling the Government servant to explain any circumstances appearing in the evidence against him.

(19) The inquiring authority may, after the completion of the production of evidence, hear the Presenting Officer, if any, appointed, and the Government servant, or permit them to file written briefs of their respective case, if they so desire.

(20) If the Government servant to whom a copy of the articles of charge has been delivered, does not submit the written statement of defence on or before

the date specified for the purpose or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of this rule, the inquiring authority may hold the inquiry ex parte.

(21) (a) Where a disciplinary authority competent to impose any of the penalties specified in clause (i) to (iv) of rule 11 (but not competent to impose any of the penalties specified in clauses (v) to (ix) of rule 11), has itself inquired into or caused to be inquired into the articles of any charge and that authority, having regard to its own findings or having regard to its decision on any of the findings of any inquiring authority appointed by it, is of the opinion that the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, that authority shall forward the records of the inquiry to such disciplinary authority as is competent to impose the last mentioned penalties.

(b) The disciplinary authority to which the records are so forwarded may act on the evidence on the record or may, if it is of the opinion that further examination of any of the witnesses is necessary in the interests of justice, recall the witness and examine, cross-examine and re-examine the witness and may impose on the Government servant such penalty as it may deem fit in accordance with these rules.

(22) Whenever any inquiring authority, after having heard and recorded the whole or any part of the evidence in an inquiry ceases to exercise jurisdiction therein, and is succeeded by another inquiring authority which has, and which exercises, such jurisdiction, the inquiring authority so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by its predecessor and partly recorded by itself:

Provided that if the succeeding inquiring authority is of the opinion that further examination of any of the witnesses whose evidence has already been recorded is necessary in the interests of justice, it may recall, examine, cross-examine and re-examine any such witnesses as hereinbefore provided.

(23) (i) After the conclusion of the inquiry, a report shall be prepared and it shall contain-

(a) the articles of charge and the statement of the imputations of misconduct or misbehaviour;
(b) the defence of the Government servant in respect of each article of charge;
(c) an assessment of the evidence in respect of each article of charge;
(d) the findings on each article of charge and the reasons therefor.

EXPLANATION- If in the opinion of the inquiring authority the proceedings of the inquiry establish any article of charge different from the original articles of the charge, it may record its findings on such article of charge:

Provided that the findings on such article of charge shall not be recorded unless the Government servant has either admitted the facts on which such article of charge is based or has had a reasonable opportunity of defending himself against such article of charge.

(ii) The inquiring authority, where it is not itself the disciplinary authority, shall forward to the disciplinary authority the records of inquiry which shall include :-

(a) the report prepared by it under clause (i);
(b) the written statement of defence, if any, submitted by the Government servant;
(c) the oral and documentary evidence produced in the course of the inquiry;
(d) written briefs, if any, filed by the Presenting Officer or the Government servant or both during the course of the inquiry; and
(e) the orders, if any, made by the disciplinary authority and the inquiring authority in regard to the inquiry.

24 (a) The Inquiring Authority should conclude the inquiry and submit his report within a period of six months from the date of receipt of order of his appointment as Inquiring Authority.

(b) Where it is not possible to adhere to the time limit specified in clause (a), the Inquiring Authority may record the reasons and seek extension of time from the disciplinary authority in writing, who may allow an additional time not exceeding six months for completion of the Inquiry, at a time.

(c) The extension for a period not exceeding six months at a time may be allowed for any good and sufficient reasons to be recorded in writing by the Disciplinary Authority or any other Authority authorised by the Disciplinary Authority on his behalf.

15. Action on inquiry report

(1) The disciplinary authority, if it is not itself the inquiring authority may, for reasons to be recorded by it in writing, remit the case to the inquiring authority for further inquiry and report and the inquiring authority shall thereupon proceed to hold the further inquiry according to the provisions of Rule 14, as far as may be.

(2) The disciplinary authority shall forward or cause to be forwarded a copy of the report of the inquiry, if any, held by the disciplinary authority or where the disciplinary authority is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the findings of inquiring authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.

(3) (a) In every case where it is necessary to consult the Commission, the Disciplinary Authority shall forward or cause to be forwarded to the Commission for its advice:

(i) a copy of the report of the Inquiring Authority together with its own tentative reasons for disagreement, if any, with the findings of Inquiring Authority on any article of charge; and

(ii) comments of Disciplinary Authority on the representation of the Government servant on the Inquiry report and disagreement note, if any and all the case records of the inquiry proceedings.

(b) The Disciplinary Authority shall forward or cause to be forwarded a copy of the advice of the Commission received under clause (a) to the Government servant, who shall be required to submit, if he so desires, his written representation or submission to the Disciplinary Authority within fifteen days, on the advice of the Commission.

(4) The Disciplinary Authority shall consider the representation under sub-rule (2) and/or clause (b) of sub-rule (3), if any, submitted by the Government servant and record its findings before proceedings further in the matter as specified in sub-rules (5) and (6).

(5) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on the Government servant, it shall, notwithstanding anything contained in rule 16, make an order imposing such penalty.

(6) If the Disciplinary Authority having regard to its findings on all or any of the articles of charge and on the basis of the evidence adduced during the inquiry is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, it shall make an order imposing such penalty and it shall not be necessary to give the Government servant any opportunity of making representation on the penalty proposed to be imposed.

16.Procedure for imposing minor penalties

(1) Subject to the provisions of sub-rule (5) of rule 15, no order imposing on a Government servant any of the penalties specified in clause (i) to (iv) of rule 11 shall be made except after-

(a) informing the Government servant in writing of the proposal to take action against him and of the imputations of misconduct or misbehaviour on which it is proposed to be taken, and giving him reasonable opportunity of making such representation as he may wish to make against the proposal;
(b) holding an inquiry in the manner laid down in sub-rules (3) to (24) of rule 14, in every case in which the disciplinary authority is of the opinion that such inquiry is necessary;
(c) taking the representation, if any, submitted by the Government servant under clause (a) and the record of inquiry, if any, held under clause (b) into consideration;
(d) consulting the Commission where such consultation is necessary. The Disciplinary Authority shall forward or cause to be forwarded a copy of the advice of the Commission to the Government servant, who shall be required to submit, if he so desires, his written representation or submission on the advice of the Commission, to the Disciplinary Authority within fifteen days; and
(e) recording a finding on each imputation or misconduct or misbehavior.

(1-A) Notwithstanding anything contained in clause (b) of sub-rule (1), if in a case it is proposed after considering the representation, if any, made by the Government servant under clause (a) of that sub-rule, to withhold increments of pay and such withholding of increments is likely to affect adversely the amount of pension payable to the Government servant or to withhold increments of pay for a period exceeding three years or to withhold increments of pay with cumulative effect for any period, an inquiry shall be held in the manner laid down in sub-rules (3) to (24) of Rule 14, before making any order imposing on the Government servant any such penalty.

(2) The record of the proceedings in such cases shall include-

(i) a copy of the intimation to the Government servant of the proposal to take action against him;
(ii) a copy of the statement of imputations of misconduct or misbehaviour delivered to him;
(iii) his representation, if any;
(iv) the evidence produced during the inquiry;
(v) the advice of the Commission, if any;
(vi) representation, if any, of the Government servant on the advice of the Commission;
(vii) the findings on each imputation of misconduct or misbehavior; and
(viii) the orders on the case together with the reasons therefor.

17. Communication of Orders

Orders made by the disciplinary authority shall be communicated to the Government servant who shall also be supplied with a copy of its finding on each article of charge, or where the disciplinary authority is not the inquiring authority, a statement of the findings of the disciplinary authority together with brief reasons for its disagreement, if any, with the findings of the inquiring authority and also a copy of the advice, if any, given by the Commission, and where the disciplinary authority has not accepted the advice of the Commission, a brief statement of the reasons for such non-acceptance.

18. Common Proceedings

(1) Where two or more Government servants are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all such Government servants may make an order directing that disciplinary action against all of them may be taken in a common proceeding.

NOTE - If the authorities competent to impose the penalty of dismissal on such Government servants are different, an order for taking disciplinary action in a common proceeding may be made by the highest of such authorities with the consent of the others.

(2) Subject to the provisions of sub-rule (4) of rule 12, any such order shall specify-

(i) the authority which may function as the disciplinary authority for the purpose of such common proceeding;
(ii) the penalties specified in rule 11 which such disciplinary authority shall be competent to impose;
(iii) whether the procedure laid down in rule 14 and rule 15 or rule 16 shall be followed in the proceeding.

19. Special procedure in certain cases

Notwithstanding anything contained in rule 14 to rule 18-

(i) where any penalty is imposed on a Government servant on the ground of conduct which has led to his conviction on a criminal charge, or
(ii) where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in these rules, or
(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in these rules,

the disciplinary authority may consider the circumstances of the case and make such orders thereon as it deems fit:

Provided that the Government servant may be given an opportunity of making representation on the penalty proposed to be imposed before any order is made in a case under clause (i):

Provided that the Commission shall be consulted, where such consultation is necessary, and the Government servant has been given an opportunity of representing against the advice of the Commission, within the time limit specified in clause (b) of sub-rule (3) of rule 15, before any orders are made In any case under this rule.

20. Provisions regarding officers lent to State Governments, etc.

(1) Where the services of a Government servant are lent by one department to another department or to a State Government or an authority subordinate thereto or to a local or other authority (hereinafter in this rule referred to as "the borrowing authority"), the borrowing authority shall have the powers of the appointing authority for the purpose of placing such Government servant under suspension and of the disciplinary authority for the purpose of conducting a disciplinary proceeding against him:

Provided that the borrowing authority shall forthwith inform the authority which lent the services of the Government servant (hereinafter in this rule referred to as "the lending authority") of the circumstances leading to the order of suspension of such Government servant or the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant-

(i) if the borrowing authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on the Government servant, it may, after consultation with the lending authority, make such orders on the case as it deems necessary:

Provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;

(ii) if the borrowing authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of rule 11 should be imposed on the Government servant, it shall replace his services at the disposal of the lending authority and transmit to it the proceedings of the inquiry and thereupon the lending authority may, if it is the disciplinary authority, pass such order thereon as it may deem necessary, or, if it is not the disciplinary authority, submit the case to the disciplinary authority which shall pass such orders on the case as it may deem necessary:

Provided that before passing any such order the disciplinary authority shall comply with the provisions of sub-rules (3) and (4) of rule 15.

EXPLANATION - The disciplinary authority may make an order under this clause on the record of the inquiry transmitted to it by the borrowing authority or after holding such further inquiry as it may deem necessary, as far as may be, in accordance with rule 14.

21. Provisions regarding officers borrowed from State Governments, etc.

(1) Where an order of suspension is made or a disciplinary proceeding is conducted against a Government servant whose services have been borrowed by one department from another department or from a State Government or an authority subordinate thereto or a local or other authority, the authority lending his services (hereinafter in this rule referred to as "the lending authority") shall forthwith be informed of the circumstances leading to the order of the suspension of the Government servant or of the commencement of the disciplinary proceeding, as the case may be.

(2) In the light of the findings in the disciplinary proceeding conducted against the Government servant, if the disciplinary authority is of the opinion that any of the penalties specified in clauses (i) to (iv) of rule 11 should be imposed on him, it may, subject to the provisions of sub-rule (3) of rule 15 and except in regard to a Government servant serving in the Intelligence Bureau up to the rank of Assistant Central Intelligence Officer, after

consultation with the lending authority, pass such orders on the case as it may deem necessary-

(i) provided that in the event of a difference of opinion between the borrowing authority and the lending authority, the services of the Government servant shall be replaced at the disposal of the lending authority;
(ii) if the disciplinary authority is of the opinion that any of the penalties specified in clauses (v) to (ix) of Rule 11 should be imposed on the Government servant, it shall replace the services of such Government servant at the disposal of the lending authority and transmit to it the proceedings of the inquiry for such action, as it may deem necessary.

PART VII – APPEALS

22. Orders against which no appeal lies

Notwithstanding anything contained in this Part, no appeal shall lie against-

(i) any order made by the President;
(ii) any order of an interlocutory nature or of the nature of a step-in-aid of the final disposal of a disciplinary proceeding, other than an order of suspension;
(iii) any order passed by an inquiring authority in the course of an inquiry under Rule 14.

23. Orders against which appeal lies

Subject to the provisions of rule 22, a Government servant may prefer an appeal against all or any of the following orders, namely:-

(i) an order of suspension made or deemed to have been made under rule 10;
(ii) an order imposing any of the penalties specified in rule 11, whether made by the disciplinary authority or by any appellate or revising authority;
(iii) an order enhancing any penalty, imposed under rule 11;
(iv) an order which-
  (a) denies or varies to his disadvantage his pay, allowances, pension or other conditions of service as regulated by rules or by agreement; or
  (b) interprets to his disadvantage the provisions of any such rule or agreement;
(v) an order-
  (a) stopping him at the efficiency bar in the time-scale of pay on the ground of his unfitness to cross the bar;
  (b) reverting him while officiating in a higher service, grade or post, to a lower service, grade or post, otherwise than as a penalty;
  (c) reducing or withholding the pension or denying the maximum pension admissible to him under the rules;

(d) determining the subsistence and other allowances to be paid to him for the period of suspension or for the period during which he is deemed to be under suspension or for any portion thereof;

(e) determining his pay and allowances –

(i) for the period of suspension, or

(ii) for the period from the date of his dismissal, removal or compulsory retirement from service, or from the date of his reduction to a lower service, grade, post, time-scale or stage in a time-scale of pay, to the date of his reinstatement or restoration to his service, grade or post; or

(f) determining whether or not the period from the date of his suspension or from the date of his dismissal, removal, compulsory retirement or reduction to a lower service, grade, post, time-scale of pay or stage in a time-scale of pay to the date of his reinstatement or restoration to his service, grade or post shall be treated as a period spent on duty for any purpose.

EXPLANATION- In this rule-

(i) the expression 'Government servant' includes a person who has ceased to be in Government service;

(ii) the expression 'pension' includes additional pension, gratuity and any other retirement benefits.

24. Appellate Authority

(1) A Government servant, including a person who has ceased to be in Government service, may prefer an appeal against all or any of the orders specified in Rule 23 to the authority specified in this behalf either in the Schedule or by a general or special order of the President or, where no such authority is specified-

(i) where such Government servant is or was a member of a Central Service, Group 'A' or Group 'B' or holder of a Central Civil Post, Group 'A' or Group 'B' -

(a) to the appointing authority, where the order appealed against is made by an authority subordinate to it; or

(b) to the President where such order is made by any other authority;

(ii) where such Government servant is or was a member of a Central Civil Service, Group 'C' or Group 'D', or holder of a Central Civil Post, Group 'C' or Group 'D', to the authority to which the authority making the order appealed against his immediately subordinate.

(2) Notwithstanding anything contained in sub-rule (1)-

(i) an appeal against an order in a common proceeding held under Rule 18 shall lie to the authority to which the authority functioning as the disciplinary authority for the purpose of that proceeding is immediately subordinate :

Provided that where such authority is subordinate to the President in respect of a Government servant for whom President is the appellate authority in terms of sub-clause (b) of clause (i) of sub-rule (1), the appeal shall lie to the President.

(ii) where the person who made the order appealed against becomes, by virtue of his subsequent appointment or otherwise, the appellate authority in respect of such order, an appeal against such order shall lie to the authority to which such person is immediately subordinate.

(3) A Government servant may prefer an appeal against an order imposing any of the penalties specified in rule 11 to the President, where no such appeal lies to him under sub-rule (1) or sub-rule (2), if such penalty is imposed by any authority other than the President, on such Government servant in respect of his activities connected with his work as an office-bearer of an association, federation or union, participating in the Joint Consultation and Compulsory Arbitration Scheme.

25. Period of Limitation of appeals

No appeal preferred under this part shall be entertained unless such appeal is preferred within a period of forty-five days from the date on which a copy of the order appealed against is delivered to the appellant :

Provided that the appellate authority may entertain the appeal after the expiry of the said period, if it is satisfied that the appellant had sufficient cause for not preferring the appeal in time.

26. Form and contents of appeal

(1) Every person preferring an appeal shall do so separately and in his own name.

(2) The appeal shall be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against. It shall contain all material statements and arguments on which the appellant relies, shall not contain any disrespectful or improper language, and shall be complete in itself.

(3) The authority which made the order appealed against shall, on receipt of a copy of the appeal, forward the same with its comments thereon together with the relevant records to the appellate authority without any avoidable delay, and without waiting for any direction from the appellate authority.

27. Consideration of appeal

(1) In the case of an appeal against an order of suspension, the appellate authority shall consider whether in the light of the provisions of rule 10 and having regard to the circumstances of the case, the order of suspension is justified or not and confirm or revoke the order accordingly.

(2) In the case of an appeal against an order imposing any of the penalties specified in rule 11 or enhancing any penalty imposed under the said rules, the appellate authority shall consider-

(a) whether the procedure laid down in these rules have been complied with and if not, whether such non-compliance has resulted in the violation of any provisions of the Constitution of India or in the failure of justice;
(b) whether the findings of the disciplinary authority are warranted by the evidence on the record; and
(c) whether the penalty or the enhanced penalty imposed is adequate, inadequate or severe;

and pass orders-

(i) confirming, enhancing, reducing, or setting aside the penalty; or
(ii) remitting the case to the authority which imposed or enhanced the penalty or to any other authority with such direction as it may deem fit in the circumstances of the case :

provided that-

(i) The Commission shall be consulted in all cases where such consultation is necessary, and the government servant has been given an opportunity of representing against the advice of the Commission within the time limit specified in clause (b) of sub-rule (3) of rule 15.

(ii) If such enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 11 and in inquiry under rule 14 has not already been held in the case, the appellate authority shall, subject to the provisions of rule 19, itself hold such inquiry or direct that such inquiry be held in accordance with the provisions of rule 14 and thereafter, on a consideration of the proceedings of such inquiry and make such orders as it may deem fit;

(iii) if the enhanced penalty which the appellate authority proposes to impose is one of the penalties specified in clauses (v) to (ix) of rule 11 and an enquiry under rule 14 has been held in the case, the appellate authority shall make such

orders as it may deem fit after the appellant has been given a reasonable opportunity of making a representation against the proposed penalty; and

(iv) no order imposing an enhanced penalty shall be made in any other case unless the appellant has been given a reasonable opportunity, as far as may be, in accordance with the provisions of rule 16, of making a representation against such enhanced penalty.

(3) In an appeal against any other order specified in rule 23, the appellate authority shall consider all the circumstances of the case and make such orders as it may deem just and equitable.

28. Implementation of orders in appeal

The authority which made the order appealed against shall give effect to the orders passed by the appellate authority.

PART VIII—REVISION AND REVIEW

29. Revision

(1) Notwithstanding anything contained in these rules-

(i) the President; or

(ii) the Comptroller and Auditor-General, in the case of a Government servant serving in the Indian Audit and Accounts Department; or

(iii) the Member (Personnel) Postal Services Board in the case of a Government servant serving in or under the Postal Services Board and Adviser (Human Resources Development), Department of Telecommunications in the case of a Government servant serving in or under the Telecommunications Board; or

(iv) the Head of a Department directly under the Central Government, in the case of a Government servant serving in a department or office (not being the Secretariat or the Posts and Telegraphs Board), under the control of such Head of a Department; or

(v) the appellate authority, within six months of the date of the order proposed to be revised or

(vi) any other authority specified in this behalf by the President by a general or special order, and within such time as may be prescribed in such general or special order;

may at any time, either on his or its own motion or otherwise call for the records of any inquiry and revise any order made under these rules or under the rules repealed by rule 34 from which an appeal is allowed, but from which no appeal has been preferred or from which no appeal is allowed, after consultation with the Commission where such consultation is necessary, and may-

(a) confirm, modify or set aside the order; or

(b) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(c) remit the case to the authority which made the order to or any other authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case; or

(d) pass such other orders as it may deem fit:

Provided that no order imposing or enhancing any penalty shall be made by any revising authority unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed and where it is proposed to impose any of the penalties specified in clauses (v) to (ix) of rule 11 or to enhance the penalty imposed by the order sought to be revised to any of the penalties specified in those clauses, and if an inquiry under rule 14 has not already been held in the case no such penalty shall be imposed except after an inquiry in the manner laid down in rule 14 subject to the provisions of rule 19, and except after consultation with the Commission where such consultation is necessary and the Government servant has been given an opportunity of representing against the advice of the Commission within the time limit specified in clause (b) of sub-rule (3) of rule 15,

Provided further that no power of revision shall be exercised by the Comptroller and Auditor-General, Member (Personnel), Postal Services Board, Adviser (Human Resources Department), Department of Telecommunications or the Head of Department, as the case may be, unless-

(i) the authority which made the order in appeal, or

(ii) the authority to which an appeal would lie, where no appeal has been preferred, is subordinate to him.

(2) No proceeding for revision shall be commenced until after-

(i) the expiry of the period of limitation for an appeal, or
(ii) the disposal of the appeal, where any such appeal has been preferred.

(3) An application for revision shall be dealt with in the same manner as if it were an appeal under these rules.

29-A. Review

The President may, at any time, either on his own motion or otherwise review any order passed under these rules, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice**:**

Provided that no order imposing or enhancing any penalty shall be made by the President unless the Government servant concerned has been given a reasonable opportunity of making a representation against the penalty proposed or where it is proposed to impose any of the major penalties specified in rule 11 or to enhance the minor penalty imposed by the order sought to be reviewed to any of the major penalties and if an enquiry under rule 14 has not already been held in the case, no such penalty shall be imposed except after inquiring in the manner laid down in rule 14, subject to the provisions of rule 19, and except after consultation with the Commission where such consultation is necessary and the Government servant has been given an opportunity of representing against the advice of the Commission within the time limit specified in clause (b) of sub-rule (3) of rule 15,

PART IX – MISCELLANEOUS

30. Service of orders, notices, etc.

Every order, notice and other process made or issued under these rules shall be served in person on the Government servant concerned or communicated to him by registered post.

31. Power to relax time-limit and to condone delay

Save as otherwise expressly provided in these rules, the authority competent under these rules to make any order may, for good and sufficient reasons or if sufficient cause is shown, extend the time specified in these rules for anything required to be done under these rules or condone any delay.

32. Omitted

33. Transitory Provisions

On and from the commencement of these rules, and until the publication of the Schedules under these rules, the Schedules to the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, as amended from time to time, shall be deemed to be the Schedules relating to the respective categories of Government servants to whom they are, immediately before the commencement of these rules, applicable and such Schedules shall be deemed to be the Schedules referred to in the corresponding rules of these rules.

34. Repeal and Saving

(1) Subject to the provisions of rule 33, the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and the Civilians in Defence Services (Classification, Control and Appeal) Rules, 1952, and any notifications or orders issued thereunder in so far as they are inconsistent with these rules, are hereby repealed:

Provided that-

(a) such repeal shall not affect the previous operation of the said rules, or any notification or order made, or anything done, or any action taken, thereunder;

(b) any proceedings under the said rules, pending at the commencement of these rules shall be continued and disposed of, as far as may be, in accordance with the provisions of these rules, as if such proceedings were proceedings under these rules.

(2) Nothing in these rules shall be construed as depriving any person to whom these rules apply, of any right of appeal which had accrued to him under the rules, notification or orders in force before the commencement of these rules.

(3) An appeal pending at the commencement of these rules against an order made before such commencement shall be considered and orders thereon shall be made, in accordance with these rules as if such orders were made and the appeals were preferred under these rules.

(4) As from the commencement of these rules any appeal or application for review against any orders made before such commencement shall be preferred or made under these rules, as if such orders were made under these rules :

Provided that nothing in these rules shall be construed as reducing any period of limitation for any appeal or review provided by any rule in force before the commencement of these rules.

35. Removal of doubts

If any doubt arises as to the interpretation of any of the provisions of these rules, the matter shall be referred to the President or such other authority as may be specified by the President by general or special order, and the President or such other authority shall decide the same.

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THE SCHEDULE

{*See* Rules 5, 9 (2), 12 (2) and 24}

Part I – Central Civil Services, Group 'A'.

1. Archaeological Service, Group 'A'.

2. Botanical Survey of India, Group 'A'.

3. Central Engineering (Civil) Group 'A' Service.

4. Central Engineering (Electrical and Mechanical) Group 'A' Service.

5. Central Health Service, Group 'A'.

6. Central Revenues Chemical Service, Group 'A'.

7. Central Secretariat Service-

   (a) Selection Grade
   (b) Grade I.

8. General Central Service, Group 'A'.

9. Geological Survey of India, Group 'A'.

10. Indian Audit and Accounts Service, Group 'A'.

10-A. Indian Civil Accounts Service.

11. Indian Defence Accounts Service

12. Indian Foreign Service, Group 'A'.

13. Indian Meteorological Service, Group 'A'.

14. Indian Postal Service, Group 'A'.

15. Indian Posts and Telegraphs Traffic Service, Group 'A'.

16. Indian Revenue Service –

    (a) Customs Branch (Indian Customs Service, Group 'A')
    (b) Central Excise Branch (Central Excise Service, Group 'A'
    (c) Income Tax Branch (Income Tax Service, Group 'A')

17. Indian Salt Service, Group 'A'.

18. Mercantile Marine Training Ship Service, Group 'A'.

19. Directorate General of Mines Safety, Group 'A'.

20. Overseas Communications Service, Group 'A'.

21. Survey of India, Group 'A'.

22. Indian Telecommunication Service, Group 'A'.

23. Zoological Survey of India, Group 'A'.

24. Indian Frontier Administrative Service, Group 'A'-

    (a) Grade I
    (b) Grade II

25. Central Legal Service (Grades I, II, III and IV)

26. Railway Inspectorate Service, Group 'A'

27. Indian Foreign Service, Branch (B) (erstwhile)-

    (a) General Cadre, Grade I
    (b) General Cadre, Grade II

28. Delhi and Andaman and Nicobar Islands Civil Service, Grade I.

29. Delhi and Andaman and Nicobar Islands Police Service, Grade II.

30. Indian Inspection Service, Group 'A'

31. Indian Supply Service, Group 'A'

32. Central Information Service-

    (a) Selection Grade
    (b) Senior Administrative Grade
    (c) Junior Administrative Grade
    (d) Grade I
    (e) Grade II

33. Indian Statistical Service

34. Indian Economic Service

35. Telegraph Traffic Service, Group 'A'

36. Central Water Engineering Service, Group 'A'

37. Central Power Engineering Service, Group 'A'

38. Company Law Board Service

39. Labour Officers of the Central Pool, Group 'A'

40. Central Engineering Service (Roads), Group 'A'

41. Indian Posts and Telegraphs Accounts and Finance Service, Group 'A'

42. Indian Broadcasting (Engineers) Service

43. Central Trade Service, Group 'A'

44. Armed Forces Headquarters Civil Services (Group 'A')

45. Central Secretariat Official Language Service (Group 'A')

PART II – Central Civil Services, Group 'B'

(Except for Civilians in Defence Services)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
1.	Section Officer Grade of the Central Secretariat Service excluding Section Officers with Group 'A' status.	President	President		All
			In respect of a member of the service serving in –		
			(a) a Ministry or Department of Government participating in the service, other than a Ministry or Department hereinafter specified.	Secretary, Cadre Authority.	(i)
			(b) a Ministry or Department of the Government not participating in the	Secretary in the Ministry or Department	(i)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			service. (c) an attached office whether participating or not participating in the service –		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i)
			(ii) in other cases	Secretary, cadre Authority	(i)
			(d) a non-Secretariat Office other than an office hereinafter specified –		
			(i) if such office is under the control of a Head of the Department directly	Head of the Department	(i)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			under Government.		
			(ii) in other cases	Secretary, Cadre Authority	(i)
			(e) Ministry of Defence (Finance Division)	Financial Adviser, Defence Services	(i)
			(f) Offices of the Union Public Service Commission	Secretary, Union Public Service Commission	(i)
1-A	Central Secretariat Official Language Service, Group 'B'	President	President		All
			Secretary in Ministry or Department		(i)
2.	Assistants' Grade of the Central Secretariat Service	President	President		All
			In respect of a member of the service serving in-		
			(a) a Ministry or	Secretary, Cadre	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			Department of the Government participating in the service, other than a Ministry or Department hereinafter specified.	Authority	
			(b) a Ministry or Department of the Government not participating in the service.	Secretary in the Ministry or Department	(i) to (iv)
			(c) an attached office whether participating or not participating in the service-		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i)to(iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			(ii) in other cases	Secretary, Cadre Authority	(i)to(iv)
			(d) a non-Secretariat Office other than an office hereinafter specified-		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i)to(iv)
			(ii) in other cases	Secretary, Cadre Authority	(i)to(iv)
			(e) Ministry of Defence (Finance Division)	Financial Adviser, Defence Services	(i)to(iv)
			(f) Office of the	Secretary, Union	(i)to(iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			Union Public Service Commission	Public Service Commission	
3.	Central Secretariat Stenographers' Service, Grade I.	President	President In respect of a member of the service serving in- (a) a Ministry or Department of the Government participating in the service, other than a Ministry or Department hereinafter specified. (b) a Ministry or Department of the Government not participating in the service. (c) an attached office	 Secretary, Cadre Authority Secretary in the Ministry or Department	All (i) (i)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			whether participating or not participating in the service-		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i)
			(ii) in other cases	Secretary, Cadre Authority	(i)
			(d) a non-Secretariat Office other than an office hereinafter specified-		
			(i) if such office is under the control of a Head of the Department directly under	Head of the Department	(i)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			Government.		
			(ii) in other cases	Secretary, Cadre Authority	(i)
			(e) Ministry of Defence (Finance Division)	Financial Adviser, Defence Service	(i)
			(f) Office of the Union Public Service Commission	Secretary, Union Public Service Commission	(i)
3-A	Central Secretariat Stenographer's Service, Selection Grade	President	President		All
4.	Central Secretariat Stenographers' Service, Grade II	President	In respect of a member of the service serving in-		
			(a) a Ministry or Department of the Government participating in the service, other	Secretary, Cadre Authority	(i)to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			than a Ministry or Department hereinafter specified.		
			(b) a Ministry or Department of the Government not participating in the service.	Secretary in the Ministry or Department	(i)to (iv)
			(c) an attached office whether participating or not participating in the service-		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i)to (iv)
			(ii) in other cases	Secretary, Cadre Authority	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			(d) a non-Secretariat Office other than an office hereinafter specified-		
			(i) if such office is under the control of a Head of the Department directly under Government.	Head of the Department	(i) to (iv)
			(ii) in other cases	Secretary, Cadre Authority	(i) to (iv)
			(e) Ministry of Defence (Finance Division)	Financial Adviser, Defence Services.	(i)to (iv)
			(f) Office of the Union Public Service Commission	Secretary, Union Public Service Commission	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
5.	Central Health Service, Group 'B'	Secretary, Ministry of Health	Secretary, Ministry of Health		All
6.	Indian Meteorological Service, Group 'B'	Director-General of Observatories.	Director-General of Observatories.		All
6-A	Labour Officers, Groups 'B'	Secretary, Ministry of Labour	Secretary, Ministry of Labour. In respect of a member of the service serving in – Posts & Telegraphs Department	Head of the Circle; General Manager, Posts & Telegraphs Workshops	All (i) to (iv)
7.	Postal Superintendents' Service, Group 'B'	Director-General Posts	Director-General Posts Head of Circle		All (i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
8..	Postmasters' Service, Group 'B',	Director-General Posts	Director-General Posts and Telegraphs Board Head of Circle		All (i) of (iv)
9.	Telecommunication Engineering Service, Group 'B',	Member, Telecommunications Commission	Member, Telecommunications Commission Adviser (Human Resources Development) Department of Telecommunications; Head of Circle; General Manger; Telecommunication Factories; Head of Telephone District; Head of Telecommunication District/Telecommunications Area of Senior Administrative Grade; General Manager, Maintenance, of Senior Administrative Grade, General Manager, Projects.		All (i)to(iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
10.	Indian Posts and Telegraphs Accounts and Finance Service, Telecommunication Wing, Group 'B'.	Member, Telecommunications Commission	Member, Telecommunications Commissions Adviser (Human Resources Development), Department of Telecommunications; Head of Circle; Head of Telephone District; General Manager, Telecommunication Stores; General Manager, Projects; General Manager, Telecommunication Factories;		All (i)to(iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
10-A	Indian Posts & Telegraphs Accounts & Finance Service, Postal Wing, Group 'B'	Director-General Posts	Director-General, Posts; Member (Finance) Postal Services Board; Head of Circle		All (i)to(iv)
11.	Telegraphs Traffic Service, Group 'B'	Member Telecommunications Commission	Member, Telecommunications Commission Head of Circle		All (i)to(iv)
12.	Central Excise Service, Group 'B' – Superintendents, Group 'B' (including Deputy Headquarters Assistant to the Collector) and District Opium Officers, Group 'B'.	Collector of Central Excise/Land Customs; Narcotics Commissioner	Collector of Central Excise/Land Customs; Director of Inspection; Director of Revenue Intelligence; Narcotics Commissioner In respect of- (i) a member of the Service serving in Statistics and Intelligence Branch. Branch (Central Excise).	Deputy Collector (Statistics and Intelligence Branch.)	All (i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			(ii) any other member of the service	Assistant Collector of Central Excise, Group 'A'	(i)
				Assistant Narcotics Commissioner	(i)
				Deputy Collector of Central Excise	(i) to (iv)
				Deputy Narcotics Commissioner	(i) to (iv)
				Deputy Director, Revenue Intelligence.	(i) to (iv)
13.	Customs Appraisers Service, Group 'B' – Principal Appraisers and Head Appraisers.	Collector of Customs.	Collector of Customs		All
			Director of Inspection		(i) to (iv)
			Director of Revenue, Intelligence.		(i) to (iv)
			Collector of Central Excise, Delhi.		(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
14.	Customs Appraisers Service, Group 'B' - Appraisers	Collector of Customs	Collector of Customs		All
			Director of Inspection		(i) to (iv)
			Director of Revenue Intelligence		(i) to (iv)
			Assistant Collector of Central Excise, Delhi		(i) to (iv)
			Assistant Collector.		(i)
			Assistant Director, Inspection		(i)
15.	Customs Preventive Service, Group 'B' – Chief Inspectors	Collector of Customs	Collector of Customs		All
			Director of Inspection		All
			Director of Revenue Intelligence		All
16.	Customs Preventive Service, Group 'B' – Inspectors	Collector of Customs	Collector of Customs		All
			Director of Inspection		All
			Director of Revenue Intelligence		(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
			Assistant Collector (Preventive) Assistant Director of Inspection		(i) to (iv) (i) to (iv)
17.	Income Tax Service, Group 'B'	Commissioner of Income Tax	Commissioner of Income Tax Director of Inspection Assistant Commissioner		All All (i)
18.	Botanical Survey of India, Group 'B'.	Chief Botanist, Botanical Survey of India	Chief Botanist, Botanical Survey of India		All
19.	Geological Survey of India, Group 'B '	Director-General, Geological Survey of India	Director-General, Geological Survey of India		All
20.	Survey of India, Group 'B'	Surveyor General of India	Surveyor General of India		All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
21.	Zoological Survey of India, Group 'B'	Director Zoological Survey of India	Director Zoological Survey of India		All
22.	Central Electrical Engineering Service, Group 'B'	Director General (Works), Central Public Works Department.	(i) Director General (Works), Central Public Works Department (ii) Chief Vigilance Officer, Central Public Works Department.		All (i) to (iv)
23.	Central Engineering Service Group 'B'	Director General (Works), Central Public Works Department	(i) Director General (Works), Central Public Works Department (ii) Chief Vigilance Officer, Central Public Works Department.		All (i)to(iv)
24.	Central Engineering Service, Group 'B' : (i) Posts in the Ministry of	Joint	Joint Secretary,		All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
	Irrigation and Power.	Secretary,			
	(ii) Posts in the Central Water and Power Commission	Chairman, Central Water and Power Commission	Chairman, Central Water and Power Commission		All
	(iii) Posts in the Chambal Control Board.	Joint Secretary, Ministry of Irrigation and Power	Joint Secretary, Ministry of Irrigation and Power		All
	(iv) Posts in the Farakka Barrage Control Board.	Commissioner (Ganga Basin), Ministry of Irrigation and Power	Commissioner (Ganga Basin), Ministry of Irrigation and Power		All
	(v) Posts in the Ganga Discharge Circle.	Commissioner (Ganga Basin), Ministry of Irrigation and Power	Commissioner (Ganga Basin), Ministry of Irrigation and Power		All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
25.	Central Power Engineering Service, Group 'B' : (i) Posts in the Ministry of Irrigation and Power (ii) Posts in the Central Water and Power Commission.	 Joint Secretary, Chairman, Central water and Power Commission	 Joint Secretary, Chairman, Central water and Power Commission		 All All
26.	Indian Salt Service, Group 'B'	Joint Secretary, Ministry of Production	Joint Secretary, Ministry of Production		All
27.	Indian Foreign Service(B) : (i) General Cadre Integrated Grades II and III (excluding Section Officers with Group 'A' status). (ii) Cypher-Sub-Cadre, Grade I (iii) Stenographers, Sub-cadre, Grade I	President	President In respect of a member of the service serving in- (i) Ministry of External Affairs (ii) An Indian Mission/Post abroad.	 Secretary in the Ministry of External Affairs. Head of Mission/Otherwise Secretary in the Ministry of External Affairs.	All (i) (i)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
	(iv) General Cadre, Grade IV. (v) Cypher-Sub-cadre, Grade II (vi) Stenographers, Sub-cadre, Grade II.	President	President In respect of a member of the service serving in- (i) Ministry of External Affairs (ii) An Indian Mission/Post aboard.	 Secretary in the Ministry of External Affairs. Head of Mission/Otherwise Secretary in the Ministry of External Affairs	All (i) to (iv) (i)
28.	Delhi and Andaman and Nicobar Islands Civil Service, Grade II.	Joint Secretary, Ministry of Home Affairs	Joint Secretary, Ministry of Home Affairs In respect of a member of the Service, serving under Delhi Administration. In respect of a member of the Service, serving under the Andaman and Nicobar Administration	 Chief Secretary, Delhi Administration Chief Secretary, Andaman and Nicobar Administration	All (i) to (iv) (i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
29.	Delhi and Andaman and Nicobar Islands Police Service, Grade II.	Joint Secretary, Ministry of Home Affairs	Joint Secretary, Ministry of Home Affairs		All
			In respect of a member of the Service, serving under Delhi Administration.	Chief Secretary, Delhi Administration	(i) to (iv)
			In respect of a member of the Service, serving under the Andaman and Nicobar Administration	Chief Secretary, Andaman and Nicobar Administration	(i) to (iv)
30.	Central Information Service, Grade III and IV	Joint Secretary, Ministry of Information and Broadcasting	Joint Secretary, Ministry of Information and Broadcasting		All
			In respect of a member of the service in-		
			(a) an officer under the control of Head of Department.	Head of Department	(i) to (iv)
			(b) Research and Reference Division	Director, Research and Reference Division	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
31.	Central Engineering Service (Roads), Group 'B'	Secretary, Ministry of Shipping and Transport	Secretary, Ministry of Shipping and Transport Director-General (Road Development) and ex-officio Additional Secretary, Ministry of Shipping and Transport (Road Wing)		All (i) to(iv)
32.	General Central Service, Group 'B' –				
	(i) Post in any Ministry of Department of Government of India, other than the post in respect of which specific provision has been made by a general or special order of the president.	Secretary in the Ministry or Department	Secretary in the Ministry or Department		All
	(i-a) Posts outside a Ministry or Department of Government of India, other than the posts in respect of which specific provision has been made by a general or special order of the President.	In respect of posts in an office under the control of a Head of Department directly under	Head of the Department		All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		
			Authority (4)		Penalties (5)
		the Government. - Head of the Department			
		In respect of other posts - Secretary in the Ministry or Department	Secretary in the Ministry or Department		All
	(ii) Posts in Union Territories other than Delhi Administration, the Andaman and Nicobar Islands and the Laccadive, Minicoy and Amindive Islands.	Administrator	Administrator / Head of the Department		All
			In the Union Territory of Himachal Pradesh	Head of the Department	(i) to (iv)
	(iii) Delhi Administration – All posts	Chief Secretary	Chief Secretary		All
	(iv) The Andaman and Nicobar Islands – All posts	Chief Commissioner	Chief Commissioner		All
			In respect of posts in the Forest Department	Chief Conservator of Forests	(i) to (iv)
	(v) The Lakshadweep Administration – All posts	Administrator	Administrator		All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		Appellate Authority (6)
			Authority (4)	Penalties (5)	
33.	All Group 'B' posts of the Departmentalised Accounts Offices of the Government of India	Chief Controller of Accounts or Joint Controller General of Accounts in a Ministry or Department where there is no Chief Controller of Accounts.	Chief Controller of Accounts or Joint Controller General of Accounts in a Ministry or Department where there is no Chief Controller of Accounts.	(i)to(iv)	Additional Controller General of Accounts or Principal Chief Controller of Accounts in Central Board of Direct Taxes and Central Board of Excise and Customs.
			Additional Controller General of Accounts or Principal Chief Controller of Accounts in Central Board of Direct Taxes and Central Board of Excise and Customs.	All	Controller General of Accounts;

PART III – Central Civil Services, Group 'C'

(Except for Civilians in Defence Services)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
1.	Central Secretariat Clerical Service, Upper Division and Lower Division Grade.	Deputy Secretary or Director, Cadre Authority	Deputy Secretary or Director, Cadre Authority. In respect of a member of the Service serving in :		All	Secretary, Cadre Authority
1-A.	Central Secretariat Stenographers' Service, Grade III.		(a) a Department /Office other than those specified below and other than the Cadre Authority, where the Head of the Office is of a rank not below that of Deputy Secretary or Director (Junior Administrative Grade).	Head of the Office	(i) to (iv)	Secretary, Cadre Authority
			(b) Ministry of Defence (Finance Division)	Deputy Financial Adviser	(i) to (iv)	Financial Adviser, Defence Services

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
			(c) Prime Minister's Secretariat	Deputy Secretary or an Officer of the rank of Deputy Secretary	(i) to (iv)	Principal Private Secretary to Prime Minister
			(d) Deleted			
			(e) Office of the Inspector-General, Delhi Special Police Establishment	Deputy Inspector General	(i) to (iv)	Inspector-General
			(f) Office of the Engineer-in-Chief, General Public Works Department	Director of Administration	(i) to (iv)	Engineer-in-Chief.
			(g) Directorate-General, Supplies and Disposal.	Director of Administration	(i) to (iv)	Director-General Supplies and Disposals
			(h) Central Water and Power Commission.	Secretary, Central Water and Power Commission	(i) to (iv)	Chairman, Central Water and Power Commission.
			(i) Directorate of Printing	Joint Director (Administration)	(i) to (iv)	Secretary in the Ministry of Urban Development

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
2	Posts and Telegraphs Accounts Service: Senior and Junior Accounts	Member, Posts and Telegraphs Board		Member, Posts and Telegraphs Board.	All	Posts and Telegraphs Board
				Manager, Telecommunication Factory.	(i) to(iv)	General Manager, Telecommunication Factories
				Deputy General Manager, Telecommunication Factories.		
				Chief Accounts Officer, Telecommunication Stores	(i) to(iv)	Member, Posts and Telegraphs Board
				Chief Accounts Officer, Telegraph Check Office.		
				Head of Circle, Chief Controller of Telegraph Stores	(i) to(iv)	-do-
				District Manager, Telephones; Deputy General Manager, Telephones.	(i) to(iv)	Member, Posts and Telegraphs Board or General Manager, Telephones.

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
				Controller of Telegraph Stores	(i) to(iv)	Chief Controller of Telegraph Stores
				Senior Electrical Engineer, Divisional Engineer, Telegraphs, Posts and Telegraphs Training Centre, Jabalpur	(i) to(iv)	Additional Chief Engineer, Technical and Development Circle, Jabalpur.
				Divisional Engineer, Telegraphs	(i) to(iv)	Head of Circle
				Deputy Director, Postal Life Insurance	(i) to(iv)	Member Posts and Telegraph Board
				Secretary, Posts and Telegraphs Board.	(i) to(iv)	Member, Posts and Telegraphs Board
				Principal, Postal Training Centre.		
				Principal, Postal and Telegraphs Training Centre		

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
3	Indian Foreign Service (B) : General Cadre, Grade V and VI	Deputy Secretary, Ministry of External Affairs	Deputy Secretary, Ministry of External Affairs		All	Secretary, Ministry of External Affairs
			In respect of a member of the service serving in an Indian Mission/Post aboard.	Head of the Chancery , if he is of the rank of First Secretary or above, otherwise, Head of Mission/Post of the rank of Grade V of Indian Foreign Service or above	(i) to (iv)	Secretary, Ministry of External Affairs
4.	General Central Service, Group 'C' (i) Posts in the Ministry/ Department of Government other than the posts in respect of which specific provision has been made by a general or special order of the President.	Deputy Secretary or Director in the Ministry/ Department of Government	Deputy Secretary or Director in the Ministry/ Department of Government		All	Secretary in the Ministry/ Department of Government.

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)			Appellate Authority (6)
			Authority (4)		Penalties (5)	
	(ii) Posts in non-Secretariat Office other than posts in respect of which specific provision has been made by a general or special order of the President.	Head of Office	Head of Office		All	If such Head of Office is subordinate to a "Head of Department" under the Ministry or Department of Government, such Head of Department. If the Head of the Office is himself the Head of Department, or is not subordinate to any Head of Department, the Secretary in the Ministry or Department of Government.
	(iii) Posts in Union Territories	Head of Office of such other authority as may be specified by the Administrator.	Head of Office of such other authority as may be specified by the Administrator.		All	Administrator or such other authority as may be specified by the Administrator; where the order is that of the Administrator, the President.
	(iv) All Group 'C' posts of the Departmentalized	Controller of Accounts or	Controller of Accounts or Deputy Controller		All	Chief Controller of Accounts or Joint

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		Appellate Authority (6)
			Authority (4)	Penalties (5)	
	Accounts offices of the Government of India	Deputy Controller General of Accounts in a Ministry or Department, where there is no Controller of Accounts.	General of Accounts in a Ministry or Department, where there is no Controller of Accounts.		Controller General of Accounts in a Ministry or Department where there is no Chief Controller of Accounts.
5	Central Secretariat Official Language Service, Group 'C'	Secretary in Ministry or Department.	Secretary in the Ministry or Department Joint Secretary in Ministry or Department Head of Department	All (i) to (iv)	President Secretary in Ministry/ Department.

PART IV – Central Civil Services, Group 'D'

(Except for Civilians in Defence Services)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)		Appellate Authority (6)
			Authority (4)	Penalties (5)	
1.	General Central Service, Group 'D'				
	(i) Posts in Ministries or Departments of Government other than posts in respect of which specific provision has been made by a general or special order of the president.	Under Secretary	Under Secretary	All	Deputy Secretary or Director.
	(ii) Posts in non-Secretariat Offices other than posts in respect of which specific provision has been made by a general or special order of the President	Head of office	Head of Office	All	If such Head of Office is subordinate to a Head of Department under the Ministry or Department of Government such Head of Department. If the Head of the office is himself Head of Department or is not subordinate to a Head of Department, the Secretary in the Ministry or Department of Government.

	(iii) Posts in Union Territories	Head of Office or such other authority as may be specified by the Administrator	Head of Office or such other authority as may be specified by the Administrator.	All	Administrator or such other authority as may be specified by the Administrator. Where the order is that of the Administrator, the President.
	(iv) All Group 'D' posts of the Departmentalized Accounts Offices of the Government of India	Deputy Controller of Accounts or Assistant Controller General of Accounts in a Ministry or Department where there is no Deputy Controller of Accounts.	Deputy Controller of Accounts or Assistant Controller General of Accounts in a Ministry or Department where there is no Deputy Controller of Accounts.	All	Controller of Accounts or Deputy Controller General of Accounts in a Ministry or Department where there is no Controller of Accounts.

PART V – Civil Posts in Defence Services

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
1.	Group 'B' Posts:			
	(A) (i) All Group 'B' (Gazetted) posts other than those specified in item (B).	Additional Secretary	Additional Secretary	All
			Chief Administrative Officer	(i) to (iv)
	(ii) All Group 'B' (Non-Gazetted) posts other than those specified in item (B).	Chief Administrative Officer	Chief Administrative Officer	All
	(B) Posts in Lower formations under –			
	(i) General Staff Branch	Deputy Chief of Army Staff	Deputy Chief of Army Staff.	All
			Director of Military Intelligence, Director of Military Training, Director of Artillery, Signals Officer-in-Chief, Director of Staff Duties, as the case may be	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(ii) Adjutant-General's Branch	Adjutant-General	Adjutant-General Director of Organisation, Director of Medical Services, Judge Advocate-General, Director of Recruiting, Military and Air Attache, as the case may be	All (i) to (iv)
	(iii) Quarter-Master-General's Branch	Quarter-Master-General	Quarter-Master-General Director concerned holding rank not below brigadier	All (i) to (iv)
	(iv) Master General of Ordnance Branch	Master General of ordnance	Master-General of Ordnance	All
	(v) Engineer-in-Chief Branch	Engineer-in-Chief	Engineer in Chief Chief Engineers of Commands	All (i)to(iv)
	(vi) Naval Headquarters	Chief of Personnel	Chief of Personnel. Flag Officer Commanding-in-Chief in respect of officers in Headquarters Westerns Naval command, Mumbai;	All (i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
			Flag Officer Commanding-in-Chief in respect of officers in Headquarters Eastern Naval Command, Visakhapatnam;	(i) to (iv)
			Flag Officer Commanding-in-Chief in respect of the officers in Headquarters Southern Naval Command, Kochi;	(i) to (iv)
			Commander-in-Chief in respect of officers in Andaman & Nicobar Command, Port Blair;	(i) to (iv)
			Commandant in respect of the officers in Indian Naval Academy, Ezhimala;	(i) to (iv)
			Chief Hydrographer in respect of the officers in Naval Hydrographic Office, Dehradun;	(i) to (iv)
			Programme Director in respect of the officers in Headquarters, Advanced Tactical Vessel Program, New Delhi;	(i) to (iv)
			Admiral Superintendent in respect of the officers in Naval Dockyard, Mumbai;	(i) to (iv)
			Admiral Superintendent in respect of Naval Dockyard, Visakhapatnam;	(i) to (iv)
			Flag Officer Commanding in respect of	(i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	**Penalties (5)**
			officers in Goa Area, Goa;	
			Flag Officer in respect of the officers in Headquarters Karnataka Naval Area (Karwar);	(i) to (iv)
			Admiral Superintendent in respect of the officers in Naval Ship Repair Yard, Kochi;	(i) to (iv)
			Director in respect of the Defence Machinery Development Establishment, Secunderabad;	(i) to (iv)
			Project Director in respect of the officers in Ship Building Centre, Visakhapatnam;	(i) to (iv)
			Chief General Managers in respect of the officers in Naval Armament Depots.	(i) to (iv)
	(vii) Air Headquarters	Air-Officer-in-Charge Personnel, Air Headquarters.	Air-Officer-in-Charge Personnel, Air Headquarters.	All
	(viii) Directorate General, Armed Forces Medical Services	Directorate General, Armed Forces Medical Services	Directorate General, Armed Forces Medical Services	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(ix) Directorate General, National Cadet Corps	Directorate General, National Cadet Corps	Directorate General, National Cadet Corps	All
	(x) Directorate General, Defence Lands and Cantonment.	Directorate General, Defence Lands and Cantonment.	Directorate General, Defence Lands and Cantonment.	All
	(xi) Directorate General, Ordnance Factories.	Directorate General, Ordnance Factories.	Directorate General, Ordnance Factories.	All
	(xii) Directorate General of Inspection.	Directorate General of Inspection.	Directorate General of Inspection.	All
	(xiii) Technical Development and Production (Air) Organization.	Director of Technical Development and Production (Air) Organization.	Director of Technical Development and Production (Air) Organization	All
	(xiv) Defence Research and Development Organisation	Director General, Defence Research and Development Organisation	Director General, Defence Research and Development Organisation Chief Controller, Research and	All (i) to (iv)

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
			Development (Admn.)	
	(xv) Posts in subordinate units of Radar & Communications project Office	Project Director, Radar & Communications Projects Office.	Project Director, Radar & Communications Projects Office.	All
	(xvi) All group 'B' posts in the Headquarters of the Command and other lower formations under Headquarters Integrated Defence Staff.	Deputy Chief of Integrated Defence Staff(Doctrine, Organisation and Training)	Deputy Chief of Integrated Defence Staff (Doctrine, Organisation and Training)	All
2.	Group 'C' and Group 'D' posts:- (A) Posts in- (i) Armed Forces Headquarters	Deputy Chief Administrative Officer for Group 'C' posts. Senior Administrative	Deputy Chief Administrative Officer for Group 'C' posts. Senior Administrative Officer for Group	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
		Officer for Group 'D' posts.	'D' posts.	All
	(ii) All Grade 'C' posts other than (B) (xi) and Grade 'D' posts in Ordnance Factory Board Hqrs. Including Ordnance Factory Cell Ordnance Equipment Factories Hqrs., Hqrs. Of Addl. DGOF/AV and any other Hqrs. Of Addl. DGOF.	Deputy Director-General, Ordnance Factories.	Deputy Director-General, Ordnance Factories.	All
	(B) Posts in lower formations under – (i) General Staff Branch (a) Armoured Corps (except civilian Switch Board Operators) Territorial Army and Defence Security Corps Directorates.	Deputy Chief of Army Staff	Deputy Chief of Army Staff	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(b) Military Intelligence Directorate	Director of Military Intelligence	Director of Military Intelligence	All
	(c) Staff Duties Directorate (i.e., posts in Headquarter formation and Staff offices manned by civilians who are no borne on the strength of any Army/Service/Corps, including conservancy staff, but excluding civilian Switch Board Operators.)	Director of Staff Duties	Director of Staff Duties	
	(d) Military Training Directorate (except Civilian Switch Board Operators).	(1) Director of Military Training (in lower formations commanded by officers of the rank of Brigadier and below).	(1) Director of Military Training (in lower formations commanded by officers of the rank of Brigadier and below).	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
		(2) Commandants of Indian Military Academy and College of Combat	(2) Commandants of Indian Military Academy and College of Combat.	All
	(e) Artillery Directorate	Director of Artillery	Director of Artillery	All
	(f) Signals Directorate (including civilian Switch Board Operators of non-signal units under Armoured Corps, Staff Duties Directorate, and Military Training Directorate now included in the General Staff Branch Common Roster of Civilian Switch Board Operators).	Signal Officer-in-Chief	Signal Officer-in-Chief	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(ii) Adjutant-General's Branch(including all Group 'C' posts in Record Offices of the Army Ordnance Corps, Electrical and Mechanical Engineers and Military Forms Records).	Adjutant-General	Adjutant-General	All
	(iii) Quarter-Master-General's Branch	Quarter-Master-General	Quarter-Master-General	All
	(iv) Master-General of Ordnance's Branch	Director of Ordinances Services for Army, Ordnance Cops Civilian Personnel	Director of Ordinances Services	All
		Director of Electrical and Mechanical Engineering for Electrical and Mechanical Engineering Civilian Personnel.	Director of Electrical and Mechanical Engineering	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(v) Engineer-in-Chief's Branch	Engineer-in-Chief	Engineer-in-Chief	All
	(vi) Naval Headquarters.	Director of Civilian Personnel, Naval Headquarters	Director of Civilian Personnel, Naval Headquarters	All
	(vii) Air Headquarters.	Air Officer Commanding-in Chief of concerned Command	Air Officer Commanding-in Chief of concerned Command	All
	(viii) Directorate General, Armed Forces Medical Services.	Director General, Armed Forces Medical Services.	Director General, Armed Forces Medical Services.	All
	(ix) Directorate General of Inspection	Director General of Inspection	Director General of Inspection	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(x) Directorate General, National Cadet Corps.	Director General, National Cadet Corps.	Director General, National Cadet Corps.	All
	(xi) (a) All Grade 'C' posts of Chargeman, Grade I, Asstt. Store Holder, Asstt. Foreman, Store Holder, Foreman, Principal Foreman, and equivalent posts.	Deputy Director-General, Ordnance Factories	Deputy Director-General, Ordnance Factories	All
	(b) All Grade 'C' posts other than (a) above and Grade 'D' posts in Ordnance Factories, Ordnance Equipment Factories.	General Manager	General Manager	All
	(c) All Grade 'C' posts other than (a) above and Grade 'D' posts in Ordnance Factory Staff College.	Director, Ordnance Factory Staff College.	Director, Ordnance Factory Staff College.	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(xii) Directorate of Military Lands and Cantonments	Director of Military Lands and Cantonments	Director of Military Lands and Cantonments	All
	(xiii) Directorate of Public Relations.	Director of Public Relations.	Director of Public Relations.	All
	(xiv) Defence Research and Development Organisation	Science Adviser to the Minister of Defence and Director General, Defence Research and Development Organisations.	Scientific Adviser to the Minister of Defence and Director General, Defence Research and Development Organisations.	All
	(xv) Directorate of Technical Development and Production (Air).	Director of Technical Development and Production (Air).	Director of Technical Development and Production (Air).	All
	(xvi) Posts under Security Office.	Chief Security Officer, Ministry of Defence.	Chief Security Officer, Ministry of Defence.	All
	(xvii) All Groups 'C' and 'D' posts in subordinate units of Radar and Communications Project Office.	Commanding Officer.	Commanding Officer.	All

Serial Number (1)	Description of service (2)	Appointing Authority (3)	Authority competent to impose penalties and penalties which it may impose (with reference to item numbers in Rule 11)	
			Authority (4)	Penalties (5)
	(xviii) All group 'C' in the, -			
	(a) Headquarters of Andaman and Nicobar Command;	(a) Commander-in-Chief, Andaman and Nicobar Command;	(a) Commander-in-Chief, Andaman and Nicobar Command;	All
	(b) other lower formations under Headquarters Integrated Defence Staff.	(b) Commandants of National Defence Academy;	(b) Commandants of National Defence Academy;	
		Commandants of Defence Services Staff College	Commandants of Defence Dfence Services Staff College;	
		Commandants of College of Defnece Management; and	Commandants of College of Defence Managements; and	
		Commandants of Military Institute of Technolog	Commandants of Military institute of Technology.	

The principal rules were published in the Gazette of India vide notification number S.O. 3703, dated the 20th November, 1965 and subsequently amended vide the following notifications:-

S. No.	Notification No.	Published in Gazette of India vide.	Amendment in Rules.
1.	7/3/66-Ests.(A) dated 06.04.1966	S.O. No. 1149 dated 13.04.1966	Part –II of the Schedule.
2.	7/3/66-Estt.(A) dated 28.05.1966	S.O. No. 1596 dated 04.06.1966	Part –III of the Schedule.
3.	7/9/66-Ests.(A) dated 01.07.1966	S.O. No. 2007 dated 09.07.1966	Rule 9
4.	7/8/66-Ests.(A) dated 27.08.1966	S.O. No. 2648 dated 03.09.1966	Part-I and Part-II of the Schedule.
5.	7/6/66-Ests.(A) dated 22.09.1966	S.O. No. 2854 dated 01.10.1966	Part –II of the Schedule.
6.	7/8/66-Ests.(A) dated 22.09.1966	S.O. No. 2855 dated 01.10.1966	Part –II of the Schedule.
7.	7/2/67-Ests.(A) dated 10.04.1967	S.O. No. 1282 dated 15.04.1967	Part-IV of the Schedule.
8.	7/4/64-Ests.(A) dated 18.04.1967	S.O. No. 1457 dated 29.04.1967	Rule 24
9.	7/4/67-Ests.(A) dated 07.09.1967	S.O. No. 3253 dated 16.09.1967	Part-I and Part-II of the Schedule.
10.	7/9/67-Ests.(A) dated 26.09.1967	S.O. No. 3530 dated 07.10.1967	Part –II of the Schedule.
11.	7/10/67-Ests.(A) dated 14.11.1967	S.O. No.4151 dated 25.11.1967	Part-III of the Schedule.
12.	7/1/67-Ests.(A) dated 29.02.1968	S.O. No. 821 dated 09.03.1968	Rule 10
13.	7/5/68-Ests.(A) dated 23.05.1968	S.O. No. 1870 dated 01.06.1968	Part-II of the Schedule.
14.	7/6/68-Ests.(A) dated 13.09.1968	S.O. No. 3423 dated 28.09.1968	Part-II and Part-III of the Schedule.
15.	7/14/69-Est.(A) dated 19.12.1969	S.O. No. 5008 dated 27.12.1969	Part-I of the Schedule.
16.	7/15/69-Estt.(A) dated 23.01.1970	S.O. No. 397 dated 07.02.1970	Part-III and Part-IV of the Schedule.
17.	7/3/68-Ests.(A) dated 21.08.1971	S.O. No. 3521 dated 25.09.1971	Part-I to Part-V of the Schedule.

18.	7/11/71-Est.(A) dated 29.11.1971	S.O. No. 249 dated 01.01.1972	Rule 2
19.	7/6/72-Ests.(A) dated 05.04.1972	S.O. No. 990 dated 22.04.1972	Rule 3-A
20.	7/3/68-Ests.(A) dated 22.04.1972	S.O. No. 1600 dated 01.07.1972	Part-II of the Schedule.
21.	7/3/68-Estt.(A) dated 03.08.1972	S.O. No. 2789 dated 14.10.1972	Part-II, Part-III and Part-IV of the Schedule.
22.	7/9/72-Ests.(A) dated 21.03.1973	S.O. No 929 dated 31.03.1973	Part-V of the Schedule.
23.	7/3/74-Estt.(A) dated 07.06.1974	S.O. No. 1648 dated 06.07.1974	Part-V of the Schedule.
24.	11012/8/76-Ests.(A) dated 14.07.1976	S.O. No. 2742 dated 31.07.1976	Part-II of the Schedule.
25.	7/4/69-Estt.(A) dated 24.11.1976	S.O. No. 4664 dated 11.12.1976	Rule-14
26.	11012/10/77-Ests.(A) dated 20.09.1977	S.O. No. 3062 dated 08.10.1977	Part-I of the Schedule.
27.	11012/2/76-Estt.(A) dated 01.11.1977	S.O. No. 3573 dated 26.11.1977	Rule 12
28.	11012/12/77-Ests(A) dated 01.11.1977	S.O. No. 3574 dated 26.11.1977	Part-I, Part-II, Part-III and Part-IV of the Schedule.
29.	11012/21/77-Estt.(A) dated 14.11.1977	S.O. No. 3671 dated 03.12.1977	Rule 14
30.	11012/15/77-Estt.A dated 14.08.1978	S.O. No. 2464 dated 02.09.1978	Part-V of the Schedule.
31.	11012/2/77-Estt.A dated 16.08.1978	S.O. No. 2465 dated 02.09.1978	Rule 15
32.	11012/11/1978-Estt.(A) dated 02.03.1979	S.O. No. 920 dated 17.03.1979	Rule 27 and Rule 29
33.	11012/5/80-Ests.(A) dated 09.01.1981	S.O. No. 264 dated 24.01.1981	Part-V of the Schedule.
34.	11012/1/1981-Estt.(A) dated 25.07.1981	S.O. No. 2126 dated 08.08.1981	Part-V of the Schedule.
35.	11012/1/80-Estt.(A) dated 06.08.1981	S.O. No. 2203 dated 22.08.1981	Rule 29
36.	35012/2/80-Ests.(A) dated 07.09.1981	S.O. No. 2512 dated 03.10.1981	Rule 10
37.	11012/3/81-Ests.(A) dated 07.01.1982	S.O. No. 168 dated 23.01.1982	Rule 24
38.	11012/7/82-Estt.(A) dated 25.04.1984	S.O. No. 1535 dated 12.05.1984	Part-I and Part-V of the Schedule.
39.	11012/15/84-Estt.(A) dated 05.07.1985	G.S.R. No. 671 dated 20.07.1985	Rule 23, Rule 29
40.	11012/05/85-Estt.(A) dated 29.07.1985	G.S.R. No. 746 dated 10.08.1985	Part-II and Part-III of the Schedule.
41.	11012/6/85-Estt.(A) dated 06.08.1985	G.S.R. No. 812 dated 31.08.1985	Rule 29 and Rule 29-A

42.	11012/12/85-Estt.(A) dated 06.12.1985	S.O. No. 5637 dated 21.12.1985	Part-I of the Schedule.
43.	11012/8/85-Estt.(A) dated 11.12.1985	S.O. No. 5743 dated 28.12.1985	Part-III of the Schedule
44.	11012/24/85-Estt.(A) dated 26.11.1986	S.O. No. 4089 dated 13.12.1986	Part-I and Part-V of the Schedule.
45.	11012/13/86-Estt.(A) dated 11.03.1987	S.O. No. 830 dated 28.03.1987	Rule 19
46.	11012/12/86-Estt.(A) dated 19.03.1987	S.O. No. 831 dated 28.03.1987	Part-II of the Schedule.
47.	11012/11/86-Ests.(A) dated 10.06.1987	S.O. No. 1591 dated 27.06.1987	Rule 11
48.	11012/3/87-Estt.(A) dated 03.07.1987	S.O. No. 1825 dated 18.07.1987	Part-I to Part-III of the Schedule.
49.	11012/11/88-Estt.(A) dated 29.09.1988	S.O. No. 3060 dated 15.10.1988	Part-II of the Schedule.
50.	11012/10/88-Estts.(A) dated 30.09.1988	S.O. No 3061 dated 15.10.1988	Part-III of the Schedule.
51.	11012/3/89-Ests.(A) dated 21.08.1989	S.O. No. 2207 dated 16.09.1989	Part-I and Part-II of the Schedule.
52.	11012/13/89-Estt.(A) dated 30.03.1990	S.O. No. 1084 dated 28.04.1990	Rule 29 and Part-II of the Schedule.
53.	11012/4/86-Estt.(A) dated 03.08.1990	S.O. No. 2208 dated 25.08.1990	Rule 11
54.	11012/4/86-Estt.(A) dated 26.05.1992	S.O. No. 1481dated 13.06.1992	Rule 11
55.	11012/6/92-Estt.(A) dated 04.06.1992	G.S.R. No. 289 dated 20.06.1992	Rule 14
56.	11012/2/92-Estt.(A) dated 09.12.1992	G.S.R. No 589 dated 26.12.1992	Part-II of the Schedule.
57.	11012/12/90-Estt.(A) dated 22.09.1994	G.S.R. No 499 dated 08.10.1994	Part-III of the Schedule.
58.	11012/4/94-Estt.(A) dated 03.05.1995	G.S.R. No 276 dated 10.06.1995	Rule 15 and Rule 17
59.	11012/8/94-Estt.(A) dated 02.01.1996	G.S.R. No 17 dated 20.01.1996	Rule 14, Rule 22 and Rule 27
60.	11012/3/96-Estt.(A) dated 28.02.1996	G.S.R. No 125 dated 16.03.1996	Part-II of the Schedule.
61.	11012/3/96-Estt.(A) dated 18.09.1996	G.S.R. No 417 dated 05.10.1996	Part-II of the Schedule.
62.	11012/2/2000-Estt.(A) dated 11.10.2000	G.S.R. No. 420 dated 28.10.2000	Rule 11
63.	11012/10/2000-Estt.(A) dated 30.03.2001	G.S.R. No 211 dated 14.04.2001	Part-II, Part-III and Part-IV of the Schedule.

64.	11012/10/2000-Estt.(A) dated 13.02.2002	G.S.R. No. 60 dated 23.02.2002	Part II and Part IV of the Schedule.
65.	11012/4/2003-Estt.(A) dated 23.12.2003	G.S.R. No. 2 dated 03.01.2004	Rule 10
66.	11012/4/2003-Estt.(A) dated 02.04.2004	G.S.R. No. 249(E) dated 02.04.2004	Rule 10
67.	11012/4/2003-Estt.(A) dated 29.03.2004	G.S.R. No. 113 dated 10.04.2004	Rule 10
68.	11012/5/2001-Estt.(A) dated 01.07.2004	G.S.R. No. 225 dated 10.07.2004	Rule 14
69.	11012/5/2003-Estt.(A) dated 23.08.2004	G.S.R. No. 287 dated 28.08.2004	Rule 11
70.	11012/4/2003-Estt.(A) dated 04.11.2004	G.S.R. 384 dated 13.11.2004	Rule 10
71.	11012/10/2004-Estt.(A) dated 20.12.2004	G.S.R. No. 1 dated 01.01.2005	Part-I and Part-II of the Schedule.
72.	11012/10/2004-Estt.(A) dated 11.07.2005	G.S.R. No. 246 dated 23.07.2005	Part-II of the Schedule.
73.	11012/4/2003-Estt.(A) dated 06.06.2007	G.S.R. No. 105 dated 16.06.2007	Rule 10
74.	11012/10/2004-Estt.(A) dated 18.03.2008	G.S.R. No. 49 dated 29.03.2008	Part-II of the Schedule.
75.	11012/8/2008-Estt.(A) dated 29.01.2009	G.S.R. No. 12 dated 07.02.2009	Part-V of the Schedule.
76.	11012/3/2009-Estt.(A) dated 17.07.2009	S.O.No 1762(E) dated 16.07.2009	Part-V of the Schedule.
77.	11012/2/2005-Estt.(A) dated 02.02.2010	G.S.R. No. 55(E) dated 02.02.2010	Rule 11
78.	11012/2/2005-Estt.(A) dated 10.12.2011	G.S.R. No. 877(E) dated 05.12.2011	Rule 14
79.	11012/8/2011-Estt.(A) dated 31.10.2014	G.S.R. No. 769(E) dated 31.10.2014	Rule 15, Rule 16, Rule 17, Rule 19, Rule 27 Rule 29, Rule 29-A, Rule 32
80.	11013/2/2014-Estt.(A) dated 19.11.2014	G.S.R. No. 822(E) dated 19.11.2014	Rule 11

81.	11012/9/2016-Estt.(A) dated 02.06.2017	G.S.R. No. 548(E) dated 02.06.2017	Rule 14, Rule 16, Rule 19, Rule 27, Rule 29, Rule 29-A
82.	11012/01/2016-Estt.(A-III) dated 12.09.2017	S.O. No. 2167 dated 16.09.2017	Part-V of the Schedule.
83.	11012/3/2009-Estt.(A-III) dated 08.03.2018	G.S.R. No. 216(E) dated 08.03.2018	Part-V of the Schedule.

18.2 Annexure – Reservation

(Updated on 14.10.2022)

F.No.36011/1/2022-Estt.(Res-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training Establishment
Estt (Reservation) Division

COMPENDIUM OF INSTRUCTIONS ON RESERVATION IN APPOINTMENTS IN POSTS/SERVICES IN THE CENTRAL GOVERNMENT

Establishment (Reservation) Division of the Department of Personnel and Training has issued various instructions, from time to time, regarding reservation in appointments to posts and services under the Central Government, and concessions/relaxations extended to the persons belonging to Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), Persons with Disabilities (PwDs), Economically Weaker Sections (EWSs) and Ex-servicemen. With a view to facilitating easy accessibility and clear understanding of these rules on reservation/concessions/relaxations, the relevant instructions on the subject (except Ex-servicemen) have been consolidated, as under:

1. PROVISIONS RELATING TO SCs, STs AND OBCs

A. RESERVATION IN DIRECT RECRUITMENT AND PROMOTION

1. Reservation in Direct Recruitment (in open competition and otherwise than by open competition)

Reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 15%, 7.5% and 27%, respectively, in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition.

In the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition, reservation is provided to the members of the Scheduled Castes, Scheduled Tribes and Other Backward Classes @ 16.66%, 7.5% and 25.84% , respectively.

No. 36011/33/1981-Estt.(SCT) dated 5/10/1981
No. 36012/22/93-Estt.(SCT) dated 8/09/1993
No. 36012/22/93-Estt.(SCT) dated 22/10/1993
No. 36012/2/1996 Estt (Res) dated 2/07/1997

2. Reservation in Direct Recruitment in Group C&D attracting local candidates

Reservation for the Scheduled Castes and Scheduled Tribes in case of direct recruitment to Group C and Group D posts, normally attracting candidates from a locality or a region, was fixed on the basis of proportion of their population in the respective States/UTs, vide OMs, dated 5.7.2005, 4.7.2007, as under:

Sl.No.	Name of the State/UT	Percentage of Reservation		
		Scheduled Castes	Scheduled Tribes	Other Backward Classes
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02	Arunachal Pradesh	1	45	0
03	Assam	7	12	27
04	Bihar	16	1	27
05	Chhattisgarh	12	32	6
06	Goa	2	12	18
07	Gujarat	7	15	27
08	Haryana	19	0	27
09	Himachal Pradesh	25	4	20
10	Jammu & Kashmir	8	11	27
11	Jharkhand	12	26	12
12	Karnataka	16	7	27
13	Kerala	10	1	27
14	Madhya Pradesh	15	20	15
15	Maharashtra	10	9	27
16	Manipur	3	34	13
17	Meghalaya	1	44	5
18	Mizoram	0	45	5
19	Nagaland	0	45	0
20	Orissa	16	22	12
21	Punjab	29	0	21
22	Rajasthan	17	13	20
23	Sikkim	5	21	24
24	Tamil Nadu	19	1	27
25	Tripura	17	31	2
26	Uttaranchal	18	3	13
27	Uttar Pradesh	21	1	27
28	West Bengal	23	5	22

29	**Andaman & Nicobar Islands**	**0**	**8**	**27**
30	**Chandigarh**	**18**	**0**	**27**
31	**Dadra & Nagar Haveli**	**2**	**43**	**5**
32	**Daman & Diu**	**3**	**9**	**27**
33	**Delhi**	**15**	**7.5**	**27**
34	**Lakshadweep**	**0**	**45**	**0**
35	**Pondicherry**	**16**	**0**	**27**

(OM.No. 36017/1/2004-Estt(Res) dated 5/07/2005)
(OM No. 36017/1/2007-Estt(Res) dated 4/07/2007)

Note : The expression 'by open competition' means all recruitments by Union Public Service Commission (UPSC), whether through written examination or by interview or by both; and recruitments made by other authorities, including Staff Selection Commission, or any other appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the UPSC or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

(OM No. 36034/2/2013-Estt(Res) dated 8/04/2013)

3. Exclusion of Creamy Layer from amongst OBCs:

Members of the Other Backward Classes, who fall in creamy layer, shall not get the benefit of reservation. Criterion for determining creamy layer status amongst Other Backward Classes is, as under:

CRITERION FOR DETERMINING CREAMY LAYER

[O.M.No.36012/22/93-Estt(SCT) dated 08/09/1993 as amended from time to time]

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	Son(s) and daughter(s) of a. President of India; b. Vice President of India; c. Judges of the Supreme Court and of the High Courts; d. Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; e. Persons holding Constitutional

		positions of like nature.
II.	SERVICE CATEGORY A. Group A / Class I officers of the All India Central and State Services (Direct Recruits)	Sons(s) and daughter(s) of a. parents, both of whom are Class I officers; b. parents, either of whom is a Class I officer; c. parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. d. Parents, either of whom is a Class I officers and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. e. Parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years. Provided that the rule of exclusion shall not apply in the following cases: a. Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies / die or suffer permanent incapacitation. b. A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for a job.
	B. Group B/Class II officers of the Central & State Services (Direct Recruitment)	Son(s) and daughter(s) of a. Parents both of whom are Class II officers. b. parents of whom only the husband is a Class II officers and he gets into Class I at the age of 40 or earlier. c. Parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation; d. Parents of whom the husband is a

		Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officers and the wife dies; or suffers permanent incapacitation; and e. Parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation Provided that the rule of exclusion shall not apply in the following cases: Sons and daughters of a. Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation. b. Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.
	C. Employees in Public Sector Undertakings etc.	The criteria enumerated in A&B above in this Category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.
III.	ARMED FORCES INCLUDING PARAMILITARY FORCES (Persons holding civil posts are not included)	Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces; Provided that :- i. If the wife of an Armed Forces Officers is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; ii. The service ranks below Colonel of husband and wife shall not be clubbed together; (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No.II in which case the

		criteria and conditions enumerated therein will apply to her independently.
IV	PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY I. Persons, engaged in profession as a 'doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status. II. Persons engaged in trade, business and industry.	Criteria specified against Category VI will apply:- Criteria specified against Category VI will apply: Explanation: i. Where the husband is in some profession and the wife is in Class II or lower grade employment, the income / wealth test will apply only on the basis of the husband's income. ii. If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income / wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.
V.	PROPERTY OWNERS A. Agricultural holdings	Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns a. Only irrigated land which is equal to or more than 85% of the statutory area, or b. Both irrigated and unirrigated land, as follows:- i. The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by

		excluding the unirrigated portion). If this pre condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur. ii. The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.
	B. Plantations i. Coffee, tea, rubber, etc. ii. Mango, citrus, apply plantations etc.	Criteria of income / wealth specified in Category VI below will apply. Deemed as agricultural holding and hence criteria at A above under this Category will apply.
	C. Vacant land and / or buildings in urban areas or urban agglomerations	Criteria specified in Category VI below will apply. Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.
VI.	INCOME / WEALTH TEST	Son(s) and daughter(s) of a. Persons having gross annual income of Rs. 8 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years b. Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income / wealth criteria mentioned in (a) above. Explanation: i. Income from salaries or agricultural land shall not be clubbed; ii. The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the

		interregnum may be less.

Further, a clarificatory letter dated 14.10.2004 addressed to the Secretaries of all States/UTs with regard to the aforesaid OM dated 8.9.1993 was also issued.

No. 36012/22/93-Estt.(SCT) dated 8.9.1993
Letter No. 36033/5/2004-Estt (Res.) dated 14/10/2004
No. 36033/1/2013-Estt (Res.) dated 13/09/2017

4 Establishment of equivalence of posts in respect of employees of PSUs, Banks, PSICs and PFIs

Department of Public Enterprises (DPE) and Department of Financial Services (DFS) vide OM dated 25.10.2017 and 06.12.2017 respectively have issued guidelines establishing equivalence of the posts in Central Public Sector Enterprises (CPSEs), Public Sector Banks (PSBs), Public Sector Insurance Companies (PSICs) and Public Financial Institutions (PFIs) vis-à-vis posts in Central Government, which have been have been circulated by DoPTto the Chief Secretaries of all States/ Union Territories vide OM No. 36033/2/2018-Estt.(Res.) dated 08.06.2018.

No. 36033/2/2018-Estt.(Res.) dated 08/06/2018

5. Reservation in Promotion

Reservation is provided at 15% and 7.5% to Scheduled Castes and the Scheduled Tribes, respectively, (i) in promotions through Limited Departmental Competitive Examination in Group B, C & D (ii) in promotion by selection in Group B, C & D and from Group B to the lowest rung of Group A and (iii) in promotion on the basis of Seniority subject to fitness in all Groups i.e. Group A, B, C & D (in all these cases). Reservation in posts by promotion, as indicated above, should be made applicable to all grades or services, in which the element of direct recruitment, if any, does not exceed 75%.

No. 36012/17/88-Estt.(SCT) dated 25/04/1989

6. Spirit of O.M., dated 12.04.2022, regarding Reservation in Promotion

In pursuance of the Hon'ble Supreme Court judgement, dated 28.1.2022, in *Jarnail Singh* batch of cases, an OM, dated 12.4.2022, has been issued, as per the opinion of Ld. Attorney General, which mandates the Ministries/Departments to satisfy certain condition before implementing the policy of reservation in promotions. These conditions, *inter alia*, are as follows:

(i) Collection of quantifiable data regarding inadequacy of representation of SCs and STs; (ii) Application of this data to each cadre separately;(iii) Maintenance of reservation roster, as per DoPT OM, dated 2.7.1997;(iv) DPC to carefully assess the suitability of officers being considered for promotion to ensure

administrative efficiency; (v) The Appointing Authority to ensure that all the conditions laid down in the OM, dated 12.4.2022, are complied with before issuing any promotion order. Since the *Jarnail Singh* batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

(OM No.36012/16/2019-Estt. (Res.) dated 12.4.2022)

B. SCOPE OF RESERVATION

1. Reservation in Scientific and Technical Posts

Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments made to "scientific and technical" posts up to and including the lowest grade of Group A in the respective services.

Such 'scientific and technical' posts as satisfy all the following conditions, can be exempted from the purview of the reservation orders by the Ministries/Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.
(ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) [**O.M. No. 85/11/CF-61(1) dated 28-12-1961**] according to which scientific and technical posts for which qualification in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.
(iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservation.

Reservation, however, is not applicable to the posts available in the Department of Space & Department of Electronics and with regard to recruitment of trainees to the training school of the Department of Atomic Energy. In respect of them, the orders prior to 1975 will continue to apply.

In the case of scientific and technical posts required for research up to and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders, reservation should be provided for Scheduled Castes, Scheduled Tribes and Other Backward Classes as per the scheme of reservations, except that:

i. reserved vacancies in such posts need be advertised only once and not twice;
ii. In the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies in such posts may be de-reserved by the administrative Ministry/Department

concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the de-reservation together with the details and reasons necessitating de-reservation.

[**O.M.No.9/2/73-Estt(SCT) dated 23/06/1975**]

[**O.M.No.36012/27/1994-Estt(SCT) dated 13/05/1994**]

2. Reservation in Posts of Industrial Workers

The industrial establishments of the Government of India and the posts and grades in such establishments, whether these have been classified as group A, B, C and D or not, are covered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

[**O.M.No.8/7/1974-Estt.(SCT) dated 22/08/1975**]

3. Reservation in Work-Charged Posts

The principle of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes should generally be suitably applied to the extent possible, to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc. The percentages of reservation in such appointments may correspond to what is applicable to Group C and Group D posts.

[**O.M.No.36021/9/1976-Estt.(SCT) dated 10/02/1977**]

4. Reservation in Appointments of Daily Rated Staff

While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are recruited in such manner as their overall representation does not go below the prescribed percentage of reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively.

[**O.M.No.36011/18/81-Estt.(SCT) dated 16/07/1981**]

5. Reservation in Ad-hoc Promotions

As a matter of basic approach, ad-hoc promotions should be avoided. However, if ad-hoc promotions are to be made in exceptional circumstances, such as during pendency of court cases, protracted seniority disputes, non-

framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authority etc., following guidelines may be followed on every occasion when ad-hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes and Scheduled Tribes are also duly considered:

i. In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.
ii. Since ad-hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad-hoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on ad-hoc basis.
iii. If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad-hoc appointment.
iv. All ad-hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad-hoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.
v. There is no need for maintaining any separate formal register or roster register for ad-hoc promotions. The concept of de-reservation, carrying forward of reservation etc. will also not be applicable in the case of ad-hoc appointments. However, a simple register called Ad-hoc Promotions Register may be maintained for different categories of posts for which ad-hoc appointments are made to facilitate a record being kept of the ad-hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

[No. 36011/14/83-Estt.(SCT) dated 30/04/1983]
[O.M.No.36012/27/2000-Estt.(Res) 15/03/2002]

6. Reservation in case of a Single Vacancy

The concept of reservation in single vacancy has been clarified vide OM No. 1/9/74-Estt. SCT dated 29.4.1975. The OM dated 29.4.1975 provides that in cases where only one vacancy occurs in the initial recruitment year and the corresponding roster point happens to be for a Scheduled Caste and Scheduled Tribes, it should be treated as unreserved and filled accordingly and the reservation carried forward to subsequent three recruitment years. In the subsequent year(s), even if there is only one vacancy, it should be treated as "Reserved" against the carried-forward reservation form the initial recruitment year and a Scheduled Caste/Scheduled Tribes candidate, if available, should be appointed against that vacancy, although it may happen to be the only vacancy

in that recruitment year(s). For instance, if a single vacancy arises in the initial recruitment year 1975, and it falls at a reserved point in the roster, it will be treated as 'unreserved' and filled accordingly in that year but the reservation would be carried-forward to subsequent recruitment year(s). In the first subsequent year, i.e. 1976, if, again a single vacancy occurs, then it should be treated as reserved against the reservation carried-forward from 1975, and a Scheduled Caste/Scheduled Tribes candidate, as the case may be, should be appointed against that vacancy, in spite of the fact that the vacancy happens to be the only vacancy in that recruitment year. In the event of a Scheduled Caste/Scheduled Tribes candidate not being available to fill the reserved vacancy in 1976, the reservation would be further carried-forward to 1977 and 1978, when also a single vacancy, if any, arising in those years should be treated as "reserved" against the carried-forward reservation, whereafter, the reservation will lapse. The year in which no vacancy arises will be ignored for counting the effective years towards the period of carry-forward.

If a single vacancy falls at a reserved point for SC/ST and is filled by SC/ST candidate on the basis of own merit or seniority, it need not be treated as unreserved and reservation should not be carried forward. Further, if a single vacancy falls at a reserved point for SC/ST and is filled by a candidate of the other reserved community on the basis of his own merit or seniority, as the case may be, the vacancies will be treated as unreserved and treated as if it is filled by a general category candidate and the vacancy shall also be carried forward.

[1/9/74Estt.(SCT) dated 29/04/1975]
[36011/39/81-Estt.(SCT) dated 30/11/1981]

NOTE: For dereservation of vacancy, instructions issued vide OM No. 3602012/2007-Estt(Res) dated 7/12/2009 may be referred, which was issued after 2.7.1997 when the instructions for introduction of post based reservation roster was issued vide OM No. 36012/2/96-Estt (Res.) dated 02/07/1997

7. Reservation in PSUs, Autonomous Bodies etc

Instructions contained in this Compendium relate to reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in posts/services under the Government of India. The Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions, including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in services under Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings, through the administrative Ministries concerned for making reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services. The Ministries/Departments should take suitable action to provide for reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies.

[O.M.No.39/40/74(SCT)(I) dated 30/09/1974]

8. Reservation in Voluntary Agencies

The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in the table under in case of direct recruitment to posts normally attracting candidates from a locality or region where:

a. The recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and
b. The body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2lakh and above from the Consolidated Fund of India.

A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organizations etc. are given grants-in-aid by Government, somewhat on the following lines:

> ".....(Name of Organization/ Agency etc.) agrees to make reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts/services under its control on the lines indicated by the Government of India."

While sanctioning grants-in-aid to various voluntary agencies the progress made by such agencies in employing Scheduled Caste, Scheduled Tribe and Other Backward Class candidates in their services should be kept in view by the administrative Ministries/Departments. The voluntary agencies etc. should be informed that the progress in respect to the employment by them of Scheduled Castes, Scheduled Tribes and OBCs in the services under them would be taken into account by Government while sanctioning future grants-in-aid to them.

[O.M.No.27/12/73-Estt.SCT) dated 7/10/1974]

9. Reservation in temporary appointments lasting for 45 days or more

There shall be reservation for Scheduled Caste/Scheduled Tribe/ Other Backward Class candidates in temporary appointments which are to last for 45 days or more.

[27/4/67(II)-Estt.(SCT) dated 24/09/1968]
[36036/3/2018-Estt.(Res.) dated 15/05/2018]

C. RELAXATIONS AND CONCESSIONS

1. Concession in Promotions within Group A

There is no reservation in case of promotion by 'selection' from a Group A post to another Group A post. But when promotion by 'selection' is made from a Group A post to a Group A post carrying Grade pay of Rs.8700/- or less, the Scheduled Caste and Scheduled Tribe Officers, who are senior enough in the zone of consideration for promotion so as to be within the number of vacancies for which the select list has to be drawn up, would be included in that list, provided they are not considered unfit for promotion. Their position in the select list would, however, be same as assigned to them by the Departmental Promotion Committee on the basis of their record of service.

[O.M No. 36028/8/2009-Estt(Res) dt.7/06/2013]

2. Consideration for Appointment by Deputation and Absorption

Reservations do not apply to posts filled by deputation or absorption, but whenever a Ministry/Department/Attached Office/Subordinate Office etc. proposes to depute, in public interest, officers serving under them, to a post in or under another Ministry/Department etc., the Scheduled Caste/Scheduled Tribe employees serving under them, who are eligible to be sent on deputation should also be considered, along with other eligible employees for such deputation. The Ministries/Departments, under whose control the posts to be filled by deputation or absorption arise, should also, while selecting persons for such post(s), duly consider the cases of eligible Scheduled Caste and Scheduled Tribe employees whose names have been forwarded, for appointment on deputation or absorption to those posts. Where the number of posts to be filled on deputation or absorption by any employing Ministry or Office is fairly substantial, the employing Ministry/Head of Office concerned should endeavor to see that a fair proportion of such posts is filled by employees belonging to Scheduled Castes/Scheduled Tribes, subject of course, to availability, from the feeder categories, of qualified persons belonging to these communities.

[DP&AR OM No. 36021/6/75-Estt(SCT), dt. 9/10/1975]
[DP&AR O.M No36012/7/77-Estt (SCT) dt. 21/01/1978]

3. Age Relaxation in Direct Recruitment

The maximum age-limit prescribed for direct recruitment to a service or post shall be increased by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes and by 3 years in the case of candidates belonging to OBCs.

[MHA No.15/1/55-SCT dt.30/04/1955]
[OM No. 43013/2/95-Estt(SCT), dt. 25/01/1995]

4. Age Relaxation in Promotion

Where an upper age-limit not exceeding 50 years is prescribed for promotion to a service/post, it shall be relaxed by 5 years in the case of candidates belonging to Scheduled Castes and Scheduled Tribes. This, however, would not apply to posts which have arduous field duties or are meant for operational safety and to posts in para-Military Organizations.

[O.M No. 21/9/70-Estt(SCT), dt.8/12/1971]

5. Concession in Fee

The candidates belonging to Scheduled Castes and Scheduled Tribes will not be required to pay any fees for admission to any recruitment examination/selection.

[O.M No. 36011/3/84-Estt(SCT) dt. 1/07/1985]

6. Relaxation of Experience Qualification for SCs and STs in Direct Recruitment

Where some period of experience is prescribed as an essential qualification for direct recruitment to a post, and where, in the opinion of the Ministry/Department concerned, the relaxation of the experience qualification will not be inconsistent with efficiency, a provision should be inserted under the 'Essential Qualification' in the relevant Recruitment Rules as at (a) or (b) below to enable the Union Public Service Commission/competent authority to relax the 'experience' qualification in the case of Scheduled Caste/Scheduled Tribe candidates in the circumstances mentioned in the provisions:-

a. Where the post is filled by direct recruitment through the Union Public Service Commission, the provision to be inserted will be:

> "The qualification regarding experience is relaxable at the discretion of the Union Public Service Commission in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection, the Union Public Service Commission is of the opinion that sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

b. Where the post is filled by direct recruitment otherwise than through the Union Public Service Commission, the provision to be inserted will be:

> "The qualification regarding experience is relaxable at the discretion of the competent authority in the case of candidates belonging to the Scheduled Castes or Scheduled Tribes, if at any stage of selection the competent authority is of the opinion that

sufficient number of candidates from these communities possessing the requisite experience are not likely to be available to fill up the vacancies reserved for them. The appointing authority shall record the reasons for relaxing the qualifications regarding experience in writing while doing so."

When any vacancies reserved for Scheduled Castes and Scheduled Tribes are advertised or intimated to the Employment Exchange, it should be specifically mentioned in the advertisement/requisition that the period of experience prescribed is relaxable, at the discretion of the Union Public Service Commission or the competent authority, as the case may be, in the case of Scheduled Caste/Scheduled Tribe candidates as provided in the Recruitment Rules. This is intended to ensure that the aspirants who may fall slightly short of the requisite experience may know about the possibility of relaxation in their regard.

[DP&AR O.M No.27/10/71-Estt (SCT) dt. 5/09/1975]

7. Relaxation of Standard of Suitability in Direct Recruitment

In direct recruitment whether by examination or otherwise, if sufficient number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to these communities should be selected to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. Thus, to the extent the number of vacancies reserved for Scheduled Castes, Scheduled Tribes and Other Backward Classes cannot be filled on the basis of general standard, candidates belonging to these communities will be taken by relaxed standard to make up the deficiency in the reserved quota, subject to the fitness of these candidates for appointment to the post/posts in question.

[MHA O.M No. 1/1/70-Estt (SCT), 25/07/1970]

In addition to the concession referred to above, in cases where the requisite number of Scheduled Caste/Scheduled Tribe/Other Backward Class candidates fulfilling even the relaxed standards admissible in their cases are not available to fill the vacancies reserved for them in non-technical and quasi-technical Group C and D services/posts required to be filled by direct recruitment otherwise than by written examination, the selecting authorities should, to the extent of the vacancies reserved for Scheduled Castes/Scheduled Tribe/Other Backward Class, select for appointment the best among the Scheduled Caste/Scheduled Tribe/Other Backward Class candidates who fulfill the minimum educational qualifications laid down in the notice for recruitment of advertisement. In order to bring such candidates to the minimum standard necessary for the posts and for the maintenance of efficiency of administration, they should be given in-service training. The in-service training will be provided by the appointing authorities within their own offices. Such candidates will, on their appointment, be placed on probation and the rules/orders regarding probation will apply to them.

Ministries /Departments should instruct all authorities under them to prepare a list of non-technical and quasi-technical posts in Group C and D to which the provisions given above apply. While notifying vacancies in such posts

or advertising them, it should be indicated that the posts are non-technical in Group C and D.

(O.M.No 24/7/67(I)-Estt.(SCT) dated 24/09/1968)

8. No Relaxation in Educational Qualification

Where an educational qualification has been prescribed in the recruitment rules, all candidates including the SC, ST and OBC candidates shall satisfy the said qualification. Sometimes, a minimum number of marks or a minimum grade is prescribed as part of the educational qualification in the recruitment rules. In such cases, the minimum marks/grade so prescribed shall uniformly apply to all candidates including SC, ST and OBC candidates.

[OM No. 36011/8/84-Estt(SCT) dt. 29/05/1985]

9. Relaxation of Standards in Departmental Competitive / Qualifying Examinations

If in case of promotions made through departmental competitive examinations, sufficient number of Schedule Caste / Scheduled Tribe candidates are not available on the basis of general standard to fill all the vacancies reserved for them, Scheduled Caste/Scheduled Tribe candidates who have not acquired the general qualifying standard can also be considered for promotion to fill up the remaining vacancies reserved for them provided they are not found unfit for such promotions. In other words, the qualifying standard in such examinations can be relaxed in favor of Scheduled Caste and Scheduled Tribe candidates if sufficient number of Scheduled Caste/Scheduled Tribe candidates is not available on the basis of general standard to fill all the vacancies reserved for them.

In promotions made on the basis of seniority subject to fitness in which there is reservation for Scheduled Castes and Scheduled Tribes and where a qualifying examination is held to determine the fitness of candidates for such promotion, suitable relaxation in the qualifying standard in such examination should be made in the case of Scheduled Caste/Scheduled Tribe candidates. Similar relaxation of standard should be made in favor of Scheduled Caste/Scheduled Tribe candidates in such departmental qualifying examinations for promotions also, where promotion is made by selection and merit is determined by qualifying examination out of the qualified candidates. The extent of relaxation in above cases should be decided on each occasion whenever such an examination is held taking into account all relevant factors including (i) the number of vacancies reserved, (ii) the performance of Scheduled Caste/Scheduled Tribe candidates as well as general candidates in that examination, (iii) the minimum standard of fitness for appointment to the post, and also (iv) the overall strength of the cadre and that of the Scheduled Castes and Scheduled Tribes in that cadre.

[DP&AR O.M No. 36021/10/76-Estt(SCT), 21/01/1977]

D. RESERVATION ROSTER, GROUPING OF POSTS, OWN MERIT APPOINTMENT AND COMPASSIONATE APPOINTMENT

1. Post based reservation roster

In '*R. K. Sabharwal And Ors vs State Of Punjab And Ors*', Hon'ble Supreme Court, considered the legal/constitutional validity of the reservation policy, applicable in the matter of promotion of the officers of Engineering cadre in the Irrigation Department of the State of Punjab. Vide its judgement dated 10.2.1995, Hon'ble Supreme Court held, "*When a percentage of reservation is fixed in respect of a particular cadre and the roster indicates the reserve points, it has to be taken that the posts shown at the reserve points are to be filled from amongst the members of reserve categories and the candidates belonging to the general category are not entitled to be considered for the reserve posts. On the other hand the reserve category candidates can compete for the non-reserve posts and in the event of their appointment to the said posts their number cannot be added and taken into consideration for working out the percentage of reservation.*" The Hon'ble Court further held, "*When all the roster-points in a cadre are filled the required percentage of reservation is achieved. Once the total cadre has full representation of the Scheduled Casts/Tribes and Backward Classes in accordance with the reservation policy then the vacancies arising thereafter in the cadre are to be filled from amongst the category of persons to whom the respective vacancies belong*". In pursuance of the aforesaid judgement, DoPT, vide its OM, dated 2.7.1997, has laid down detailed guidelines for maintenance and operation of the post-based reservation roster and also prescribed model reservation rosters. The broad principles to be followed for operation of the rosters are as under:

i. The vacancy-based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentage of reservation. Thereafter, the vacancy based rosters cannot operate and vacancies released by retirement, resignation, promotion etc. of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category (i.e. post based reservation roster) so that the prescribed percentage of reservation is maintained.
ii. Rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.
iii. There should be separate rosters for direct recruitment and promotion where reservation in promotion applies.
iv. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitment rules.
v. Whenever there is any increase or decrease in the cadre strength, the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in recruitment rules which affects the proportion of posts to be filled by a particular mode of recruitment

vi. While operating the roster, persons belonging to communities for whom reservation has been made, but who are appointed on merit and not owing to reservation should not be shown against reserved points. They will occupy the unreserved points.

vii. In the case of small cadres (up to 13 posts) all the posts shall be earmarked on the same pattern as in the model post-based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontally against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring as a result of rotation will be skipped.

However, for detailed instructions, O.M.No.36012/2/96-Estt.(Res.) dated 2/07/1997, may be referred.

2. Manner of filling up of the reserved vacancies

While filling up of vacancies in a year, efforts shall be made to make up the shortfall of reservation for all the three categories, namely, SCs, STs and OBCs subject, however, to the condition that total number of vacancies reserved for SCs, STs and OBCs is not more than 50% of the vacancies of the year.

The ceiling of 50% reservation on filling of reserved vacancies would apply only to the vacancies which arise in the current year and the backlog reserved vacancies of SCs, STs and OBCs in case of direct recruitment and backlog reserved vacancies of SCs and STs in case of promotion of earlier years, would be treated as a separate and distinct group, and would not be considered together with the reserved vacancies of the year in which they are filled for determining the ceiling of 50% reservation on total number of vacancies of that year.

However, backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters **(OM No. 36012/5/97-Estt (Res.) (Vol.II) dated 20.7.2000)**.

Note 1: **Shortfall of reservation** of a particular reserved category in a cadre means the difference between the 'total number of reserved posts for that category in the cadre' and 'the number of persons of that category appointed by reservation and holding the posts in the cadre'.

Note 2: Backlog **reserved vacancies** of a category are those vacancies which were earmarked reserved for that category in an earlier recruitment year(s) but remained unfilled in the previous recruitment attempt(s) on account of non availability of suitable candidates belonging to that category and are still lying unfilled.

Given below is an illustration which would clarify the method of earmarking reservation for SCs, STs, and OBCs. Since backlog does not apply to EWS, the EWS category is not finding mention in this example.

i. There is a cadre having a total number of 1000 posts which are filled by direct recruitment on all India basis by open competition. The number of SC, ST and OBC employees appointed by reservation in the cadre should ideally be 150, 75 and 270 respectively when all the posts are filled.

ii. Suppose all the 1000 posts stood filled in the year 2006 but the number of SC, ST and OBC employees appointed by reservation was 130, 75 and 100 respectively. There was, thus, a shortfall of 20 SCs and 170 OBCs in the cadre in that year.

iii. Suppose 200 vacancies occurred in the cadre in the recruitment year 2007, of which 20 were vacated by SCs, 10 by STs and rest by unreserved category candidates. After vacation of these posts, shortfall of SCs, STs and OBCs in the cadre became 40, 10 and 170 respectively. Though there was a big shortfall of SCs, STs and OBCs in the cadre, only 100 of these vacancies could be earmarked reserved because all the 200 vacancies were current vacancies and limit of 50% on reservation in a year would apply on these vacancies.

iv. Shortfall of SCs and OBCs was more than 15% and 27% respectively of the current vacancies. Therefore, 15% of the current vacancies were straightway earmarked reserved for SCs and 27% for OBCs i.e. 30 vacancies were earmarked reserved for SCs and 54 for the OBCs. Shortfall of STs was 10 which is less than 7.5% of total vacancies. Therefore, only 10 vacancies were earmarked reserved for STs. Applying the above principle, 94 vacancies were earmarked reserved. This left room for 6 {100-(30+54+10)} more vacancies to be earmarked reserved to make up the shortfall. These 6 vacancies were apportioned between SCs and OBCs in the ratio of percentage of reservation prescribed for these categories viz. 15: 27, i.e. 2 for SCs and 4 for OBCs (fractions rounded off to the nearest whole number). However, while making such distribution, it has to be kept in view that the number of vacancies earmarked reserved for any category is not more than the shortfall of that category. Thus, final earmarking of reservation in respect of the vacancies for the year 2007 was 32 for SCs, 10 for STs and 58 for OBCs.

v. Suppose only 20 SC candidates, 5 ST candidates and 50 OBC candidates could be appointed in the recruitment year 2007 against the vacancies reserved for them. Thus, 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved could not be filled and remained vacant. These 12 vacancies of SCs, 5 vacancies of STs and 8 vacancies of OBCs which were earmarked reserved but remained vacant in the recruitment attempt will be treated as backlog reserved vacancies for the subsequent recruitment year. After the recruitment process for the year 2007 was over, total number of posts filled was 975, of which 130, 70 and 150 were held respectively by SCs, STs and OBCs. It may be noted that shortfall of reservation of SCs, STs and OBCs at this stage was 20, 5 and 120 respectively. However, number of backlog reserved vacancies of SCs, STs and OBCs was 12, 5 and 8 respectively.

vi. Suppose 200 vacancies occurred in the recruitment year 2008 of which 20 were vacated by SCs, 10 by STs and 20 by OBCs. At this stage shortfall of SCs, STs and OBCs was 40, 15 and 140 respectively. Total vacancies in the year were 200+12+5+8=225, of which 200 were current vacancies and 25 backlog vacancies. While earmarking reservation, 25 backlog reserved vacancies of SCs, STs and OBCs will be treated as a separate and distinct group and will be kept reserved-12 for SCs, 5 for STs and 8 for OBCs. Of the 200 current vacancies, not more than 100 can be earmarked reserved. By applying the same principles as in the year 2007, out of 200 current vacancies, 28 were earmarked reserved for SCs,10 for STs and 62 for

OBCs. Thus the number of vacancies reserved for SCs, STs and OBCs in the recruitment year 2008, including the backlog reserved vacancies, were 40, 15 and 70 respectively. If only 35 SCs, 12 STs and 50 OBCs become available to fill up the reserved vacancies, 5 vacancies of SCs, 3 vacancies of STs and 20 vacancies of OBCs will be kept vacant and will be treated as backlog reserved vacancies for the subsequent recruitment year.

(O.M.No.36033/1/2008-Estt.(Res.) dated 15/07/2008)
(OM No. 36012/5/97-Estt (Res.) (Vol.II) dated 20/07/2000)

3. Non- permissibility of exchange of reservation between SCs and STs

After the introduction of post-based reservation, various ministries/departments have been seeking clarification whether it is possible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice versa by applying the principle of exchange of reservation between Scheduled Castes and Scheduled Tribes as was possible when vacancy-based rosters were in vogue.

2. Basic principle of post-based reservation is that the number of posts filled by reservation by any category in a cadre should be equal to the quota prescribed for that category. If exchange of reservation between SCs and STs is permitted, number of employees of one reserved category of employees appointed by reservation will go beyond reservation prescribed for that category. It would be against the spirit of post-based reservation. Therefore, after introduction of post-based reservation, it is not permissible to fill up a post reserved for Scheduled Tribes by a Scheduled Caste candidate or vice-versa by exchange of reservation between SCs and STs.

(OM No.36012/17/2002-Estt.(Res) dated 6/11/2003)

4. Grouping of Posts

In the case of posts filled by direct recruitment, isolated posts and small cadres may be grouped with posts in the same class for the purpose of reservation orders taking into account the status, salary and qualifications prescribed for the posts in question.

For the purposes of determining the reservation, the vacancies occurring in various constituents of the Group may be plotted on the roster strictly in a chronological order i.e. sequence of date of occurrence.

While reservations would be made according to the groups as provided above, the total reservation in any of the posts/services so grouped should not exceed 50 per cent of the vacancies to be filled in it i.e. in the particular post/service, in a recruitment year. The total reservation for SCs, STs and OBCs in any post or service should also not exceed 50 percent of the total number of posts in the particular post/service.

(OM No. 1/4/1970-Estt (SCT) dated 11/11/1971)
(OM No. 8/1/1974-Estt (SCT) dated 12/12/1974)
(OM No. 36011/17/85-Estt.(SCT), dated the 23/07/1985)

5. Appointment of SC/ST/OBC on Own Merit

i. **Own Merit in direct recruitment:** In case of direct recruitment, SC/ST/OBC candidates, who are selected on the same standard as applied to general candidates i.e. without relaxation in age limit, experience qualification, permitted number of chances in written examination, extended zone of consideration larger than what is provided to the general category candidates etc., shall not be adjusted against reserved vacancies.

(OM No. 36011/1/98-Estt (Res) dated 1/07/1998)

ii. **Own Merit in promotion:** In case of promotion, the instructions relating to own merit are as under:

- The SC/ST candidates appointed by promotion on their own merit and not owing to reservation or relaxation of qualifications will not be adjusted against the reserved points of the reservation roster. They will be adjusted against unreserved points.

- If an unreserved vacancy arises in a cadre and there is any SC/ST candidate within the normal zone of consideration in the feeder grade, such SC/ST candidate cannot be denied promotion on the plea that the post is not reserved. Such a candidate will be considered for promotion along with other candidates treating him as if he belongs to general category. In case he is selected ,he will be appointed to the post and will be adjusted against the unreserved point.

- SC/ST candidates appointed on their own merit (by direct recruitment or promotion)and adjusted against unreserved points will retain their status of SC/ST and will be eligible to get benefit of reservation in future/further promotions, if , any.

- 50% limit on reservation will be computed by excluding such reserved category candidates, who are appointed/promoted on their own merit.

- The principle of Own Merit will apply whether the promotion is made by selection method or non-selection method.

(OM No.36028/17/2001 – Estt (Res.) dated 11/07/2002)
(OM No.36028/17/2001 – Estt (Res.) dated 31/01/2005)
(OM No. 36012/45/2005-Estt. (Res.) dated 10/08/2010)

Note: DoPT OM dated 10.8.2010 regarding promotion of SC/ST on Own Merit is presently sub judice before the Hon'ble Supreme Court in the SLP No. 30621/2011 titled *'Jarnail Singh &Ors Vs. LachhmiNarain Gupta &Ors.'*.

6. Adjustment of Compassionate Appointees

A person selected for appointment on compassionate grounds should be adjusted in the reservation register/ reservation roster register against the appropriate category viz. SC/ST/OBC/UR category, depending upon the category to which he belongs. For example, if he belongs to SC, he shall be

adjusted against a vacancy reserved for SCs. Similarly if he is an ST or OBC candidate, he shall be adjusted against vacancy reserved for STs or OBCs, as the case may be. An unreserved category candidate shall be adjusted against an unreserved vacancy.

(**O.M.No.14014/6/1995-Estt(D) dated 26/09/1995**)

E. DE-RESERVATION

1. DE-RESERVATION

A vacancy reserved for SCs or STs or OBCs cannot be filled by a candidate other than an SC or ST or OBC candidate, as the case may be. However, a reserved vacancy may be declared unreserved in exceptional cases, by following the procedure of de-reservation, as given below where-after it can be filled as an unreserved vacancy.

De-reservation in case of Direct Recruitment

There is a general ban on de-reservation of reserved vacancies in case of direct recruitment. However, in rare and exceptional cases when a vacancy in a Group 'A' service cannot be allowed to remain vacant in public interest, the administrative Ministry/Department may prepare a proposal for de-reservation of the vacancy giving following information:

i. Designation of the post;
ii. Pay scale of the post;
iii. Name of the service to which the post belongs;
iv. Duties and responsibilities attached to the post;
v. Educational and other qualifications prescribed for the post;
vi. Efforts made to fill up the post;
vii. Reasons why it cannot be allowed to remain vacant;
viii. Justification for de-reservation; and
ix. Any other relevant information.

The administrative Ministry shall consult the National Commission for Scheduled Castes in respect of vacancy reserved for SCs, the National Commission for Scheduled Tribes in respect of vacancy reserved for STs and the National Commission for Backward Classes in respect of vacancy reserved for OBCs. After obtaining the comments of the concerned Commission, the administrative Ministry/Department shall place the proposal alongwith the Commission's comments before a Committee comprising of the Secretaries in the Department of Personnel and Training, the Ministry of Social Justice and Empowerment, and the Ministry/Department under which the recruitment is to be made for consideration and recommendation. The recommendations of the Committee shall be placed before the Minister in charge of the Department of Personnel and Training for taking a final decision. If de-reservation of the vacancy is approved, it can be filled as an unreserved vacancy.

De-reservation in case of Promotion

In case of promotion, if sufficient number of SC/ST candidates fit for promotion against reserved vacancies are not available, such vacancies may be de-reserved and filled by the candidates of other communities. The power to accord approval to de-reservation of the reserved vacancies in such cases is delegated to the administrative Ministries and Departments subject to the following conditions:

i. no candidate belonging to the category for which the vacancy is reserved is available within the zone of consideration or extended zone of consideration or eligible for promotion in the feeder cadre(s) specified in the relevant service / recruitment rules / orders;
ii. the proposal for de-reservation has been seen and concurred in by the Liaison Officer of the Ministry / Department;
iii. the proposal for de-reservation is agreed to at a level not lower than that of Joint Secretary to the Government of India, in the administrative Ministry / Department (proper)concerned; and
iv. in the event of disagreement between the appointing authority and the Liaison Officer, the advice of the Department of Personnel & Training is obtained.

Before taking a decision to de-reserve a vacancy under the delegated powers, the administrative Ministry / Department shall prepare a proposal in the proforma given in the **Annexure** and send one copy thereof each to the Department of Personnel & Training and the National Commission for Scheduled Castes in respect of vacancies reserved for SCs and to the National Commission for Scheduled Tribes in respect of vacancies reserved for STs. After sending the proposal, the Ministry / Department shall wait for a period of at least two weeks for the comments of the Department of Personnel & Training and the concerned National Commission. If no comments are received from the Department of Personnel & Training or the concerned Commission within two weeks, the administrative Ministry / Department may presume that the DOPT or the concerned National Commission, as the case may be, do not have any comments to offer and may take a decision regarding de-reservation of the vacancy. In case the Ministry / Department receives comments from the DOPT or the concerned Commission within two weeks, the comments so received shall be considered while taking a decision in the matter.

While sending the copy of the proposal to the Commissions / Department of Personnel & Training, it should be ensured that the proposal / proforma duly filled in is signed by an officer of the rank of Under Secretary or above in the administrative Ministry / Department.

The Attached / Subordinate Offices etc. should not send the proposal direct to the Department of Personnel and Training or to the concerned National Commission. They should send the proposal to the administrative Ministry/ Department who will examine the proposal and send it to the Department of Personnel and Training and to the concerned National Commission.

Annexure

PROPOSAL FOR DE-RESERVATION OF VACANCIES RESERVED FOR SCHEDULED CASTES AND SCHEDULED TRIBES IN POSTS FILLED BY PROMOTION.

1. Name of the Office/Organisation to which the post (s) relate	
2. Particulars of the post in which vacancies are proposed to be de-reserved (a) Name of the post (b) Group (Class) (c) Scale of Pay	
3. Information about posts in the promotion quota (a) Mode of promotion viz by Selection or Non-Selection or by Departmental Examination etc. (b) No. of posts already filled by the given mode of promotion (c) Number of backlog reserved vacancies in respect of the given mode of promotion (d)Number of current vacancies to be filled by the given mode of promotion (e) Total number of vacancies to be filled (current vacancies + backlog vacancies) by the given mode of promotion (f) Total number of posts in the given mode of promotion (b+e)	SCs……. STs……Total…….
4. No. of posts already held by the candidates appointed by reservation in the cadre	SCs……. STs…….

5. If cadre strength is less than 14 and reservation is given by rotation, cycle no. and point no. of the roster on which the vacancy falls	Cycle No.....Point No.....
6. Number of vacancies earmarked reserved	
(a)Out of the current vacancies	SCs..... STs.....
(b) Backlog reserved vacancies	SCs..... STs.....
(c)Total reserved vacancies (a+b)	SCs..... STs.....
7. Number of vacancies proposed to be de-reserved	SCs..... STs.....
8. <u>If promotion is by non-selection</u>	
(a) Whether the SC/ST candidates who are eligible for promotion including those holding lower positions in the general seniority list were considered for promotion	
(b) Total number of SC/ST candidates in the feeder grade	SCs.....STs.....
(c) No. of eligible SC/ST candidates in the feeder grade	SCs.....STs.....
(d) Number of SC/ST candidates considered fit for promotion	SCs.....STs.....
(e) Number of SC/ST candidates considered not fit for promotion	SCs.....STs.....
(f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior most SC/ST candidate in the grade will become eligible for promotion	SCs.....STs.....

9. <u>If promotion is by selection</u> (a) Size of the normal zone of consideration (b) Size of the extended zone of consideration for SCs/STs (5 times the total number of vacancies) (c) Number of eligible SC/ST candidates in the extended zone of consideration (d) Number of SC/ST candidates found fit for promotion (e) Number of SC/ST candidates considered not fit for promotion (f) If sufficient number of SC/ST candidates are not eligible for promotion on the crucial date, the date on which the senior–most SC/ST candidate will become eligible for promotion and his place in the seniority list	SCs……STs…… SCs……STs…… SCs……STs…… SCs……STs……
10. If promotion is through Departmental Qualifying or Departmental Competitive Examination, the number of SC/ST candidates who qualified the examination	SCs……STs……
11. Whether other category candidates are available in the Select List for appointment to the vacancies sought to be de-reserved	
12(a)Whether SC/ST candidates considered unfit had any adverse entries in their C.R.s considered by the DPC (b) If yes, whether such adverse entries were communicated in time to the SC/ST officer (s) concerned (c) Whether the cases of the eligible SC/ST candidates not found fit for promotion were submitted / reported to the Minister / Minister of State / Deputy Minister / Secretary / Head of the Department, as the case may be	
13. Where interviews are	

prescribed, whether SC/ST candidates were interviewed on a day or sitting of theSelection Committee other than the day / sitting on / in which general candidates were interviewed	
14(a) If ex-post-facto approval is sought to the de-reservation of vacancies, the reasons why proposal for prior de-reservation was not made, and what steps have been taken to prevent its recurrence	
(b)The level at which it was decided to fill the reserved vacancies by other category candidate (s) without prior de-reservation	

It is certified

(1) that the proposal for de-reservation is agreed to at the level of Joint Secretary to the Government of India in the administrative Ministry / Department.

(2) that the proposal has been seen and concurred in by the Liaison Officer of the Ministry / Department.

(3) that copies of this proposal are simultaneously being sent to the National Commission for Scheduled Castes / National Commission for Scheduled Tribes and the Department of Personnel & Training.

Signature.....

Name of the Signing Officer.....

Designation.....

Tele. No.....

No._____

Date_____

To

1. Department of Personnel & Training, New Delhi.
2. National Commission for Scheduled Castes / National Commission for Scheduled Tribes.

(OM No. 3602012/2007-Estt(Res) dated 7/12/2009)

NOTE: DoPT does not encourage dereservation of reserved vacancies. On receiving the proposal from the Ministries/Departments, they are advised by DoPT to explore the possibility of filling up the reserved vacancy by other mode of recruitment as per provision of the Recruitment Rules.

F. VERIFICATION OF THE CASTE/COMMUNITY/TRIBE CERTIFICATE

1. Responsibility for issue and verification of caste/community/tribe certificate lies with the concerned State/UT Government

The responsibility for issue and verification of caste/community lies with the concerned State/UT Government. Hon'ble Supreme Court, vide its judgement, dated 2.9.1994, in the matter of '*Kumari Madhuri Patil vs Addl. Commissioner*', has held that the admission wrongly gained or appointment wrongly obtained on the basis of false social status certificate necessarily has the effect of depriving the genuine Scheduled Castes or Scheduled Tribes or OBC candidates, as enjoined in the Constitution, of the benefits conferred on them by the Constitution. Accordingly, in order to streamline the procedure for the issuance of social status certificates, their scrutiny and their approval, the Hon'ble Supreme Court, vide its aforesaid judgement, has laid down detailed guidelines to be followed by the State Governments, which *inter alia,* include constitution of a Committee headed by the Additional or Joint Secretary and constitution of a vigilance cell headed by Senior Deputy Superintendent of Police to investigate into the social status claims.

2. Authorities competent to issue caste/tribe/community certificates

As per the instruction issued from time to time, caste/tribe/communities certificates issued by the following authorities are accepted:

1. District Magistrate/Additional District Magistrate/Collector/ Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/1st Class Stipendary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
2. Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.
3. Revenue Officer not below the rank of Tehsildar: and
4. Sub-Divisional Officer of the area where the candidate not/or his family normally resides.

The format of caste/tribe certificate in respect of Scheduled Castes/Tribes is at **Annexure I** and the format of community certificate in respect of Other Backward Classes is at **Annexure II**.

(DoPT O.M No. 36012/6/88-Estt.(SCT) dated the 24/04/1990)

(DoPT O.M No. 36012/22/93-Estt.(SCT) dated the 22/10/1993)

(DoPT O.M No. 36036/2/2013-Estt.(Res) dated the 30/05/2014)

Annexure I

FORM OF SCHEDULED CASTE/TRIBE CERTIFICATE

This is to certify that Shri/Shrimati*/Kumar*_____ son/daughter* of _____of village* /town*_____in district/Division* _____ belongs to the _____Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribe* under:

@The Constitution (Scheduled Castes) Order, 1950.
@ The Constitution (Scheduled Tribe) Order, 1950.
@ The Constitution (Scheduled Castes) (Union Territories) Order, 1951.
@ The Constitution (Scheduled Tribes) (Union Territories) Order, 1951.[as amended by the Scheduled Caste or Scheduled Tribes Lists (Modification) Order, 1956, the Bombay Reorganisation Act, 1960, the Punjab Reorganisation Act, 1966, the State Himachal Pradesh Act, 1970, the North Eastern Areas (Reorganisation) Act, 1971 and the Scheduled Caste and Scheduled Tribe Orders (Amendment) Act, 1976].
@ The Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956.
@ The Constitution (Andaman and Nicobar Islands) Scheduled Tribes Order, 1959.
@ The Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962.
@ The Constitution (Dadra and Nagar Haveli) Scheduled Tribes Order, 1962.
@ The Constitution (Pondicherry) Scheduled Castes Order, 1964.
@ The Constitution Scheduled Tribes (Uttar Pradesh) Order, 1967.
@ The Constitution (Goa, Daman & Diu) Scheduled Castes Order, 1968.
@ The Constitution (Goa, Daman & Diu) Scheduled Tribes Order, 1968.
@ The Constitution (Nagaland) Scheduled Tribes Order, 1970.
@ The Constitution (Sikkim) Scheduled Castes Order, 1978.
@ The Constitution (Sikkim) Scheduled Tribes Order, 1978.

%2. Application in the case of Scheduled Caste/Scheduled Tribes persons who have migrated from one State/Union Territory Administration:

This Certificate is issued on the basis of the Scheduled Caste/Scheduled Tribes certificate issued to Shri/Shrimati*_____ father/mother of Shri/Shrimati/Kumari*_____ of village/town*_____in district/Division_____ of the State/Union Territory* _____who belongs to the_____ Caste/Tribe* which is recognised as a Scheduled Caste/Scheduled Tribes in the State/Union Territory* _____ issued by the _____(name of prescribed authority) vide their No._____ dated_____

%3. Shri/Shrimati*/Kumari*_____and/or his/her* Family ordinarily reside(s) in village/town*_____ of _____ District/Division of the State/Union Territory of_____.

Signature _____
**Designation _____
(With Seal of Office)

Place _____

State/Union Territory

Date _____

* Please delete the words which are not applicable
@Please quote specific Presidential Order
%Delete the paragraph which is not applicable.

Note: The term "Ordinarily resides(s)" used here will have the same meaning as in Section 20 of the Representation of the People Act, 1950.
** List of authorities empowered to issue Scheduled Tribes Certificates:

1. District Magistrate/Additional District Magistrate/Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/ 1st Class Stipendiary Magistrate/ City Magistrate/Sub-Divisional Magistrate/ Taluk Magistrate/ Executive Magistrate Extra Assistant Commissioner. (not below the rank of 1stClass Stipendiary Magistrate)
2. Chief Presidency Magistrate /Additional Chief Presidency Magistrate/ Presidency Magistrate.
3. Sub-Divisional Officer of the area where the candidate and/or his family normally resides.
4. Administrator/Secretary to Administrator/Development Officers (Lakshadweep Island).

(MHA letter No. BC-16014/1/82-SC & BCD-I dated 6/08/1984)

Annexure-II

FORM OF CERTIFICATE FOR OTHER BACKWARD CLASSES

This to certify that Shri/Smt./Kumari _____ son/daughter of _____ of village/town _____ in District/Division _____ in the State/Union Territory _____ belongs to the _____ community which is recognised as a backward class under the Government of India, Ministry of Social Justice and Empowerment's Resolution No._____ dated _____. Shri/Smt./Kumari _____ and/or his/her family ordinarily reside(s) in the _____District/Division of the _____State/Union Territory. This is also to certify that he/she does not belong to the persons/sections (Creamy Layer) mentioned in column 3 of the Schedule to the Government of India, Department of Personnel & Training OM No.36012/22/93-Estt(SCT) dated 8.9.1993**.

District Magistrate,

Deputy Commissioner etc.

Dated:

Seal

***** The authority issuing the certificate may have to mention the details of Resolution of Government of India, in which the cast of candidate is mentioned as OBC.

** As amended from time to time.

(OM No. 36036/2/2013-Estt.(Res) dated 30/05/2014)

3. Provisional appointment in case of false certificate produced by the candidates

Where a candidate belonging to a Scheduled Caste(SC) Scheduled Tribe(ST) and Other Backward Classes(OBC) is unable to produce a certificate from any of the prescribed authorities, he/she may be appointed provisionally on the basis of whatever prima-facie proof he/she is able to produce in support of his/her claim subject to his/her furnishing the prescribed certificate within a reasonable time and if there is genuine difficulty in his/her obtaining a certificate, the appointing authority should itself verify his/her claim through the District Magistrate concerned.

(DoPT OM No. 36019/7/1975-Estt (SCT) dated 31/10/1975)
(DoPT OM No. 36011/1/2012-Estt (Res.) dated 08/10/2015)
(DoPT letter No. 41034/4/2020-Estt (Res.) dated 19/03/2021)

In case of OBC certificate, it consists of two parts. The first part indicates that the concerned person belongs to a community listed as OBC and the second part indicates that the candidate does not fall in the creamy layer. While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list, his/her creamy layer status may change any time.

Every candidate, seeking reservation as OBC, is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by the prescribed authority. The 'OBC status' and /or 'non-creamy layer status' of the candidate, as pointed out above, may change after issue of the certificate making him/her ineligible for reservation. In order to ensure that candidates not eligible to get reservation do not seek reservation, a declaration, in addition to certificate issued by the competent authority, may be obtained from the candidates seeking reservation as OBCs in the following format:

"I,_____son/daughter of Shri _____resident of village/town/city_____district _____ State _____ hereby declare that I belong to the _____community which is recognized as a backward class by the Government of India for purpose of reservation in services as per orders contained in Department of Personnel and Training Office Memorandum No.36012/22/93-Estt.(SCT) dated 8.9.1993. It is also declared that I do not belong to persons/sections (Creamy Layer) mentioned in Column 3 of the Schedule to the above referred Office Memorandum dated 8.9.1993."

The appointing authority before appointing a person seeking appointment on the basis of reservation to OBCs should verify the veracity of the community certificate submitted by the candidate and also the fact that he/she does not fall in creamy layer on the crucial date. The crucial date for this purpose may be

treated as the closing date for receipt of applications for the post except in cases where crucial date is fixed otherwise.

(DoPT OM No. 36033/4/97-Estt (Res.) dated 25/07/2003)

In view of the above, the appointing authorities should, in the offer of appointment to the candidates belonging to SC/ST/OBC, insert the following clause in the offer of appointment:

(a) The clause to be inserted in the offer of appointment in case of SC/ST candidates:

"The appointment is provisional and is subject to the castes/tribe certificates being verified through the proper channels and if the verification reveals that the claim to belong to Scheduled Caste and Scheduled Tribes, as the case may be is false, the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of false certificate."

(DoPT OM No. 36012/6/88-Estt.(SCT) dated the 24/04/1990)
(DoPT OM No. 36011/3/2005-Estt (Res.) dated 9/09/2005)

(b) The clause to be inserted in the offer of appointment in case of OBC candidates:

"The appointment is provisional and is subject to the community certificate being verified through the proper channels. If the verification reveals that the claim of the candidate to belong to Other Backward Classes or not to belong to creamy layer is false, his/her services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of Indian Panel Code for production of false certificate."

(DoPT OM No. 36033/4/97-Estt (Res.) dated 25/07/2003)

4. Timely verification of caste certificate

DoPT has issued various guidelines from time to time for streamlining the process of verification of Caste Certificate of the employees, and has requested the State/UT Governments for timely verification of the same. However, as mentioned above, instances have come to notice that the appointing authority has taken an unduly long time in getting the caste status of an employee verified through the concerned State authorities which is totally in contravention of the existing instructions. DoPT has issued communications to the State/UT Governments from time to time requesting them to issue instructions to the District Magistrates/District Collectors/Deputy Commissioners of the districts to the effect that they should ensure at their own level that veracity of the Caste/Community certificate referred to the district authorities is verified and reported to the appointing authority within one month of receipt of request from such authority. The State/UT Governments have also been requested to initiate disciplinary proceedings against the officers who default in timely verification of Caste Status. Hence, the appointing authorities are required to take urgent necessary action for timely verification of the caste verification of the employees so that unscrupulous non SC/ST/OBC persons are prevented from securing jobs meant for SCs/STs/OBCs by producing false caste

certificates and benefit of reservation and other scheme of concessions etc. go only to the rightful claimants.

(DoPT letter No. 36022/1/2007 – Estt (Res) dated 20.3.2007)
(DoPT letter No. 41034/3/2012 – Estt (Res) dated 11.4.2012)
(DoPT OM No. 36011/1/2012-Estt (Res.) dated 08.10.2015)
(DoPT letter No. 36011/1/2012-Estt (SCT) dated 14.3.2016)
(DoPT letter No. 41034/4/2020-Estt (Res-I) dated 19.3.2021)

5. Verification of caste status is necessary at every important upturn of employee's career

A candidate who entered into service as a Scheduled Caste/ Scheduled Tribe candidate may discontinue to be so if the caste/community to which he belongs is de-scheduled subsequently. A Scheduled Caste candidate also loses his status of Scheduled Caste if he embraces a religion other than Hinduism, Sikhism or Buddhism. Though such officers who lose the status of SC or ST after entering into service are required to inform the Government about it, many of them do not do so. In the absence of necessary vigil, there are possibilities of non-SC/ST candidates getting benefit of reservation and various concessions in the matter of promotion. **Therefore, verification of caste status at every important upturn of employee's career is necessary so that the benefit of reservation and other schemes of concessions, etc. meant for SCs/STs go only to the rightful claimants and not those who become disentitled to them.** With a view to facilitating such verification, the caste/community to which the SC/ST person belongs, his place of residence and the name of the State should be pasted on the top of the Service Book, personal file and other relevant documents relating to the employee. Further, caste/community status and creamy layer status of OBC candidates should be verified at the time of initial appointment as well.

(DoPT O.M. No.36033/16/80-Estt.(SCT) dated 27.2.1981)
(DoPT OM No. 36011/3/2005-Estt (Res) dated 9.9.2005)
(DoPT letter No. 41034/4/2020-Estt (Res-I) dated 19.3.2021)

6. Termination/dismissal/removal of candidates who have secured appointment on the basis of false caste certificate

Wherever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc., for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If, he is probationer or a temporary Government servant, he should be discharged or his services should be terminated. If he has become a permanent Government servant, an inquiry as prescribed in Rule 14 of CCS(CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

The cases other than those protected by the specific order of the Apex Court should be dealt with in accordance with the instructions contained above. However, it has been observed that disciplinary proceedings in the cases involving appointments on the basis of false/fake caste certificates take

considerable time and the persons who have secured employment on the basis of false caste certificates enjoy the benefits of Government service whereas such Government servants should be removed/ dismissed from the service at the earliest. Hence, disciplinary enquiries involving the matter of securing jobs on the basis of false/fake certificates should be completed in a time bound manner and unscrupulous persons who have got appointment on the basis of fake/ false caste certificates should not be retained in service and should be dismissed/ removed thenceforth.

(DoPT OM No. 36011/1/2012-Estt (Res) dated 10.1.2013)

G. PROVISIONS FOR SAFEGUARING THE INTERESTS OF SCs/STs/OBCs

1. Liaison Officer

In each Ministry/Department the Deputy Secretary in charge of administration or any other officer at least of the rank of Deputy Secretary shall act as a Liaison Officer in respect of matters relating to the representation of Scheduled Castes, Scheduled Tribes and Persons with Disabilities in all establishments and services under the administrative control of the Ministry/Department. A separate Liaison Officer should be appointed for Other Backward Classes.

It is the duty of the Liaison Officer to ensure due compliance by the subordinate appointing authorities of the orders and instructions pertaining to the reservation of vacancies in favour of SCs/STs/PwDs/OBCs and other benefits admissible to them. The Liaison Officer is required to conduct annual inspection of the reservation registers/roster registers maintained in the Ministry/Department/ Offices under the control of the Ministry/ Department with a view to ensuring proper implementation of the reservation orders. Cases of negligence or lapse in the matter of following the reservation and other orders relating to the SCs/STs/PwDs/OBCs, coming to the light through the inspections carried out by the Liaison Officer, is required to be reported/ submitted by him to the Secretary/Additional Secretary to the Government of India in the respective Ministry/ Department or to the Head of the Department in respect of offices under the Heads of Department, as the case may be. The concerned Secretary/Additional Secretary/Head of the Department is required to pass necessary orders on such reports to ensure strict compliance of the reservation orders by the appointing authority concerned. These instructions also provide that each Ministry/Department is required to set up a Special Reservation Cell within the Ministry/Department under the direct control of the Liaison Officer to assist the Liaison Officer in discharging of his duties effectively. Public Sector Undertakings, Autonomous Bodies, Institutions etc. under the Central Government are required to appoint Liaison Officer in the same manner as existing in the Ministries/Departments.

(No.43011/153/2010-Estt.(Res.) dated 04/01/2013)

2. Representation of SC, ST, OBC, Minorities and the Women on Selection Board/Committees

Wherever a Selection Committee/Board exists or has to be constituted for making recruitment to 10 or more vacancies in any level of posts or services, it shall be mandatory to have one Member belonging to SC/ST, one Member belonging to OBC category and one Member belonging to Minority Community in such Committees/Boards. Further, one of the members of the Selection Committee/Board, whether from the general category or from the minority community or from the SC/ST/OBC community should be a lady failing which a lady member should be co-opted on the Committee/Board. It may also be ensured that where the number of vacancies against which selection is to be made is less than ten, no effort should be spared in finding the SC/ST, OBC officer and the Minority Committee Officer and a lady officer, for inclusion in such Committees/Boards.

(OM No.42011/2/2014-Estt.(Res.) dated 13.2.2014)

H. OTHER PROVISIONS

1. Arrangements for Training

The following steps should be taken for training of Group A Officers belonging to Scheduled Castes and Scheduled Tribes:

i. More intensive training should be arranged for directly recruited Group A officers belonging to Scheduled Castes and Scheduled Tribes by the Heads of the Training Institutions, wherever necessary, along with other officers. **[DoPT's OM No.1/9/69-Estt. (SCT) dated 15.11.1971].**

ii. In drawing up such training programmes, adequate margin should be provided to take in, as many Scheduled Caste and Scheduled Tribe officers as are sponsored by the Ministries. It would be useful to earmark 25 per cent of the seats for officers of Scheduled Castes and Scheduled Tribes, wherever possible. In case this becomes difficult in any particular programme, then such officers could be covered in the next course or a special programme may be arranged for them. It would also be useful if officers of Scheduled Castes and Scheduled Tribes were **included in the various training programmes abroad.** It would enable them to broaden their outlook and also build up specialized knowledge. It is also likely to boost up the morale of the officers of these communities. **[DP&AR's OM No.1/1/73-Estt.(Res.) dated 10.12.73 and DP&AR's OM No.36022/13/76-Estt.(SCT) dated 14.9.1976 and DP&AR's OM No.36013/18/77-Est.(SCT) dated 4.9.78].**

iii. Superiors of Scheduled Caste and Scheduled Tribe Officers should be asked to take special care regarding on the job training of these officers, identify areas where special training is considered necessary and take appropriate steps for such training in consultation with the Training Division of the Department of Personnel & Training. **[M/o Home Affairs OM No.27/2/70-Estt.(SCT) dated 21.4.70].**

iv. Cases of Scheduled Caste and Scheduled Tribe Officers should be considered sympathetically and they should be given preference while nominating officers for training or deputing them for attending

seminars/conferences, symposia etc. While nominating officers for training programmes run by the various Departments and Training Institution or for training programmes abroad or for training, seminars and conferences, it should be indicated as to which of the officers nominated belong to Scheduled Castes and Scheduled Tribes, so that their cases may be duly considered by the appropriate authorities at the time of selection. **[DP&AR's OM No. 1/1/73-Estt (SCT) dated 10.12.1973 and DP&AR's OM No.16/4/74-Estt.(SCT) dated 18.4.1974].**

2. Selection of Persons for Posting Abroad

While it will not be possible to provide for any specific norm of relaxation in favour of Scheduled Caste and Scheduled Tribe employees in the matter of posting in foreign countries, **when a Ministry/Department etc. makes selection of persons for posting in its units etc. located in a foreign country, it should see that eligible employees belonging to Scheduled Castes and Scheduled Tribes are also considered** along with others for such posting.

(DP&AR's OM No. 16/32/74-Estt (SCT) dated 3.4.1976)

3. Forwarding of Application for Employment

Application for employment elsewhere of temporary or permanent Central Government servants belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes **should be readily forwarded except in very rare cases where there may be compelling grounds of public interest** for withholding such applications. Cases where applications of employees belonging to Scheduled Castes/Scheduled Tribes /Other Backward Classes could not be forwarded due to compelling grounds of public interest, should be reported within a month to the officer nominated as Liaison Officer in the administrative Ministry/ Department or in offices under the Head of Department**.**

[M/o Home Affairs' OM No.1/6/64-SCT(I) dated 19.3.1964 and DoPT's OM No.27/4(iv)/70-Estt.(SCT) dated 2.9.70].

4. Prevention of Discrimination

It has been pointed out on many occasions that the Scheduled Caste and Scheduled Tribe Officers, after appointment, are subjected to harassment and discrimination on grounds of their social origin. It has been pointed out that SC/ST officers are some times transferred to far-off places and also placed at insignificant positions. It has also been stated that these officers are not accepted at their places of postings by the concerned superior officers in some cases. In this connection, it is emphasized that Government servants should desist from any act of discrimination against members of SC/ST communities on grounds of their social origin. Senior officers, including the Liaison Officers of the Ministry/Department, should keep a close watch to ensure that such incidents do not occur at all. However, if any such incident comes to the notice of the authorities, action should be taken against the erring officials promptly.

[OM No.36026/3/85-Estt.(SCT) dated 24th June, 1985].

5. Provisions in Recruitment Rules/Regulations For Examination

The recruitment rules in respect of all services/posts within the purview of the reservation orders should contain a separate rule on the following lines:-

> "Savings: Nothing in these rules shall affect reservations, relaxation of age-limit and other concessions required to be provided for Scheduled Castes, Scheduled Tribes, Other Backward Classes, Persons with Disabilities and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard."

[DoPT's OM No. 8/12/71-Estt. (SCT) dated 21st September, 1971].

6. Clarifications about SC/ST/OBC Status

As per the Government of India Allocation of Business Rules, Ministry of Social Justice and Empowerment is the nodal Ministry for the overall policy, planning and coordination of programmes relating to SCs, OBCs, EWS etc. and Ministry of Tribal Affairs is the nodal Ministry for policy matters related to STs. Amendment in 'The Constitution (Scheduled Castes) Order' for inclusion/exclusion of a caste and amendment of Central list of OBCs for inclusion/exclusion of a community pertains to Ministry of Social Justice. 'The Constitution (Scheduled Tribes) Order' for inclusion/exclusion of a tribe pertains to Ministry of Tribal Affairs. Further, the subject matter relating to 'Creamy Layer in OBC pertains to Ministry of Social Justice and Empowerment. DoPT issues instructions related to reservation in posts and services under the Central Government based on the policy decision taken by the above concerned nodal Ministries.

Cases in which a doubt arises whether a person belongs to a Scheduled Caste or Other Backward Class or whether a caste or community is a Scheduled Caste or included in Other Backward Classes may be referred to the Ministry of Social Justice and Empowerment, Shastri Bhavan, New Delhi. If such a doubt arises about Scheduled Tribe status of a person or community, reference may be made to the Ministry of Tribal Affairs, Shastri Bhavan, New Delhi.

However, a set of points which should be taken into account by the certificate issuing authorities are given below. **[M/o Home Affairs' Circular letter No. 35/1/72-RU(SCTV) dated 2.5.75]**

(a) General (Applicable to all cases):

Where a person claims to belong to a Scheduled Caste, Scheduled Tribe or a Backward community by birth, it should be verified :

(i) That the person and his parents actually belong to the community claimed;

(ii) That this community is included in the Presidential Orders specifying the Scheduled Castes and Scheduled Tribes or included in the Central list of OBCs notified by the Ministry of Social Justice and Empowerment, Government of India in relation to the concerned State;

(iii) That the person belongs to that State and to the area within that State in respect of which the community has been scheduled/notified.

(vi) If the person claims to be a Scheduled Caste, he should profess either the Hindu or the Sikh or the Budhist religion.

(b) Cases of Migration

(i) Where a person migrates from the portion of the state in respect of which his community is scheduled/notified to another part of the same State in respect of which his community is not scheduled/notified, he will continue to be deemed to be a member of the Scheduled Caste or the Scheduled Tribe or the Other Backward Class, as the case may be in relation to that State;

(ii) Where a person migrates from one state to another, he can claim to belong to a Scheduled Caste or Scheduled Tribe or Other Backward Class only in relation to the State to which he originally belonged and not in respect of the State in which he has migrated.

(iii) Further, when a person belonging to OBC migrates from one State to another for the purpose of employment, education, etc. the prescribed authority of a State/U.T. Administration may issue the OBC Certificate to a person who has migrated from another State on the production of a genuine certificate issued to his father by the prescribed authority of the State of his father's origin except where the prescribed authority feels that a detailed enquiry is necessary through the State of origin before the issue of the Certificate. The Certificate will be issued irrespective of whether the OBC candidate in question is included in the list of OBC pertaining to the State/U.T. to which the person has migrated. The facility does not alter the OBC status of the person in relation to the one or the other State/U.T. The OBC person on migration from the State/U.T. of his origin to another State/U.T. where his caste is not in the OBC list is entitled to the concessions/benefits admissible to the OBCs from the State of his origin and Union Government but not from the State where he has migrated. The competent authorities are required to issue the OBC Certificate after satisfying themselves of the correctness of the Certificate.

(c) Claims through Marriage

No person who was not a member of Scheduled Caste or a Scheduled Tribe or Other Backward Class by birth will be deemed to be a member of Scheduled Caste or Scheduled Tribe or Other Backward Class merely because he or she had married a person belonging to a Scheduled Caste or Scheduled Tribe or Other Backward Class. On the other hand a person who is a member of a Scheduled Caste or a Scheduled Tribe or an OBC would continue to be a member of that Scheduled Caste, Scheduled Tribe or OBC, as the case may be, even after his or her marriage with a person who does not belong to a Scheduled Caste or a Scheduled Tribe or an Other Backward Class.

(d) Cases of Conversion and Reconversion

(i) Where a Scheduled Caste person gets converted to a religion other than Hinduism or Sikhism or Buddhism and then reconverts himself back to Hinduism or Sikhism or Buddhism, he will be deemed to have

reverted to his original Scheduled Caste, if he is accepted by the members of that particular caste as one among them.

(ii) In the case of a descendant of a Scheduled Caste convert, the mere fact of conversion to Hinduism or Sikhism or Buddhism will not be sufficient to entitle him to be regarded as a member of the Scheduled Caste to which his forefathers belonged. It will have to be established that such a convert has been accepted by the members of the caste claimed as one among themselves and has thus become a member of that caste.

(e) Cases of Adoption

Great care has to be exercised in dealing with cases where a person claims to be a member of Scheduled Caste or Other Backward Class on the ground that he has been adopted by a Scheduled Caste/OBC person. The validity of the adoption has to be clearly established before any caste certificate can be given. It is for the party to prove his claim by cogent and reliable evidence:

(i) The requirements of valid adoption are given in sections 6 to 11 of the Hindu Adoption Maintenance Act, 1956. The actual giving and taking of the child in adoption is a mandatory requirement and thereafter the adopted child is deemed to be the child of his or her adoptive father or mother for all purposes and the child severs all ties with the family of his or her birth. Ordinarily, no child who has attained the age of 15 years or who is married can be given in adoption unless there is a custom or usage applicable to the parties.

(ii) In deciding whether an adoption is valid, the certificate issuing authority should satisfy himself that all the requirements of law have been complied with. He should also take into account the behaviour of the child after adoption whether he physically lives with and is supported by his adoptive parents and receives no financial help from his original parents. In case these conditions are not satisfied, the certificate should be refused.

(iii) Where the case relates to an adoption of a married person or of a person of the age of 15 years and above, the certificate shall be required to be given by the District Magistrate who shall after making due enquiries as to the validity of the adoption as to whether such adoption is permitted by a custom or usage applicable to the parties, make an endorsement to that effect on the certificate. Such custom or usage should have been continuously and uniformly observed for a long time and obtained the force of law among the Hindus of that particular area, or that community, group of family provided that the custom or usage is certain and not unreasonable or opposed to public policy and in the case of custom or usage in respect of a particular family that the custom or usage has not been discontinued. In addition, it should be verified that all other conditions for a valid adoption, including the physical transfer of the adopted person to the family of the adoptive parents and that he has severed all ties with the original parents are fulfilled.

(M/o Home Affairs' Circular letter No. 35/1/72-RU(SCTV) dated 2.5.75)
(Ministry of Welfare's letter No.12011/11/94-BCC(C), dated 8.4.1994)

2. PROVISIONS RELATING TO ECONOMICALLY WEAKER SECTIONS (EWS)

A. GENERAL GUIDELINES

The following instructions are issued in consultation 'with' Ministry of Social Justice and Empowerment and Department of Legal Affairs regarding reservation for EWSs not covered under the reservation scheme for SCs/STs/OBCs in respect of direct recruitment in civil posts and services in' the Government of India.

2. QUANTUM OF RESERVATION

The persons belonging to EWSs who, are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India.

3. EXEMPTION FROM RESERVATION

3.1 "Scientific and Technical" posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/ Departments:

(i) The posts should be in grades above the lowest grade in Group A of the service concerned.

(ii) They should be classified as "scientific or technical" in terms of Cabinet Secretariat [OM No. 85/11/CF-61(1) dated 28.12.1961], according to which scientific and technical posts for which qualifications in the natural sciences or exact sciences or applied sciences or in technology are prescribed and, the incumbents of which have to use that knowledge in the discharge of their duties.

(iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

3.2 Orders of the Minister concerned should be obtained before exempting anyposts satisfying the above condition from the purview of the scheme of reservation.

4. CRITERIA OF INCOME & ASSETS:

4.1 Persons who are not covered under the scheme of reservation for SCs, STs and OBCs and whose family has gross annual income below Rs 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income shall also include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application.

Also persons whose family owns or possesses any of the following assets shall be excluded from being identified as EWS, irrespective of the family income:-

i. 5 acres of agricultural land and above;
ii. Residential at of 1000 sq ft. and above;
iii. Residential plot of 100 sq. yards and above in notified municipalities;
iv. Residential, plot of 200 sq. yards and above in areas other thanthe notified municipalities.

4.2. The property held by a "Family" in different locations or different places/cities would be clubbed while applying the land. or property holding test to determine EWS status.

4.3 The term "Family" for this purpose willinclude the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years.

5. INCOME AND ASSET CERTIFICATE ISSUING AUTHORITY AND VERIFICATION OF CERTIFICATE:

5.1 The benefit of reservation under EWS can be availed upon production of an Income and Asset Certificate issued by a Competent Authority. The Income and Asset Certificate issued 'by any one of the following authorities in the prescribed format as given in Annexure-I shall only be accepted as proof of candidate's claim as 'belonging to EWS: -

(i) District Magistrate/Additional District Magistrate/ Collector/ Deputy Commissioner/Additional' Deputy Commissioner/ 1st Class Stipendary Magistrate/ Sub-Divisional Magistrate/ Taluka Magistrate/ Executive Magistrate/ Extra Assistant Commissioner
(ii) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate
(iii) Revenue Officer not below the rank of Tehsildar and
(iv) Sub-Divisional Officer or the area where the candidate and/or his family normally resides.

5.2 The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process as prescribed by the respective State/UT.

5.3 The crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise.

5.4 The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause :- "The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate." The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority

5.5 Instructions referred to above should be strictly followed so that it may

not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, her/his services shall be terminated invoking the conditions contained in the offer of appointment

6. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS:

6.1 Department of Personnel and Training had circulated Office Memorandum No.36012/2/96-Estt(Res) dated July 2, 1997 regarding implementation of post based reservation roster. The general principles for making and operating postbased reservation roster would be as per the principles laid down in the said Office Memorandum.

6.2 Every Government establishment shall now recast group-wise post-based reservation roster register for direct recruitment in accordance with format given in Annexure II, III, IV and V, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. While fixing roster point, if the EWS roster point coincides with the roster points of SCs/STs/OBCs the next available UR roster point has been allotted to the EWSs and also the principle of "squeezing" has been kept in view. While drawing up the rosters, the cadre controlling authorities may similarly "squeeze" the last points of the roster so as to meet prescribed 10% reservation.

6.3 Where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog.

6.4 Persons belonging to EWS selected against the quota for persons with benchmark disabilities/ex-servicemen shall be placed against the roster points earmarked for EWS.

7. ADJUSTMENT AGAINST UNRESERVED VACANCIES:

A person belonging to EWS cannot be denied the right to compete for appointment against an unreserved vacancy. Persons belonging to EWS who are selected on the basis of merit and not on account of reservation are not to be counted towards the quota meant for reservation.

8. FORTNIGHTLY/ANNUAL REPORTS REGARDING REPRESENTATION OF EWS:

The Ministries/Departments shall send single consolidated fortnightly report including their attached/subordinate offices beginning from 15.2.2019 as per format at Annexure-VL

From 01.01.2020, the Ministries/Departments shall upload data on representation of EWSs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.inas on 1st January of every year. All Ministries/Departments have already been provided respective user code and password with guidelines for operating the URL.

9. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

9.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

9.2 Any person aggrieved with any matter relating to discrimination in employment against any EWS may file a complaint with the Grievance Redressal Officer of the respective Government establishment. The name, designation and contact details of the Grievance Redressal Officer may be displayed prominently on the website and in the office of the concerned establishment.

10. LIAISON OFFICER:

Ministries/Departments/Attached and Subordinate Offices shall appoint Liaison Officer to monitor the implementation of reservation for EWSs.

11. The above scheme of reservation will be effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019.

OM No. 36039/1/2019-Estt (Res), dated 31.1.2019.

Annexure-I

Government of .....
(Name & Address of the authority issuing the certificate)

INCOME & ASSEST CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS

Certificate No. _____ Date: _____

VALID FOR THE YEAR_____

This is to certify that Shri/Smt./Kumari _____ son/daughter/wife of _____ permanent resident of _____, Village/Street _____ Post Office _____ District_____ in the State/Union Territory _____ Pin Code_____ whose photograph is attested below belongs to Economically Weaker Sections, since the gross annual income* of his/her 'family"** is below Rs. 8 lakh (Rupees Eight Lakh only) for the financial year _____. His/her family does not own or possess any of the following assets*** :

I. 5 acres of agricultural land and above;
II. Residential flat of 1000 sq. ft. and above;
III. Residential plot of 100 sq. yards and above in notified municipalities;
IV. Residential plot of 200 sq. yards and above in areas other than the notified municipalities.

2. Shri/Smt./Kumari _____ belongs to the _____ caste which is nct recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List)

Signature with seal of Office_____
Name _____
Designation _____

Recent Passport size attested photograph of the applicant

*Note1:. Income covered all sources i.e. salary, agriculture, business, profession, etc.

**Note 2:The term "Family" for this purpose include the person, who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years

***Note 3: The property held by a "Family" in different locations or different places/cities have been clubbed while applying the land or property holding test to determine EWS status.

Annexure-II

FOR DIRECT RECRUITMENT

Model Roster of Reservation with reference to posts for Direct recruitment on All India Basis by Open Competition

Sl. No. of Post	Share of Entitlement				Category for which the posts should be earmarked
	SC @15%	ST @7.5%	OBC @27%	EWS @10%	
1	0.15	0.08	0.27	0.10	UR
2	0.30	0.15	0.54	0.20	UR
3	0.45	0.23	0.81	0.30	UR
4	0.60	0.30	1.08	0.40	OBC-1
5	0.75	0.38	1.35	0.50	UR
6	0.90	0.45	1.62	0.60	UR
7	1.05	0.53	1.89	0.70	SC-1
8	1.20	0.60	2.16	0.80	OBC-2
9	1.35	0.68	2.43	0.90	UR
10	1.50	0.75	2.70	1.00	**EWS-1**
11	1.65	0.83	2.97	1.10	UR
12	1.80	0.90	3.24	1.20	OBC-3
13	1.95	0.98	3.51	1.30	UR
14	2.10	1.05	3.78	1.40	ST-1
15	2.25	1.13	4.05	1.50	SC-2
16	2.40	1.20	4.32	1.60	OBC-4
17	2.55	1.28	4.59	1.70	UR
18	2.70	1.35	4.86	1.80	UR
19	2.85	1.43	5.13	1.90	OBC-5
20	3.00	1.50	5.40	2.00	SC-3
21	3.15	1.58	5.67	2.10	**EWS-2**
22	3.30	1.65	5.94	2.20	UR
23	3.45	1.73	6.21	2.30	OBC-6
24	3.60	1.80	6.48	2.40	UR
25	3.75	1.88	6.75	2.50	UR
26	3.90	1.95	7.02	2.60	OBC-7
27	4.05	2.03	7.29	2.70	SC-4
28	4.20	2.10	7.56	2.80	ST-2
29	4.35	2.18	7.83	2.90	UR
30	4.50	2.25	8.10	3.00	OBC-8
31	4.65	2.33	8.37	3.10	**EWS-3**
32	4.80	2.40	8.64	3.20	UR
33	4.95	2.48	8.91	3.30	UR
34	5.10	2.55	9.18	3.40	OBC-9

35	5.25	2.63	9.45	3.50	SC-5
36	5.40	2.70	9.72	3.60	UR
37	5.55	2.78	9.99	3.70	UR
38	5.70	2.85	10.26	3.80	OBC-10
39	5.85	2.93	10.53	3.90	UR
40	6.00	3.00	10.80	4.00	ST-3
41	6.15	3.08	11.07	4.10	SC-6
42	6.30	3.15	11.34	4.20	OBC-11
43	6.45	3.23	11.61	4.30	**EWS-4**
44	6.60	3.30	11.88	4.40	UR
45	6.75	3.38	12.15	4.50	OBC-12
46	6.90	3.45	12.42	4.60	UR
47	7.05	3.53	12.69	4.70	SC-7
48	7.20	3.60	12.96	4.80	UR
49	7.35	3.68	13.23	4.90	OBC-13
50	7.50	3.75	13.50	5.00	**EWS-5**
51	7.65	3.83	13.77	5.10	UR
52	7.80	3.90	14.04	5.20	OBC-14
53	7.95	3.98	14.31	5.30	UR
54	8.10	4.05	14.58	5.40	SC-8
55	8.25	4.13	14.85	5.50	ST-4
56	8.40	4.20	15.12	5.60	OBC-15
57	8.55	4.28	15.39	5.70	UR
58	8.70	4.35	15.66	5.80	UR
59	8.85	4.43	15.93	5.90	UR
60	9.00	4.50	16.20	6.00	OBC-16
61	9.15	4.58	16.47	6.10	SC-9
62	9.30	4.65	16.74	6.20	**EWS-6**
63	9.45	4.73	17.01	6.30	OBC-17
64	9.60	4.80	17.28	6.40	UR
65	9.75	4.88	17.55	6.50	UR
66	9.90	4.95	17.82	6.60	UR
67	10.05	5.03	18.09	6.70	OBC-18
68	10.20	5.10	18.36	6.80	SC-10
69	10.35	5.18	18.63	6.90	ST-5
70	10.50	5.25	18.90	7.00	**EWS-7**
71	10.65	5.33	19.17	7.10	OBC-19
72	10.80	5.40	19.44	7.20	UR
73	10.95	5.48	19.71	7.30	UR
74	11.10	5.55	19.98	7.40	SC-11
75	11.25	5.63	20.25	7.50	OBC-20
76	11.40	5.70	20.52	7.60	UR
77	11.55	5.78	20.79	7.70	UR
78	11.70	5.85	21.06	7.80	OBC-21

79	11.85	5.93	21.33	7.90	UR
80	12.00	6.00	21.60	8.00	ST-6
81	12.15	6.08	21.87	8.10	SC-12
82	12.30	6.15	22.14	8.20	OBC-22
83	12.45	6.23	22.41	8.30	**EWS-8**
84	12.60	6.30	22.68	8.40	UR
85	12.75	6.38	22.95	8.50	UR
86	12.90	6.45	23.22	8.60	OBC-23
87	13.05	6.53	23.49	8.70	SC-13
88	13.20	6.60	23.76	8.80	UR
89	13.35	6.68	24.03	8.90	OBC-24
90	13.50	6.75	24.30	9.00	**EWS-9**
91	13.65	6.83	24.57	9.10	UR
92	13.80	6.90	24.84	9.20	UR
93	13.95	6.98	25.11	9.30	OBC-25
94	14.10	7.05	25.38	9.40	SC-14
95	14.25	7.13	25.65	9.50	ST-7
96	14.40	7.20	25.92	9.60	UR
97	14.55	7.28	26.19	9.70	OBC-26
98	14.70	7.35	26.46	9.80	**EWS-10****
99	14.85	7.43	26.73	9.90	SC-15*
100	15.00	7.50	27.00	10.00	OBC-27*
101	15.15	7.58	27.27	10.10	UR
102	15.30	7.65	27.54	10.20	UR
103	15.45	7.73	27.81	10.30	UR
104	15.60	7.80	28.08	10.40	OBC-28
105	15.75	7.88	28.35	10.50	UR
106	15.90	7.95	28.62	10.60	UR
107	16.05	8.03	28.89	10.70	SC-16
108	16.20	8.10	29.16	10.80	ST-8
109	16.35	8.18	29.43	10.90	OBC-29
110	16.50	8.25	29.70	11.00	**EWS-11**
111	16.65	8.33	29.97	11.10	UR
112	16.80	8.40	30.24	11.20	OBC-30
113	16.95	8.48	30.51	11.30	UR
114	17.10	8.55	30.78	11.40	SC-17
115	17.25	8.63	31.05	11.50	OBC-31
116	17.40	8.70	31.32	11.60	UR
117	17.55	8.78	31.59	11.70	UR
118	17.70	8.85	31.86	11.80	UR
119	17.85	8.93	32.13	11.90	OBC-32
120	18.00	9.00	32.40	12.00	ST-9
121	18.15	9.08	32.67	12.10	SC-18
122	18.30	9.15	32.94	12.20	**EWS-12**

123	18.45	9.23	33.21	12.30	OBC-33
124	18.60	9.30	33.48	12.40	UR
125	18.75	9.38	33.75	12.50	UR
126	18.90	9.45	34.02	12.60	OBC-34
127	19.05	9.53	34.29	12.70	SC-19
128	19.20	9.60	34.56	12.80	UR
129	19.35	9.68	34.83	12.90	UR
130	19.50	9.75	35.10	13.00	OBC-35
131	19.65	9.83	35.37	13.10	**EWS-13**
132	19.80	9.90	35.64	13.20	UR
133	19.95	9.98	35.91	13.30	UR
134	20.10	10.05	36.18	13.40	OBC-36
135	20.25	10.13	36.45	13.50	SC-20
136	20.40	10.20	36.72	13.60	ST-10
137	20.55	10.28	36.99	13.70	UR
138	20.70	10.35	37.26	13.80	OBC-37
139	20.85	10.43	37.53	13.90	UR
140	21.00	10.50	37.80	14.00	SC--21
141	21.15	10.58	38.07	14.10	OBC-38
142	21.30	10.65	38.34	14.20	**EWS-14**
143	21.45	10.73	38.61	14.30	UR
144	21.60	10.80	38.88	14.40	UR
145	21.75	10.88	39.15	14.50	OBC-39
146	21.90	10.95	39.42	14.60	UR
147	22.05	11.03	39.69	14.70	SC-22
148	22.20	11.10	39.96	14.80	ST-11
149	22.35	11.18	40.23	14.90	OBC-40
150	22.50	11.25	40.50	15.00	**EWS-15**
151	22.65	11.33	40.77	15.10	UR
152	22.80	11.40	41.04	15.20	OBC-41
153	22.95	11.48	41.31	15.30	UR
154	23.10	11.55	41.58	15.40	SC-23
155	23.25	11.63	41.85	15.50	UR
156	23.40	11.70	42.12	15.60	OBC-42
157	23.55	11.78	42.39	15.70	UR
158	23.70	11.85	42.66	15.80	UR
159	23.85	11.93	42.93	15.90	UR
160	24.00	12.00	43.20	16.00	ST-12
161	24.15	12.08	43.47	16.10	OBC-43
162	24.30	12.15	43.74	16.20	SC-24
163	24.45	12.23	44.01	16.30	OBC-44
164	24.60	12.30	44.28	16.40	**EWS-16**
165	24.75	12.38	44.55	16.50	UR
166	24.90	12.45	44.82	16.60	UR

167	25.05	12.53	45.09	16.70	OBC-45
168	25.20	12.60	45.36	16.80	SC-25
169	25.35	12.68	45.63	16.90	UR
170	25.50	12.75	45.90	17.00	**EWS-17**
171	25.65	12.83	46.17	17.10	OBC-46
172	25.80	12.90	46.44	17.20	UR
173	25.95	12.98	46.71	17.30	UR
174	26.10	13.05	46.98	17.40	SC-26
175	26.25	13.13	47.25	17.50	ST-13
176	26.40	13.20	47.52	17.60	OBC-47
177	26.55	13.28	47.79	17.70	UR
178	26.70	13.35	48.06	17.80	OBC-48
179	26.85	13.43	48.33	17.90	UR
180	27.00	13.50	48.60	18.00	SC-27
181	27.15	13.58	48.87	18.10	**EWS-18**
182	27.30	13.65	49.14	18.20	OBC-49
183	27.45	13.73	49.41	18.30	UR
184	27.60	13.80	49.68	18.40	UR
185	27.75	13.88	49.95	18.50	UR
186	27.90	13.95	50.22	18.60	OBC-50
187	28.05	14.03	50.49	18.70	SC-28
188	28.20	14.10	50.76	18.80	ST-14
189	28.35	14.18	51.03	18.90	OBC-51
190	28.50	14.25	51.30	19.00	**EWS-19**
191	28.65	14.33	51.57	19.10	UR
192	28.80	14.40	51.84	19.20	UR
193	28.95	14.48	52.11	19.30	OBC-52
194	29.10	14.55	52.38	19.40	SC-29
195	29.25	14.63	52.65	19.50	UR
196	29.40	14.70	52.92	19.60	**EWS-20***
197	29.55	14.78	53.19	19.70	OBC-53
198	29.70	14.85	53.46	19.80	ST-15*
199	29.85	14.93	53.73	19.90	SC-30*
200	30.00	15.00	54.00	20.00	OBC-54*

*/** Squeezing resorted with a view to maintain the prescribed percentage of reservation

Annexure-III

FOR DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Model Roster for cadre strength upto 13 posts

Cadre Strength	Initial Recruitment	Replacement No.												
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST
2	UR	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST	
3	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST		
4	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST			
5	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST				
6	UR	SC	OBC	UR	**EWS**	UR	OBC	UR	ST					
7	SC	OBC	UR	**EWS**	UR	OBC	UR	ST						
8	OBC	UR	**EWS**	UR	OBC	UR	ST							
9	UR	**EWS**	UR	OBC	UR	ST								
10	**EWS**	UR	OBC	UR	ST									
11	UR	OBC	UR	ST										
12	OBC	UR	ST											
13	UR	ST												

Note:

1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
2. All the posts of a cadre are to be earmarked for the categories shown under column initial recruitment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

Annexure-IV

FOR DIRECT RECRUITMENT

Model Roster of Reservation with reference to posts for Direct recruitment on All India Basis Otherwise than by Open Competition

Sl. No. of Post	Share of Entitlement				Category for which the posts should be earmarked
	SC @16.66%	ST @7.5%	OBC @25.84%	EWS @10%	
1	0.166	0.075	0.258	0.100	UR
2	0.332	0.150	0.516	0.200	UR
3	0.498	0.225	0.774	0.300	UR
4	0.664	0.300	1.032	0.400	OBC-1
5	0.830	0.375	1.290	0.500	UR
6	0.996	0.450	1.548	0.600	UR
7	1.162	0.525	1.806	0.700	SC-1
8	1.328	0.600	2.064	0.800	OBC-2
9	1.494	0.675	2.322	0.900	UR
10	1.660	0.750	2.580	1.000	**EWS-1**
11	1.826	0.825	2.838	1.100	UR
12	1.992	0.900	3.096	1.200	OBC-3
13	2.158	0.975	3.354	1.300	SC-2
14	2.324	1.050	3.612	1.400	ST-1
15	2.490	1.125	3.870	1.500	UR
16	2.656	1.200	4.128	1.600	OBC-4
17	2.822	1.275	4.386	1.700	UR
18	2.988	1.350	4.644	1.800	UR
19	3.154	1.425	4.902	1.900	SC-3
20	3.320	1.500	5.160	2.000	OBC-5
21	3.486	1.575	5.418	2.100	**EWS-2**
22	3.652	1.650	5.676	2.200	UR
23	3.818	1.725	5.934	2.300	UR
24	3.984	1.800	6.192	2.400	OBC-6
25	4.150	1.875	6.450	2.500	SC-4
26	4.316	1.950	6.708	2.600	UR
27	4.482	2.025	6.966	2.700	ST-2
28	4.648	2.100	7.224	2.800	OBC-7
29	4.814	2.175	7.482	2.900	UR
30	4.980	2.250	7.740	3.000	**EWS-3**

31	5.146	2.325	7.998	3.100	SC-5
32	5.312	2.400	8.256	3.200	OBC-8
33	5.478	2.475	8.514	3.300	UR
34	5.644	2.550	8.772	3.400	UR
35	5.810	2.625	9.030	3.500	OBC-9
36	5.976	2.700	9.288	3.600	UR
37	6.142	2.775	9.546	3.700	SC-6
38	6.308	2.850	9.804	3.800	UR
39	6.474	2.925	10.062	3.900	OBC-10
40	6.640	3.000	10.320	4.000	ST-3
41	6.806	3.075	10.578	4.100	**EWS-4**
42	6.972	3.150	10.836	4.200	UR
43	7.138	3.225	11.094	4.300	SC-7
44	7.304	3.300	11.352	4.400	OBC-11
45	7.470	3.375	11.610	4.500	UR
46	7.636	3.450	11.868	4.600	UR
47	7.802	3.525	12.126	4.700	OBC-12
48	7.968	3.600	12.384	4.800	UR
49	8.134	3.675	12.642	4.900	SC-8
50	8.300	3.750	12.900	5.000	**EWS-5**
51	8.466	3.825	13.158	5.100	OBC-13
52	8.632	3.900	13.416	5.200	UR
53	8.798	3.975	13.674	5.300	UR
54	8.964	4.050	13.932	5.400	ST-4
55	9.130	4.125	14.190	5.500	OBC-14
56	9.296	4.200	14.448	5.600	SC-9
57	9.462	4.275	14.706	5.700	UR
58	9.628	4.350	14.964	5.800	UR
59	9.794	4.425	15.222	5.900	OBC-15
60	9.960	4.500	15.480	6.000	**EWS-6**
61	10.126	4.575	15.738	6.100	SC-10
62	10.292	4.650	15.996	6.200	UR
63	10.458	4.725	16.254	6.300	OBC-16
64	10.624	4.800	16.512	6.400	UR
65	10.790	4.875	16.770	6.500	UR
66	10.956	4.950	17.028	6.600	OBC-17
67	11.122	5.025	17.286	6.700	SC-11
68	11.288	5.100	17.544	6.800	ST-5
69	11.454	5.175	17.802	6.900	UR
70	11.620	5.250	18.060	7.000	OBC-18
71	11.786	5.325	18.318	7.100	**EWS-7**

72	11.952	5.400	18.576	7.200	UR
73	12.118	5.475	18.834	7.300	SC-12
74	12.284	5.550	19.092	7.400	OBC-19
75	12.450	5.625	19.350	7.500	UR
76	12.616	5.700	19.608	7.600	UR
77	12.782	5.775	19.866	7.700	UR
78	12.948	5.850	20.124	7.800	OBC-20
79	13.114	5.925	20.382	7.900	SC-13
80	13.280	6.000	20.640	8.000	ST-6
81	13.446	6.075	20.898	8.100	**EWS-8**
82	13.612	6.150	21.156	8.200	OBC-21
83	13.778	6.225	21.414	8.300	UR
84	13.944	6.300	21.672	8.400	UR
85	14.110	6.375	21.930	8.500	SC-14
86	14.276	6.450	22.188	8.600	OBC-22
87	14.442	6.525	22.446	8.700	UR
88	14.608	6.600	22.704	8.800	UR
89	14.774	6.675	22.962	8.900	UR
90	14.940	6.750	23.220	9.000	OBC-23
91	15.106	6.825	23.478	9.100	SC-15
92	15.272	6.900	23.736	9.200	**EWS-9**
93	15.438	6.975	23.994	9.300	UR
94	15.604	7.050	24.252	9.400	OBC-24
95	15.770	7.125	24.510	9.500	ST-7
96	15.936	7.200	24.768	9.600	UR
97	16.102	7.275	25.026	9.700	SC-16
98	16.268	7.350	25.284	9.800	OBC-25
99	16.434	7.425	25.542	9.900	UR
100	16.600	7.500	25.800	10.000	**EWS-10**
101	16.766	7.575	26.058	10.100	OBC-26
102	16.932	7.650	26.316	10.200	UR
103	17.098	7.725	26.574	10.300	SC-17
104	17.264	7.800	26.832	10.400	UR
105	17.430	7.875	27.090	10.500	OBC-27
106	17.596	7.950	27.348	10.600	UR
107	17.762	8.025	27.606	10.700	ST-8
108	17.928	8.100	27.864	10.800	UR
109	18.094	8.175	28.122	10.900	OBC-28
110	18.260	8.250	28.380	11.000	SC-18
111	18.426	8.325	28.638	11.100	**EWS-11**
112	18.592	8.400	28.896	11.200	UR
113	18.758	8.475	29.154	11.300	OBC-29
114	18.924	8.550	29.412	11.400	UR
115	19.090	8.625	29.670	11.500	SC-19
116	19.256	8.700	29.928	11.600	**EWS-12****
117	19.422	8.775	30.186	11.700	OBC-30
118	19.588	8.850	30.444	11.800	ST-9
119	19.754	8.925	30.702	11.900	SC--20*
120	19.920	9.000	30.960	12.000	OBC-31*

*/** Squeezing resorted with a view to maintain the prescribed percentage of reservation

Annexure-V

FOR DIRECT RECRUITMENT

Roster for Direct Recruitment otherwise than through Open Competition for cadre strength upto 13 posts

Cadre Strength	Initial Recruitment	Replacement No.												
		1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST
2	UR	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST	
3	UR	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST		
4	OBC	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST			
5	UR	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST				
6	UR	SC	OBC	UR	**EWS**	UR	OBC	SC	ST					
7	SC	OBC	UR	**EWS**	UR	OBC	SC	ST						
8	OBC	UR	**EWS**	UR	OBC	SC	ST							
9	UR	**EWS**	UR	OBC	SC	ST								
10	**EWS**	UR	OBC	SC	ST									
11	UR	OBC	SC	ST										
12	OBC	SC	ST											
13	SC	ST												

Note:

1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"
2. All the posts of a cadre are to be earmarked for the categories shown under column initial recruitment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

Annexure-VI

Name of the Ministry/Department:

Report for the fortnight ending	Unfilled vacancies as on 01.02.2019					Vacancies filled up during the fortnight ending					Total vacancies filled up since 01.02.2019				
	SC	ST	OBC	EWS	UR	SC	ST	OBC	EWS	UR	SC	ST	OBC	EWS	UR

Note 1: Single consolidated fortnightly report may be sent in respect of the Ministry/Department and its attached and sub-ordinate offices

Note 2: The first report should begin from 15.02.2019

Note 3: Filled up fortnightly report may be emailed at jsest@nic.in and g.sreenivasan@nic.in

B. FREQUENTLY ASKED QUESTIONS (FAQs) ON RESERVATION TO ECONOMICALLY WEAKER SECTIONS (EWSs) IN POSTS/ SERVICES UNDER CENTRAL GOVERNMENT

FAQs on Property

Question-1. If the land/property (more than threshold limit) is in the name of parents and there are more than one child and the property has not been distributed, then in that situation, can one of the children apply for EWS certificate?

Answer: No. Para 4.2 and 4.3 of said O.M. dated 31.01.2019 provides that the property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status and the term 'Family' for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. Property beyond threshold limit tantamount to disqualification for applying to Income and Asset Certificate in respect of any of the children.

Question-2. In case agricultural land/residential flat/plot of parents is located in more than one State/District or within the same State/District, all such land/properties will be clubbed or not?

Answer: Yes. Para 4.2 of said O.M. dated 31.01.2019 provides that, the property held by a "Family" in different locations or different places/cities would be clubbed while applying the land or property holding test to determine EWS status. Person can apply for Income and Asset Certificate in the district of his permanent address.

Question-3. Does the residential flat/plot as classified under Para 4.1 of DoPT OM, dated 31.1.2019, includes both commercial and residential property?

Answer: Para 4.1 of the OM, dated 31.1.2019, speaks of residential property. However, exclusion of commercial property will result in injustice. Hence, the definition of residential flat/plot in the OM also includes the commercial property.

Question-4. Will the property of grandparents not distributed among the parents of the applicants be counted towards calculating the assets held by the parents of applicants for the purpose of Income and Asset Certificate?

Answer: No. Grandparent is not a part of a family under para 4.3 of OM dated 31.1.2019.

Question-5. If half of the residential plot, i.e. 90 square yards is in urban area (notified municipalities) and rest 90 square yards is in rural areas

(other than the notified municipalities), how will the residential plot be treated?

Answer: It will be 90 square yards in urban area and remaining 90 square yards in rural area. Hence, as laid down in Para 4.1 of OM dated 31.1.2019, it is neither 100 square yards in notified municipalities nor 200 square yards in other than notified municipalities. As such, eligibility will remain for EWS certificate.

Question-6. If the construction of a residential flat/plot is on barren land, does that property come under residential flat or agricultural land?

Answer: If it is a flat, the criteria of Income & Assets applicable for residential flat of 1000 square feet and above as provided in para 4.1(ii) of the O.M. dated 31.1.2019, will apply. If it is a plot, again, the criteria of notified municipality or the area other than the notified municipality will apply as provided in Para 4.1 (iii) and (iv) of the O.M., dated 31.1.2019.

Question-7. What does residential plot mean? How is residential plot measured ?

Answer: Residential plot means a plot for the purpose of construction of residential house irrespective of the fact whether the house has been constructed or not. The entire area of the plot will be taken into account while assessing the eligibility of a candidate to get an Income & Asset Certificate. In this regard, rules/regulations framed by the respective Municipality/Panchayat shall be taken into account.

Question-8. What is the difference between residential flat and residential plot ?

Answer: For the purpose of reservation in the category of EWS, the term 'Plot' connotes an independent identity, whereas the term 'flat' connotes a number of residential units/dwelling units built on the same plot.

Question-9: If a person has residential flat/plot on agricultural land will that be treated as agricultural land or residential flat/plot ?

Answer: Built up area of the flat and the covered area plus the area left uncovered of the plot (as per rules of Municipality/Panchayats) will be treated as residential area and additional land beyond residential flat / plot, being used for agricultural purpose, may be treated as agricultural land. This will be specifically for the purpose of determination of EWS status and not for any other purpose.

Question-10. In case of residential flat, whether super area (including common area viz, stair case, gardens, roads within the society, as distributed among the flats) or total area of the flat (including brick/pillar area) or carpet area (excluding brick and pillar area) is to be taken into account for computation of the measurement of the flat ?

Answer: Total built up area of the residential unit/flat, including brick/pillar area (excluding staircase area and common area), is to be taken into account for computation of measurement of the flat.

FAQs on Category of Applicant

Question-11. Migrants belonging to Scheduled Castes (SCs), Scheduled Tribe(STs), Other Backward Castes(OBCs) in other State where they do not belong to SC, ST and OBC, then in that case, can they apply for EWS reservation?

Answer: As per Para 2 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, the persons belonging to EWSs who, are not covered under the scheme of reservation for SCs, STs and OBCs shall get 10% reservation in direct recruitment in civil posts and services in the Government of India. Applicants belonging to SC, ST or OBC included in the Central List residing in any of the States/UTs are not eligible for EWS reservation in respect of posts/services of the Government of India.

Question-12. If a person belongs to Other Backward Classes (OBCs) in a State list but not in Central List, can he apply for Income and Asset Certificate?

Answer: Para 2 of annexure-I to O.M., dated 31.01.2019, regarding Income & Asset Certificate reads as under:

"Shri/Smt./Kumari _____ belongs to the _____ caste which is not recognized as a Scheduled Caste, Scheduled Tribe and Other Backward Classes (Central List) .....".

Therefore, if a person belongs to OBC in a State list but not in Central List, he/she can apply for Income and Asset Certificate for applying to posts and services of the Government of India to avail of EWS reservation subject to fulfilling other conditions, as mentioned in said OM, dated 31.1.2019.

FAQs on vacancies

Question-13. How can the unfilled vacancies of EWS be filled in a recruitment year in case of non-availability of suitable candidates belonging to EWS ?

Answer: As per Pare 6.3 of DoPT OM No. 36039/112019-Estt.(Res.), dated 31.3.2019, where in any recruitment year any vacancy earmarked for EWS cannot be filled up due to non availability of a suitable candidate belonging to EWS, such vacancies for that particular recruitment year shall not be carried forward to the next recruitment year as backlog. A further attempt in the same recruitment year to fill the EWS vacancy is desirable. Thereafter, the unfilled vacancies may be filled up, treating them as unreserved provided it does not result in excess representation in general category beyond the number added on account of non-availability of EWS candidate. If it results in excess representations, it may be diverted to the category in which shortfall exists.

Question-14. Whether EWS reservation is to be calculated on total number of vacancies of cadre strength or current year vacancies.

Answer: EWS reservation should be calculated in accordance with reservation roster as provided in Annexure - II to V of DoPT OM, dated 31.1.2019. EWS reservation is effective in respect of all direct recruitment vacancies to be notified on or after 01.02.2019. Every Government establishment shall recast group-wise post-based reservation roster register for direct recruitment, in accordance with format given in Annexure II, Ill, IV and V of DoPT OM, dated 31.1.2019, as the case may be, for effecting 10% reservation for EWSs interpolating them with the SCs, STs and OBCs. Thereafter, they can see the point which was vacated in the Post Based Roster. The vacancies will, accordingly, go to respective categories. Current vacancies are to be taken into account to distribute vacancies amongst different categories.. .

FAQs on Income

Question-15. Whether money earned through Provided Fund, Gratuity or other pensionary benefits in a particular financial year at the time of retirement will be counted as family income ?

Answer: As per Para 4.1 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, apart from asset holding test, persons whose family has gross annual income below Rs 8.00 lakh (Rupees eight lakh only) are to be identified as EWSs for benefit of reservation. Income for the purpose shall include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application. The income for this purpose will be gross income taken into account for the purpose of Income Tax.

Question-16. Will monthly pension/family pension be counted for family income?

Answer: Yes.

Question-17. Gross salary is Rs.10 Lakh but as per income tax return total income comes out to Rs.6 Lakh. In that case, can a candidate apply for Income and Asset certificate?

Answer: It is always gross salary/gross income.

FAQs on Competent Authorities for issuance of Income & Asset Certificate

Question-18. Can Competent Authorities of different States and Union Territories issue Income and Asset Certificate in different formats?

Answer: No. Prescribed format for Income & Asset Certificate for applying to posts and services under the Government of India has been prescribed vide Annexure-I of DoPT O.M. No. 36039/1/2019-Estt.(Res.-II),dated 31.01.2019.

Hence, it cannot be different for different States/UTs for the purpose of employment under the Central Government.

Question-19. Whether Anchal Adhikari or Naib-Tehsildar is a competent Authority to issue a EWS certificate?

Answer: AnchalAdhikari of any State/UT can issue Income and Asset Certificate, if he/she is not below the rank of Tehsildar or any other equivalent officer(s) as mentioned in Para 5.1 of DoPT OM, dated 31.1.2019, and as notified by the respective State/UT. If the Anchal Adhikari/Naib Tehsildar is below the rank of Tehsildar, they shall not issue Income & Asset Certificate.

FAQs regarding Income & Asset Certificate

Question-20. In case Income and Asset certificate comes out to be a fake/false at a later stage, what will be the next course of action to be followed by the Appointing Authority ?

Answer: Para 5.4 DoPT OM, dated 31.01.2019 provides that the appointing authorities should, in the offer of appointment to the candidates, claiming to be belonging to EWS, include the following clause :-

"The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong to EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate.

The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority."

If the Income & Asset Certificate is found to be fake, the services of the temporarily appointed person shall be done away with.

Question-21. Crucial date for Income & Asset certificate?

Answer: Para 5.3 DoPT OM, dated 31.01.2019, provides that the crucial date for submitting income and asset certificate by the candidate may be treated as the closing date for receipt of application for the post, except in cases where crucial date is fixed otherwise. The crucial date for submission of Income & Asset Certificate (Cutoff date) shall be clearly mentioned in the advertisement published by the recruiting agencies. Income & Asset Certificates issued subsequent to the crucial date and for the later Financial Year shall be treated as major discrepancies. In this regard, the order, dated 18.05.2020 passed by the Hon'ble Supreme Court in SLP(C) No. 426/2021 titled UPSC vs Gaurav Singh &Ors, may be referred to.

Question-22.Requirement of seal/stamp of name and designation of Income & Asset certificate issuing authority of State/UT.

Answer: The authorized certificate issuing authorities in the States/UTs should invariably affix the seal/stamp properly displaying their name and designation on the space earmarked for the purpose in the Income and Asset Certificate (Annexure-I of DoPT OM, dated 31.01.2019).

Question-23.What if the earmarked space of "Valid for the year_____" below the certificate no. and date is left blank?

Answer: As per Para 4.1 of DoPT OM No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, Family Gross Annual Income shall be computed for the financial year prior to the year of application. Therefore, if the closing date for receipt of application for a post is 1st August, 2022, the financial year for computing gross annual income of the family shall be 2021-2022 and the certificate shall be valid for 2022-2023. If it is left blank but the income and assets have been calculated for the correct financial year and also indicated in the body of the Income & Asset Certificate, it may be referred back to the certificate issuing authority for confirmation and filling up the validity year in the space earmarked for it. However, neither financial year nor validity year is mentioned in the certificate, it will be treated as a major discrepancies and may invite rejection.

Miscellaneous FAQs

Question-24. What arenotified municipalities'' and areas falling in 'other than the notified municipalities'?

Answer: Notified Municipalities means the area under the respective Municipalities, as notified by the respective States/UTs. If any area has not been notified, it will come under the category of the area 'other than the notified municipalities'.

Question-25. Whether in case of applicants(s) not living with parents or separated by parents, property or income of parents shall be taken into account for computation of family income ?

Answer: As per Para 4.3 of DoPT O.M. No. 36039/1/2019-Estt.(Res.), dated 31.01.2019, The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouse and children below the age of 18 years. Therefore, no other definition of Family will be allowed. To make it clear, it is stated that whether the children are not living with parents or separated from parents, property/income of parents shall be taken into account for computation of family income.

Question-26. Whether siblings/children of 18 years or above will be counted under the definition of family for EWS reservation?

Answer: No. As per the Para 4.3 of O.M. of DoPT, dated 31.01.2019, the term "Family" will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years, as also his/her spouse and children below the age of 18 years. Therefore, siblings/children of 18 years and

above will not be counted under the definition of "Family" for applying to Income and Asset Certificate.

Question-27. What is the maximum time limit to issue the Asset and Income Certificate for EWS after submitting the application?

Answer: The Officer who issues the certificate would do the same after carefully verifying all relevant documents following due process, as prescribed by the respective State/UT and, accordingly, time limit for issuing Income and Asset Certificate is to be decided by the respective State/UT. However, the time limit should be fixed in such a way that it does not harm the interest of the applicants.

Question-28.Whether the benefit of age relaxation and relaxation in number of attempts available to EWS candidates?

Answer: No. The conditions prescribed for General category candidates in matters of Age and Number of attempts, would also apply to EWS candidates.

2. In case any reply, as contained in this FAQ, contradicts any of the provisions made in DoPT OM, dated 31.1.2019, the provisions made in DoPT OM, dated 31.1.2019, shall prevail. The clarification contained in this FAQs shall be effective from the date of issue of this OM and it will not be applicable to the cases settled before the date of issue of this O.M. Further the clarifications are subject to outcome of different cases pending before various Courts on the subject.

3. This FAQs is being issued after having consultation with the Department of Social Justice and Empowerment and the Department of Legal Affairs.

3. PROVISIONS RELATING TO PERSONS WITH BENCHMARK DISABILITY (PwBDs)

A. RESERVATION FOR PwDs IN DIRECT RECRUITMENT

Previous OMs on the subject

OM.No. 36035/16 /91-Estt.(SCT), dated 18.02.1997

OM.No. 36035/3/ 2004- Estt.(Res), dated 29.12.2005

With enactment of THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' from 19thApril, 2017 and notification of THE RIGHTS OF PERSONS WITH DISABILITIES RULES, 2017' on 15thJune, 2017, the following instructions have been issued in line with the provisions made therein regarding reservation for

Persons with Benchmark Disabilities, as defined under Section 2(r) of the Act against the posts and services of the Central Government.

2. QUANTUM OF RESERVATION

2.1 In case of direct recruitment, four percent of the total number of vacancies to be filled up by direct recruitment, in the cadre strength in each group of posts i.e. Groups A, B and C shall be reserved for persons with benchmark disabilities.

2.2 Against the posts identified for each disabilities, of which, one per cent each shall be reserved for persons with benchmark disabilities under clauses (a), (b) and (c) and one per cent, under clauses (d) and (e), unless otherwise excluded under the provisions of Para3 herein under:-

(a) Blindness and low vision;
(b) Deaf and hard of hearing;
(c) Locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
(d) autism, intellectual disability, specific learning disability and mental illness;
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness

3. EXEMPTION FROM RESERVATION:

If any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation for persons with benchmark disabilities, it shall make a reference to the Department of Empowerment of Persons with Disabilities giving full justification for the proposal, who having regard to the type of work carried out in any Government establishment by notification and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD) may exempt any Establishment or any cadre(s) fully or partly from the provisions of reservation for persons with benchmark disabilities.

4. ADJUSTMENT AGAINST UNRESERVED VACANCIES::

4.1 In the category of posts which are identified suitable for persons with benchmark disabilities, a person with benchmark disability cannot be denied the right to compete for appointment by direct recruitment against an unreserved vacancy. Thus a person with benchmark disability can be appointed by direct recruitment against vacancy not specifically reserved for the persons with benchmark disability, provided the post is identified suitable for persons with benchmark disability of the relevant category.

4.2 Persons with benchmark disabilities selected without relaxed standards along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities which will thus comprise of candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standards.

5. CERTIFICATE OF DISABILITY:

A person who wants to avail the benefit of reservation will have to submit a certificate of disability issued by a Competent Authority. Such certificate in the event of selection of such person for any post, will be subject to such verification/re-verification as may be decided by the competent authority.

6. COMPUTATION OF NUMBER OF POSTS TO BE RESERVED:

6.1 The number of posts to be reserved for persons with benchmark disabilities in case of Group C posts shall be computed on the basis of total number of vacancies in the cadre strength of Group C posts, in the establishment, although the recruitment of the persons with benchmark disabilities would only be against the category of posts identified suitable for them. The number of vacancies to be reserved for the persons with benchmark disabilities in case of direct recruitment to Group 'C' posts in an establishment shall be computed by taking into account the total number of vacancies arising in Group 'C' posts for being filled by direct recruitment in a recruitment year both in the identified and non-identified category of posts under the establishment. Since reservation, wherever applicable, for Persons with Benchmark Disabilities is provided computing total number of vacancies in the cadre strength in identified category of posts as well as unidentified category of posts, it may be possible that number of persons appointed by reservation in an identified category of post may exceed four per cent.

6.2 Reservation for persons with benchmark disabilities in Group 'A' or Group 'B' posts shall be computed on the basis of total number of vacancies occurring in direct recruitment quota in the cadre in all the Group 'A' posts or Group 'B' posts respectively, and the computation of total vacancies shall include vacancies arising in the identified and non-identified category of posts.

7. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS::

7.1 Every Government establishment shall maintain group-wise a separate vacancy based 100 point vacancy based reservation roster register in the format given in Annexure for determining/effecting reservation for the Persons with Benchmark Disabilities - one each for Group 'A' posts filled by direct recruitment, Group 'B' posts filled by direct recruitment and Group 'C' posts filled by direct recruitment.

7.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block - point No. 01 to point No. 25
2nd Block - point No. 26 to point No. 50
3rd Block - point No. 51 to point No. 75
4th Block — point No. 76 to point No.100

7.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for persons with benchmark disabilities - one point each for four respective categories of disabilities. The Head of the establishment shall ensure that vacancies identified at SI. No.1, 26, 51 and 76 are earmarked for the respective categories of the persons with benchmark disabilities. However, the Head of the establishment shall decide the placement of the selected candidate in the roster register.

7.4 All the vacancies arising irrespective of vacancies reserved for Persons

with Benchmark Disabilities shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the Person with Benchmark Disability or the Head of the establishment considers it desirable not to fill it up by Persons with Benchmark Disabilities or it is not possible to fill up that post by the Persons with Benchmark Disabilities for any other reason, one of the vacancies falling at any of the points from 2 to 25 shall be treated as reserved for the person with benchmark disability and filled as such.

7.5 Likewise, a vacancy falling at any of the points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the Persons with Benchmark Disabilities. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy.

7.6 There is a possibility that none of the vacancies from 1 to 25 is suitable for any category of the person with benchmark disability. In that case two vacancies from 26 to 50 shall be filled as reserved for persons with benchmark disabilities. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies shall be filled as reserved from the third block containing points from 51 to 75. This means that if no vacancy can be reserved in a particular block, it shall be carried over into the next block

7.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

7.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies) or two (say 50 vacancies), the category of the persons with benchmark disabilities should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category, the Head of the establishment shall decide the category on the basis of the nature of the post, the level of representation of the specific disabled category in the concerned grade/post etc.

8. INTER SE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF DIRECT RECRUITMENT:

8.1 Where in any recruitment year any vacancy cannot be filled up due to non availability of a suitable person with benchmark disability or for any other sufficient reason, such vacancy shall be carried forward in the succeeding recruitment year and if in the succeeding recruitment year also suitable person with benchmark disability is not available, it may first be filled by interchange among the following four categories of disabilities, at one percent each to each category:

(A)
(a) blindness and low vision;

(B)
(b) deaf and hard of hearing;

(C)
(c)locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;

(D)
(d) autism, intellectual disability, specific learning disability and mental illness;

(e)multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

8.2 Only when there is no person with benchmark disability available for the post in that year, the employer shall fill up the vacancy by appointment of a person, other than a person with benchmark disability.

8.3 If the nature of vacancies in an establishment is such that a given category of person cannot be employed, the vacancies may be interchanged with the prior approval of Department of Empowerment of Persons with Disabilities, among the above mentioned four categories.

8.4 If any vacancy reserved for any category of benchmark disability cannot be filled due to non-availability of a suitable person with that benchmark disability or, for any other sufficient reason, such vacancy shall be carried forward as a 'backlog reserved vacancy' to the subsequent recruitment year.

8.5 In the subsequent recruitment year the 'backlog reserved vacancy' shall be treated as reserved for the category of disability for which it was kept reserved in the initial year of recruitment. However, if a suitable person with that benchmark disability is not available, it may be filled by interchange among the categories of benchmark disabilities identified for reservation. In case no suitable person with benchmark disability is available for filling up the vacancy in the succeeding year also, the employer may fill up the vacancy by a person other than a person with benchmark disability. If the vacancy is filled by a person with benchmark disability of the category for which it was reserved or by a person of other category of benchmark disability by inter se exchange in the subsequent recruitment year, it will be treated to have been filled by reservation. But if the vacancy is filled by a person other than a person with benchmark disability in the subsequent recruitment year, reservation shall be carried forward for a further period upto two recruitment years whereafter the reservation shall lapse. In these two subsequent years, if situation so arises, the procedure for filling up the reserved vacancy shall be the same as followed in the first subsequent recruitment year.

8.6 The Government establishment shall interchange vacancies only if due process of recruitment viz. proper advertisement of vacancy to fill up the vacancies reserved for persons with benchmark disabilities has been complied with.

8.7 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the persons with benchmark disabilities candidates shall first be counted against the additional quota brought forward from previous years, if any, in their chronological order. If candidates are not available for all the vacancies, the older carried forward reservation would be filled first and the current vacancies would be carried forward if not filled up provided that in every recruitment, the number of vacancies reserved for Persons with Benchmark Disabilities including carried forward vacancies will be announced beforehand, for the information of all aspirants

9. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES:

9.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called vertical reservation and the reservation for categories such as persons with benchmark disabilities and ex-servicemen is called horizontal reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected against the quota for persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved depending upon the category to which they belong in the roster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year there are two vacancies reserved for the persons with benchmark disabilities and out of two persons with benchmark disabilities appointed, one belongs to Scheduled Caste and the other belongs to Unreserved category, then the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against unreserved point in the relevant reservation roster. In case none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SCs.

9.2 Since the persons with benchmark disabilities have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form for the post should require the candidates applying under the quota reserved for persons with benchmark disabilities to indicate whether they belong to SC/S T/OBC or Unreserved. Thus, reservation for persons with benchmark disabilities is horizontal.

10. CERTIFICATE BY REQUISITIONING AUTHORITY

10.1 In order to ensure proper implementation of the provisions of reservation for persons with benchmark disabilities, the requisitioning authority while sending the requisition to the recruiting agency or authority as the case may be for filling up of posts shall furnish the following certificate to the recruiting agency:-

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016' which has become effective from 19 thday of April, 2017 and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition. The vacancies reported in this requisition fall at points no .....of cycle no ..... of 100 point reservation roster out of ..... which number of vacancies are reserved for persons with benchmark disabilities."

10.2 At the time of initial appointment against a vacancy reserved for persons with benchmark disabilities, the appointing authority shall ensure that the candidate is eligible to get the benefit of reservation.

11. RELAXATION OF STANDARD OF SUITABILITY:

11.1 If sufficient number of candidates with benchmark disabilities candidates are not available on the basis of the general standard to fill all the vacancies reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them provided

they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of disability.

11.2 Same relaxed standard should be applied for all the candidates with Benchmark Disabilities whether they belong to Unreserved/SC/ST/OBC. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

12. MEDICAL EXAMINATION:

As per Rule 10 of the Fundamental Rules, every new entrant to Government Service on initial appointment is required to produce a medical certificate of fitness issued by a competent authority. In case of medical examination of a person with benchmark disabilities for appointment to a post identified as suitable to be held by a person suffering from a particular kind of disability, the concerned Medical Officer or Board shall be informed beforehand that the post is identified suitable to be held by persons with benchmark disabilities of the relevant category and the candidate shall then be examined medically keeping this fact in view.

13. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES:

The Ministries/Departments shall continue to upload data on representation of Persons with Benchmark Disabilities along with data on SCs, STs, OBCs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in as on 1 st January of every year. All Ministries/Departments have been provided respective usercode and password with guidelines for operating the URL.

14. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT:

14.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

14.2 The Grievance Redressal Officer shall maintain a register of complaints of persons with disabilities with the following particulars, namely:-
(a) date of complaint;
(b) name of complainant;
(c) the name of the establishment or person against whom the complaint is made;
(d) gist of the complaint;
(e) date of disposal by the Grievance Redressal Officer; and
(f) any other information.

14.3 Any person aggrieved with any matter relating to discrimination in employment against any person with disability may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

14.4 Every complaint filed as per Para 14.3 above, shall be inquired into within two months of its registration and outcome thereof or action taken thereon shall be communicated to the complainant / Person with Benchmark Disability.

(DoPT O.M. No. 36035/02/2017-Estt.(Res.), dated 15.01.2018)

Annexure

RESERVATION ROSTER FOR PERSONS WITH BENCHMARK DISABILITIES

Year of Recruitment	Cycle No.	Point No.	Name of Post	Identified suitable for persons with benchmark disabilities covered under the following respective categories:				Unreserved or Reserved**	Name of the person appointed and date of appointment	whether the person appointed is in a, b, c and (d &e) or None***	Remark, if any
				a	b	c	(d & e)				

Respective Categories

(a) blindness and low vision
(b) deaf and hard of hearing
(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy
(d) autism, intellectual disability, specific learning disability and mental illness
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness

If identified reserved, write **a/b/c/(d & e) as the case may be, otherwise write UR

***Write **a/b/c/(d & e)** or None, as the case may be

G. Srinivasan

(DoPT O.M. No. 36035/02/2017-Estt.(Res.), dated 15.01.2018)

B. RESERVATION FOR PwDs IN PROMOTION

The matter regarding reservation in promotion for Persons with Benchmark Disabilities (PwBDs) had been under litigation before various courts of law for quite some time, and the Hon'ble Supreme Court, in its order, dated 28.9.2021, delivered in the 'Application for Clarification' in the matter of 'Siddaraju vs. State of Karnataka', Civil Appeal No. 1567/2017, directed the Government to issue instructions on 'Reservation in Promotion', as provided in Section 34 of the Rights of Persons with Disabilities Act, 2016. Accordingly, the following instructions have been issued for grant of reservation in promotion to PwBDs, in the posts and services of the Central Government, as defined under Section 2(r) of the said Act, notified by the Department of Empowerment of Persons with Disabilities (DEPwD).

2. QUANTUM OF RESERVATION

2.1 In case of promotion, four per cent of the total number of vacancies in the cadre strength within Group 'C, from Group 'C to Group 'B', within Group 'B' and from Group 'B' to the lowest rung of Group 'A' shall be reserved for PwBDs. Reservation in promotion shall be applicable in the cadres in which the element of direct recruitment, if any, does not exceed 75%.

2.2 Against the posts identified for each disability, one per cent each shall be reserved for PwBDs under clauses (a), (b) and (c), respectively, and one per cent combined, under clauses (d) and (e) below, unless otherwise excluded under the provisions of Para 3 hereinunder; -

(a) blindness and low vision;
(b) deaf and hard of hearing;
(c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy;
(d) autism, intellectual disability, specific learning disability and mental illness;
(e) multiple disabilities from amongst persons under clauses (a) to (d) including deaf-blindness.

2.3 The authenticity of any certificate, issued by the competent medical authority, may be got verified/re-verified by the appointing authority at the time of appointment.

3. EXEMPTION FROM RESERVATION IN PROMOTION

3.1 Proviso to Section 20(1) of the Right of Persons with Disabilities Act, 2016, states that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, exempt any establishment from the provisions of this Section.

3.2 Accordingly, if any Ministry/Department in the Central Government considers it necessary to exempt any establishment or any cadre or cadres fully or partly from the provisions of reservation in promotion for PwBDs, it shall make a reference to the DEPwD, giving full justification for the proposal. The DEPwD, having regard to the type of work carried out in any Government establishment, by notification, and subject to such condition, if any, as may be specified in the notification, in consultation with the Chief Commissioner for Persons with Disabilities (CCPD), may exempt any Establishment or any cadre(s), fully or partly, from the provisions of reservation for PwBDs. While doing so, Notes 1 to 9 under the Notification No.38-16/2020-DD.II, dated the 4th January, 2021, issued and as modified from time to time by the DEPwD, may kindly be kept in view

4. NO DENIAL OF PROMOTION MERELY ON THE GROUND OF DISABILITY

4.1 In terms of Section 20(3) of the Rights of Persons with Disabilities Act, 2016, no promotion shall be denied to a person merely on the ground of disability. Further, in terms of Section 20(4) of the Act, no Government establishment shall dispense with or reduce in rank an employee who acquires

a disability during his/her service. As per the proviso to this sub-section, if an employee, after acquiring disability is not suitable for the post he was holding, shall be shifted to some other post with the same pay scale and service benefits. This section further provides that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier. However, in case the PwBDs for whom the supernumerary post was created is eligible for next promotion to higher pay level, and it is not possible to adjust the employee against any post, a fresh creation of supernumerary post in next higher level will be required by surrendering the previously created supernumerary post at the lower level, and the proposal for the same may be submitted to the Department of Expenditure.

4.2 An employee who acquires disability, after entering into service, will be entitled to get the benefit of reservation in promotion as a PwBD. However, his seniority among PwBDs will be counted from the date of certification of his/her disability, i.e., disability of 40% or more in the categories covered under Section 34(1) of the Rights of Persons with Disabilities Act, 2016.

4.3 No benefit of reservation shall be given on the basis of temporary certificate of disability

5. IDENTIFICATION OF POSTS;

5.1 The DEPwD has already identified posts suitable for being held by PwBDs and the physical requirement for all such posts, have been notified, vide their Notification No. 38-16/2020-DD-III, dated the 4th January, 2021. The posts mentioned in AnnexureC of the said notification (to be read in conjunction with Notes 1 to 9 mentioned under the main Notification, dated 4th January, 2021) shall be used by the Cadre Controlling Authorities to give effect to reservation in promotion to the PwBDs.

6. RESERVATION IN POSTS IDENTIFIED FOR ONE OR TWO CATEGORIES

6.1 If in a Ministry/Department/Organization, a post is identified suitable only for one category of disability, reservation in promotion in that post shall be given to persons with that category of benchmark disability only. However, reservation of 4% for PwBDs shall not be reduced in such cases and total reservation in the cadre will be given to PwBDs for which it has been identified. Likewise, in case the post is identified suitable for two categories of disabilities, reservation shall be distributed between persons with those categories of disabilities equally, as far as possible. It shall, however, be ensured that reservation in different posts in the establishment is distributed in such a way that the PwBDs, as far as possible, get equal/fair representation. The points used in the 100-point Roster after a gap of 25 points shall be used to give reservation. In other words, it will be given only at the points reserved for PwBDs, and not in a bunched manner.

7. ADJUSTMENT OF PwBD CANDIDATES WHO ARE IN THE ZONE OF CONSIDERATION AGAINST GENERAL VACANCY

7.1 In case of promotions by seniority-cum-fitness, if a PwBD is otherwise eligible and is in the list of candidates finally approved for promotion, he/she

may be promoted against the vacancy not specifically reserved for PwBD. In other words, a PwBD cannot be denied promotion on the ground that the vacancy is not earmarked for his category

7.2 In the case of promotion by selection, PwBDs selected without relaxed standards, along with other candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities who are lower in merit than the last candidate in merit list but, otherwise found suitable for appointment, if necessary, by relaxed standards.

8. RELAXATION OF STANDARD OF SUITABILITY

8.1 If sufficient number of PwBD candidates with benchmark disabilities are not available on the basis of prescribed standard to fill all the vacancies (in case of promotion through Limited Departmental Competitive Examination/Departmental Examination, etc.) reserved for them, candidates belonging to this category may be selected on relaxed standard to fill up the remaining vacancies reserved for them, provided they are not found unfit for such post or posts. However, this provision shall not be used to allow any relaxation in the eligibility criteria laid down for the issuance of certificate of benchmark disability.

8.2 The same relaxed standard should be applied for all the PwBD candidates with benchmark disabilities, irrespective of whether they belong to the Unreserved/SO/ ST/ OBC category. No further relaxation of standards will be considered or admissible in favour of any candidate from any category whatsoever.

9. COMPUTATION OF NUMBER OF VACANCIES TO BE RESERVED

9.1 Number of vacancies in a recruitment year to be reserved for PwBDs in Group 'C, Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable, shall be computed as 4% of the total number of vacancies in the cadre strength, although the PwBDs would be posted against the category of posts identified as suitable for them

10. EFFECTING RESERVATION - MAINTENANCE OF ROSTERS

10.1 Every Government establishment shall maintain, cadre wise and group-wise, a separate 100-point vacancy-based reservation roster/register, as in the case of direct recruitment, for determining/effecting reservation for the PwBDs in promotion. There will be separate roster / register, in each cadre in Group 'C', Group 'B' and Group 'A', wherever reservation in promotion for PwBD is applicable. There shall be separate roster/register for promotion and direct recruitment.

10.2 Each register shall have cycles of 100 points and each cycle of 100 points shall be divided into four blocks, comprising the following points:

1st Block - Point No. 01 to point No. 25
2nd Block - Point No. 26 to point No. 50
3rd Block - Point No. 51 to point No. 75
4th Block — Point No. 76 to point No. 100

10.3 Points 1, 26, 51 and 76 of the roster shall be earmarked for PwBDs - one point each for category under (a), (b), (c) of Para 2.2 above, respectively, and one point for category (d) and (e) conjointly. The Head of the establishment shall ensure that vacancies identified at SI. No.1, 26, 51 and 76 are earmarked for the respective categories of the PwBD. However, the Head of the Department shall decide the placement of the selected candidate in the roster/ register. In other words, the category to be appointed first will be decided by the Head of the Department based on the functional requirement.

10.4 All the vacancies in each recruitment year in a grade, arising irrespective of vacancies reserved for PwBDs, shall be entered in the relevant roster. If the vacancy falling at point no. 1 is not identified for the PwBD, or if the Head of the Department feels that it is not possible to fill up that post by the PwBDs for any other reason to be recorded in writing, one of the vacanciesfalling at any of the points from 2 to 25 shall be treated as reserved for the PwBD and filled, as such.

10.5 Likewise, one vacancy out of the total vacancies falling at points from 26 to 50 or from 51 to 75 or from 76 to 100 shall have to be filled by the PwBDs. The purpose of keeping points 1, 26, 51 and 76 as reserved is to fill up the first available suitable vacancy by the PwBD candidate of the category for which the post is earmarked.

10.6 There is a possibility that none of the vacancies from 1 to 25 is found suitable for any category of the PwBD. In that ease, two vacancies from 26 to 50 shall be filled from amongst the PwBDs. If the vacancies from 26 to 50 are also not suitable for any category, three vacancies in the third block 51 to 75 shall be filled as reserved. This means that if no vacancy can be reserved in a particular block, it shall be carried over to the next block.

10.7 After all the 100 points of the roster are covered, a fresh cycle of 100 points shall start.

10.8 If the number of vacancies in a year is such as to cover only one block (say 25 vacancies, including PwBD quota, if any) or two (say 50 vacancies, including the quota, if any), the category of the PwBDs should be accommodated as per the roster points. However, in case, the said vacancy is not identified for the respective category of disability, the Head of the Department shall decide the category on the basis of the nature of the post, the level of representation of the specific category in the grade/post concerned, etc.

11. CERTIFICATE BY REQUISITIONING/CADRE CONTROLLING AUTHORITY WHILE SENDING APPLICATION FOR SELECTION BY PROMOTIONS /DEPARTMENTAL EXAMINATION INCLUDING LIMITED COMPETITIVE DEPARTMENTAL EXAMINATION;

11.1 In order to ensure proper implementation of the provisions of reservation for PwBDs, the requisitioning/cadrecontrolling authority, while sending the requisition/proposal to the recruiting agency/DPC, as the case may be, for filling up of vacancies through promotion by selection/Departmental Examination/Limited Competitive Departmental Examination, shall furnish the following certificate to the recruiting agency/DPC:

"It is certified that the requirements of the THE RIGHTS OF PERSONS WITH DISABILITIES ACT, 2016 which has become effective from 19th day of April, 2017 and Rules made thereupon, vide Rights of Persons with Disabilities Rules, 2017, and the policy relating to reservation for persons with benchmark disabilities has been taken care of while sending this requisition/proposal. The vacancies reported in this requisition/proposal fall at points no……. of cycle no ……of 100-point reservation roster out of which……. number of vacancies are reserved for persons with benchmark disabilities."

12. NOTICE OF VACANCIES FOR PROMOTION BY SELECTION

12.1 In order to ensure that PwBDs get a fair opportunity in consideration for appointment against an identified post, the following points shall be kept in view while sending the requisition notice/proposal to the recruiting agencies (SSC, UPSC etc.) and DPCs-

(i) Number of vacancies reserved for SCs, STs and each category of PwBDs should be indicated clearly.

(j) In respect of vacancies in posts identified suitable for being held by PwBD, it shall be indicated that the post is identified for that respective category of PwBDs from amongst the categories, as mentioned in (a) to (e) of Para 2.2 above, as the case may be. Functional classification for performing the duties attached to such post(s), shall also be indicated clearly.

(k) The PwBDs belonging to the category/categories for which the post is identified shall be allowed to apply for the post advertised for being filled up by Limited Departmental Competitive Examination, even if no vacancy is reserved for them. However, they will not be allowed any relaxed standard. Such PwBD candidates will be considered for selection for appointment to the post by general standards of merit.

(l) lt shall also be indicated that persons with valid certificate of benchmark disability shall alone be eligible for the benefit of reservation. However, no benefit of reservation shall be given on the basis of temporary certificate of disability.

13. ZONE OF CONSIDERATION. INTERSE EXCHANGE AND CARRY FORWARD OF RESERVATION IN CASE OF PROMOTION

13.1 While filling up the reserved vacancies by promotion by selection, those PwBD candidates who are within the normal zone of consideration shall be considered for promotion. However, if adequate number of PwBD candidates of the respective category are not available within the normal zone, the zone of consideration may be extended to five times the number of vacancies and the PwBD candidate falling within the extended zone may be considered for promotion. In the event of non availability of candidates even in the extended zone, the vacancy shall not be filled and be carried forward to the subsequent year. In the subsequent year, if a PwBD of the required category is not available, the reservation can be exchanged with the other categories, so that post can be filled by a person with other category of disability, if possible. If a PwBD candidate of other category is within the zone of consideration and within the number of vacemcies available, he cannot be denied promotion on the grounds of disability. If it is not possible to fill up the post by reservation even in the 2nd year, the post may be filled by a person other than a PwBD, and the reservation

shall be carried forward for two subsequent recruitment years, whereafter it shall lapse.

13.2 While filling up vacancies by promotion by non-selection, the eligible candidates with benchmark disabilities within the normal zone of consideration shall be considered for promotionagainst the reserved vacancies. In case no eligible candidate of the respective category of disability is available in the normal zone of consideration, additional PwBD candidates of respective category to the extent required shall be considered by going down the seniority list, provided they are eligible, and that the post is identified for them. In the event of non-availability of PwBD candidates for promotion even in the extended zone, the vacancy shall not be filled and shall be carried forward. In the subsequent year; if PwBD of respective category is not available, the same can be exchanged with other categories of disabilities identified for it. If it is not possible to fill up the vacancy by reservation even by exchange, the reservation shall be carried forward for two subsequent recruitment years, where-after it shall lapse.

13.3 In order to ensure that cases of lapse of reservation are kept to the minimum, any recruitment of the PwBD candidates shall first be counted against the vacant posts brought forward from previous years, if any, in the chronological order. If candidates are not available for all the vacancies, the older carried-forward posts shall be filled first, and the current vacancies shall be carried forward, if not filled up, provided that in every recruitment, the number of vacancies reserved for PwBD, including the carried forward vacancies, shall be announced beforehand, for the information of all aspirants.

14. HORIZONTALITY OF RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES

14.1 Reservation for backward classes of citizens (SCs, STs and OBCs) is called 'vertical' reservation and the reservation for categories such as PwBDs and ex-servicemen is called 'horizontal' reservation. Horizontal reservation cuts across vertical reservation (in what is called interlocking reservation) and persons selected/promoted against the quota for PwBDs have to be placed in the appropriate category viz. SC/ST/OBC/Unreserved, depending upon the category to which they belong in the foster meant for reservation of SCs/STs/OBCs. To illustrate, if in a given year, there are two vacancies reserved for the PwBDs, and out of two PwBDs promoted, one belongs to Scheduled Caste and the other belongs to Unreserved, the SC candidate with benchmark disability shall be adjusted against the SC point in the reservation roster and the Unreserved candidate with benchmark disability against the unreserved point in the relevant roster. In ease none of the vacancies falls on point reserved for the SCs, the candidate under benchmark disability belonging to SC shall be adjusted in future against the next available vacancy reserved for SC.

14.2 Since the PwBDs have to be placed in the appropriate category, viz. SC/ST/OBC/Unreserved in the roster meant for reservation of SCs/STs/OBCs, the application form (in respect of Departmental examination for promotion) for the post should require the candidates applying under the quota reserved for PwBDs to indicate whether they belong to SC/ST/OBC or unreserved.

15. ANNUAL REPORTS REGARDING REPRESENTATION OF PERSONS WITH BENCHMARK DISABILITIES

15.1 The Ministries/Departments shall continue to upload data on promotion of PwBDs, along with data on representation/ direct recruitment of PwBDs in respect of posts/services under the Central Government on the URL i.e. www.rrcps.nic.in, as on 1st January of every year. All Ministries/Departments have been provided respective user code and password with guidelines for operating the URL.

16. LIAISON OFFICER FOR PERSONS WITH BENCHMARK DISABILITIES:

16.1 Liaison Officers appointed to look after reservation matters for SCs/STs shall also work as Liaison Officers for reservation matters relating to PwBDs and shall ensure compliance of instructions, as contained in DoPT OM No.43011/153/2010-Estt (Res), dated 4.1.2013.

17. MAINTENANCE OF REGISTER OF COMPLAINTS BY THE GOVERNMENT ESTABLISHMENT

17.1 Every Government establishment shall appoint a senior officer of the Department as the Grievance Redressal Officer.

17.2 The Grievance Redressal Officer shall maintain a register of complaints of Persons with Benchmark Disabilities with the following particulars, namely: -

(a) date of complaint;
(b) name of complainant;
(c) the name of the establishment or person against whom the complaint is made;
(d) gist of the complaint;
(e) date of disposal by the Grievance Redressal Officer; and any other information.

17.3 Any person aggrieved with any matter relating to discrimination in promotion, may file a complaint with the Grievance Redressal Officer of the respective Government establishment.

17.4 Every complaint filed, shall be inquired into within two months of its registration, and outcome thereof or action taken thereon, shall be communicated to the complainant / PwBD.

(O.M. No. 36012/1/2020-Estt.(Res.-II), dated 17.05.2022)

C. EXEMPTION FROM PAYMENT OF EXAMINATION FEE AND APPLICATION FEE IN RESPECT OF PwBD

Persons with Benchmark Disabilities shall continue to be exempted from payment of application fee and examination fee, prescribed in respect of competitive examinations held by the Staff Selection Commission, the Union Public Service Commission, etc, for recruitment to various posts. This exemption shall be available only to such persons who would otherwise be eligible for appointment to the post on the basis of standards of medical fitness prescribed for that post (including any concession specifically extended to the

Persons with Benchmark Disabilities) and who enclose with the application form, necessary certificate from a competent authority in support of their claim of disability.

For detailed instructions **OM No. 36035/2/2017-Estt.(Res), dated 23.8.2019**, may be referred.

D. EXEMPTION FROM THE ROUTINE EXERCISE OF TRANSFER/ ROTATIONAL TRANSFER IN RESPECT OF CARE GIVER FOR PwBD

With the enactment of the Rights of Persons with Disabilities Act, 2016 on April 17, 2017, instructions have been issued in supersession of the OMs dated June 6, 2014, November17, 2014 and January 5, 2016 with regard to the eligibility for seeking exemption from routine exercise of transfer/rotational transfer in respect of care-giver of PwBDs:-

(i) A Government employee who is a care-giver of dependent daughter/son/parents/spouse/brother/sister with Specified Disability, as certified by the certifying authority as a PwBD as defined under Section 2(r) of the Rights of Persons with Disabilities Act, 2016 may be exempted from the routine exercise of transfer/rotational transfer subject to the administrative constraints.

(ii) The term "Specified Disability" as defined in the Schedule to the Rights of Persons with Disabilities Act, 2016, covers (I) Locomotor disability including leprosy cured person, cerebral palsy, dwarfism, muscular dystrophy and Acid attack victims (ii) Blindness (iii) Low-vision (iv) Deaf (v) Hard of hearing (vi) Speech and language disabilities (vii) Intellectual disability including specific learning disabilities and autism spectrum disorder (viii) Mental illness (ix) Disability caused due to: (a) Neurological conditions such as Multiple sclerosis and Parkinson's disease (b) Blood disorder- Haemophilia, Thalassemia and Sickle cell disease and (x) Multiple disabilities (more than one of the above specified disabilities) including deaf blindness and any other category of disabilities as may be notified by the Central Government.

(iii) The term 'Specified Disability' as defined herein is applicable as grounds only for the purpose of seeking exemption from routine transfer! rotational transfer by a Government employee, who is a care-giver of dependent daughter/son/parents/spouse/brother/sister.

OM No.F. No. 42011/3/2014-Estt.(Res) dated 8.10.2018

E. FACILITIES TO BE PROVIDED TO THE PERSONS WITH DISABILITIES FOR EFFICIENT PERFORMANCE OF THEIR DUTIES

As regards certain facilities in respect of Persons with Disabilities who are already employed in the Government for efficient performance of their duties like identification of jobs, post recruitment and pre-promotion training, providing aids/assistive devices, accessibility and barrier free environment at work place, preference in Government accommodation, Grievance redressal, Special Casual Leave and Preference in transfer/posting, detailed guidelines have been issued

to all the Ministries/Departments of the Government of India to bring the instructions to the notice of all appointing authorities under their control, for information and compliance. The Department of Public Enterprises has also been requested to give effect the above guidelines in the all the Central Public Sector Enterprises.

For detailed instructions **OM No. 36035/3/2013-Estt.(Res), dated 31.3.2014**, may be referred.

F. RESERVATION FOR PERSONS WITH BENCHMARK DISABILITIES - CLARIFICATION WITH REGARD TO THE CONCEPT OF OWN MERIT.

Para 4.2 of the OM of even number, dated 15.1.2018 and Para 7.2 of OM No. 36012/1/2020-Estt(Res.-II), dated 17.5.2022, inter alia, state that the Persons with Benchmark Disability (PwBD) selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the vacancies reserved for them and that the vacancies reserved for PwBDs will be filled up separately from amongst the eligible PwBD candidates who are lower in merit than the last unreserved candidate in merit list but otherwise found suitable for appointment, if necessary, by relaxed standard.

2. Queries have been received in this Department, from time to time, on the following three aspects: -

(i) whether PwBD candidates who have qualified on their own merit without any relaxed standard should be appointed against the vacancies not reserved for PwBDs, i.e., against the unreserved vacancies which will be in addition to the vacancies earmarked for PwBD category candidates;
(ii) whether the facility of a scribe availed by a PwBD candidate, along with the compensatory time, shall be treated as relaxed standard; and
(iii) whether the disability a PwBD candidate is suffering from, shall be treated as relaxation in medical standard, which will disable him from being treated as own merit category.

3. In this connection, it is also pertinent to mention that this Department had constituted a Committee which deliberated upon the above three aspects, particularly in respect of Civil Services Examination (CSE), and recommended, inter-alia, the following: -

(i) The 'own merit' concept for PwBD category candidates should be implemented in CSE, in accordance with Establishment (Reservation) Division's OM No.36035/2/2017-Estt(Res), dated 15.01.2018.
(ii) The facility of scribe, extra-time and relaxation in medical standards available to PwBD category candidates should not be treated as 'relaxed standard'.

4. Accordingly, the following clarifications are issued: -

(i) In line with the spirit of the O.M. No.36035/2/2017- Estt(Res.), dated 15.1.2018, and O.M. No.36012/1/2020- Estt(Res-II), dated 17.5.2022 on the subject, the concept of own merit for PwBD shall be implemented in all direct recruitment examinations, including the CSE and promotions,

wherever applicable. In other words, PwBD category candidates selected without relaxed standard, along with other unreserved candidates, will not be adjusted against the reserved share of vacancies. The reserved vacancies will be filled up separately from amongst the eligible candidates with benchmark disabilities, who are lower in merit than the last unreserved candidate in general merit list, but otherwise found suitable for appointment, if necessary, by relaxed standards.

(ii) In accordance with Para 3 of the OM No.29-6/2019-DDIII, dated 10.8.2022, issued by the Department of Empowerment of Persons with Disabilities, the facility of scribe, along with compensatory time shall not be treated as relaxed standard. DoPT, in agreement with this provision, reiterates that the facility of scribe taken by a PwBD candidate, along with compensatory time, shall not be treated as relaxed standard.

(iii) In terms of Corrigendum No. 34-02/2015/DD-III(Pt.), dated 08.02.2019, the phrase 'extra time or additional time' is required to be replaced by the phrase 'compensatory time'.

(iv) The spirit of the term 'own merit' will get defeated if the disability, a person is suffering from, is treated as relaxed medical standard, as no PwBD will get the benefit of the term 'own merit' as stipulated in the OMs, dated 15.1.2018 and 17.5.2022 in such a scenario. Accordingly, it is clarified that disability of a person, which he is suffering from, shall not be treated as relaxed standard in medical fitness test for the purpose of 'own merit'.

(OM No. 36035/02/20 17-Estt(Res) dated 27.9.2022)

NOTE: THE INSTRUCTIONS RELATING TO EX-SERVICEMEN WILL BE UPLOADED SEPARATELY.

No.36012/16/2019-Esttt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
North Block, New Delhi-110 001
Date: 12th April 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of ***Jarnail Singh and Ors. V. Lachhmi Narain Gupta and Ors.*** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

(i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;

(ii) Application of this data to each cadre separately; and

(iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

(a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.

(b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

(c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the ***Jarnail Singh*** batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.

(Sandeep Saxena)
Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Niti Ayog
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
12. The Director, ISTM.
13. NIC, DoPT with the request to upload the same on the website of the Department.

F. No. 36033/2/2018-Estt.(Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment (Reservation-I) Section
*****

North Block, New Delhi
Dated June 8, 2018

To

The Chief Secretaries of all States / Union Territories

Subject:- Reservation for candidates from Other Backward Classes – Revision of Income Criteria and determining equivalence of posts in Central Public Sector Enterprises (CPSEs), Public Sector Banks, Public Financial Institutions, etc. with Posts in Government for establishing Creamy Layer criteria – regarding

Madam/ Sir,

I am directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt,(SCT) dated 08.09.1993 which, inter-alia provided that sons and daughters of persons having gross annual income of Rs.1 lakh or above for a period of three consecutive years would fall within the 'creamy layer' and would not be entitled to get the benefit of reservation available to the Other Backward Classes.

2. The aforesaid limit of income for determining the creamy layer status was subsequently raised to Rs. 2.5 lakh, Rs. 4.5 lakh Rs. 6 lakh and Rs. 8 lakh vide this Department's O.M. No. 36033/3/2004-Estt.(Res.) dated 09.03.2004, O.M. No. 36033/3/2004-Estt. (Res.) dated 14.10.2008, O.M. No. 36033/1/2013-Estt.(Res.) dated 27.05.2013 and O.M. No. 36033/1/2013-Estt. (Res.) dated 13.09.2017, respectively.

3. This Department is in receipt of references seeking clarification on the status of equivalence and revision of income criteria, in Central Public Sector Enterprises (CPSEs) and Financial Institutions with posts in Government. In this regard, copies of the following Office Memorandums issued by Department of Public Enterprises, Department of Financial Services and this Department are enclosed for ready reference:

i) O.M. No. 36033/1/2013-Estt.(Res.) dated 13.09.2017 of this Department regarding revision of income criteria;
ii) O.M. No. DPE-GM-/0020/2014-GM-FTS-1740 dated 25.10.2017 of the Department of Public Enterprises on establishing equivalence of posts in Central Public Sector Enterprises (CPSEs) with Posts in Government for establishing Creamy Layer criteria; and
iii) O.M. No. 19/4/2017-Welfare dated 06.12.2017 of the Department of Financial Services on establishing equivalence of posts in respect of Public Sector Banks, Public Financial Institutions, Public Sector Insurance Companies.

....2/-

4. It is requested to please bring the contents of the above mentioned O.M.s/ instructions to the notice of all concerned for information / compliance.

Yours faithfully,

(Raju Saraswat)
Under Secretary to the Government of India
Telefax - 23092110

Copy to:

1. All the Ministries/Departments of the Government of India
2. Ministry of Social Justice and Empowerment, Shastri Bhawan, New Delhi
3. Department of Public Enterprises, CGO Complex, Lodi Road, New Delhi.
4. Department of Financial Services, Jeevan Deep Building, Parliament Street, New Delhi
5. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
6. Hindi Section for providing a translation
7. Guard File

No. 36033/1/2013-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel &Training

North Block, New Delhi,
Dated: September 13, 2017

OFFICE MEMORANDUM

Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8th September, 1993 which, inter-alia, provided that sons and daughters of persons having gross annual income of ₹ 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The aforesaid limit of income for determining the creamy layer status was subsequently raised to ₹ 2.5 lakh, ₹ 4.5 lakh and ₹ 6 lakh vide this Department's OM No. 36033/3/2004-Estt. (Res.) dated 09.03.2004, OM No. 36033/3/2004-Estt. (Res.) dated 14.10.2008 and OM No. 36033/1/2013-Estt. (Res.) dated 27.05.2013 respectively.

2. It has now been decided to raise the income limit from ₹ 6 lakh to ₹ 8 lakh per annum for determining the creamy layer amongst the Other Backward Classes. Accordingly, the expression **"₹ 6 lakh"** under Category VI in the Schedule to this Department's aforesaid O.M. dated 8th September, 1993 would be substituted by "₹ 8 **lakh".**

3. The provisions of this office memorandum have effect from 1st September, 2017.

4. All the Ministries/Departments are requested to bring the contents of this office memorandum to the notice of all concerned.

Debabrata

(Debabrata Das)
Under Secretary to the Government of India
Ph: 2304 0279

To:

1. All the Ministries/Departments of the Government of India.
2. Department of Financial Services, New Delhi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, New Delhi.
5. Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Niti Aayog.
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
7. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.

8. National Commission for Scheduled Castes/National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi.
9. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi-110002.
11. Director General, Press Information Bureau, National Media Centre, 7E Raisina Road, New Delhi – with a request to give wide publicity to this OM
12. The NIC, DoPT with a request to upload it at the website of this Department in OMs &Orders > Estt. (Res.) > SC/ST/OBC and in 'What's New'

Copies forwarded to:

The Chief Secretaries of all the States/Union Territories for information and necessary action.

(Debabrata Das)
Under Secretary to the Government of India

DPE-GM-/0020/2014-GM-FTS-1740
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises

Public Enterprises Bhavan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi-110 003.
Dated: 25 October, 2017

OFFICE MEMORANDUM

Subject: Establishing equivalence of posts in Central Public Sector Enterprises (CPSEs) with Posts in Government for establishing Creamy Layer criteria – regarding.

The undersigned is directed to refer to DoPT OM No. 41034/5/2014-Estt. (Res.) Vol. IV-Part dated 6th October, 2017 (copy enclosed), vide which the decision of the Government has been conveyed on the general principles for equivalence of posts in CPSEs with posts in Government for determination of creamy layer criteria in terms of DoPT O.M. No. 36012/22/93-Estt. (SCT) dated 08-09-1993 on the subject of reservation for Other Backward Classes (OBC) in civil posts and services under the Government of India.

2. As the pay pattern, perks and allowances of posts in Central Public Sector Enterprises (CPSEs) are completely different from the posts in Government, determination of exact equivalence of CPSEs posts with Group A, B, C & D level posts in Government is not feasible. However, in view of the Government decision referred to in DoPT OM dated 06-10-2017, for determination of creamy layer criteria in CPSEs, the general principle would be that all the Executive level posts in CPSEs i.e. Board level Executives and below Board level Executives which are managerial level posts, will be considered as "creamy layer" subject to the proviso that those Executives whose annual income as per criteria given in DoPT OM 08-09-1993 is less than Rs. 8 lakhs (as amended vide DoPT OM No. 36033/1/2013-Estt.(Res) dated 13-09-2017), will not fall under creamy layer criteria.

Contd. on page-2

3. All administrative Ministries / Departments concerned with CPSEs are requested to bring the contents of this OM to the notice of CPSEs under their administrative control for compliance and issuing necessary orders in accordance with the principles approved by the Government for determination of Creamy Layer criteria in respect of posts in the CPSEs.

4. This issues with the approval of Hon'ble Minister (HI&PE).

Encl. As above.

25/10/2017

(J. N. Prasad)
Director

To:

All Administrative Ministries / Departments concerned with CPSEs.

Copy to: (i) Chief Executive of all CPSEs.

(ii) Secretary, M/o Social Justice & Empowerment.

(iii) Secretary, DoPT.

(iv) NIC, Cell DPE, for placing this OM on DPE web-site.

No.19/4/2017-Welfare
Government of India
Ministry of Finance
Department of Financial Services
***

2nd Floor, Jeevan Deep Building,
Parliament Street, New Delhi, the 06th December, 2017

OFFICE MEMORANDUM

Subject: (i) Establishing equivalence of posts in PSUs, Banks, Insurance Institutions with posts in Government for establishing Creamy Layer Criteria.
(ii) Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to refer to this Department's letter No.14/1/93-SCT(B) dated 28.9.1993 forwarding therewith DoP&T's O.M. dated 08.9.1993 regarding reservation for Other Backward Classes in civil posts and services under the Government of India. Category II C of Schedule to DoP&T's O.M. No.36012/22/93-Estt.(SCT) dated 08.9.1993 envisaged that equivalence will be established between the posts in PSUs, Banks, Insurance organizations etc. vis-à-vis posts in Government.

2. Government had recently examined the proposal for establishing equivalence of posts in Central Public Sector Undertakings (PSUs), Banks, Insurance Institutions with Posts in Government for establishing Creamy Layer criteria amongst Other Backward Classes. The Government has approved principles for determining the equivalence in respect of Public Sector Banks (PSBs), Public Financial Institutions (PFIs), Public Sector Insurance Companies (PSICs), as conveyed vide DoP&T's O.M. No.41034/5/2014-Estt.(Res.) Vol.IV-Part dated 06.10.2017 (copy enclosed), which inter-alia, provide as follows:

(a) Junior Management Scale-I of PSBs/PFIs/PSICs will be treated as equivalent to Group A in the Government of India and
(b) Clerks and Peons in PSBs/PFIs/PSICs will be treated as equivalent to Group C in the Government of India.

issued by mail & by post 07/12/2017

3. Further, the income limit for determination of creamy layer amongst the OBCs have been raised from Rs.6 lakhs to Rs.8 lakhs with effect from 01st September, 2017 vide DoP&T's O.M. No.36033/1/2013-Estt.(Res.) dated 13.9.2017 (copy enclosed).

4. The above instructions may please be brought to the notice of all concerned under your organisation for strict compliance under intimation to this Department.

5. This issues with the approval of Secretary(FS).

(Arun Kumar)
Under Secretary to the Government of India
Tel.:23748725

Encls. : As above.

To

1. The Managing Director & Chief Executive Officer of all Public Sector Banks.
2. The Chairman, Public Financial Institutions/Public Sector Insurance Companies.
3. The Chairman, State Bank of India, H.O. Mumbai.
4. The Chief General Manager (HRDD), RBI, Mumbai.
5. The Chairman, Pension Fund Regulatory and Development Authority (PFRDA), H.O. Hyderabad.
6. The Chairman, Insurance Regulatory Development Authority (IRDA), H.O. Hyderabad.
7. The Chairman, IBA, Mumbai.

Copy to :

1. I.R. Section.
2. All Government Nominee Directors of PSBs/PFIs/PSICs.
3. R.R.B. Section for issuing similar instructions to RRBs.
4. Department of Personnel & Training (Shri G. Srinivasan, Dy. Secretary) w.r.t. O.M. No.36033/1/2013-Estt.(Res.) dated 13.9.2017 and O.M. No.41034/5/2014-Estt.(Res.) Vol.IV (Part) dated 06.10.2017.
5. The Joint Secretary (Shri B.L. Meena), Ministry of Social Justice & Empowerment, New Delhi.
6. C.L.O./L.O. of SC/ST/OBC of DFS.
7. Notice Board of DFS.
8. NIC Cell of DFS with a request to upload it at the website of this Department.
9. Guard File.

(Arun Kumar)
Under Secretary to the Government of India

No. 36033/1/2013-Estt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel &Training

North Block, New Delhi,
Dated: September 13, 2017

OFFICE MEMORANDUM

Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8th September, 1993 which, inter-alia, provided that sons and daughters of persons having gross annual income of ₹ 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The aforesaid limit of income for determining the creamy layer status was subsequently raised to ₹ 2.5 lakh, ₹ 4.5 lakh and ₹ 6 lakh vide this Department's OM No. 36033/3/2004-Estt. (Res.) dated 09.03.2004, OM No. 36033/3/2004-Estt. (Res.) dated 14.10.2008 and OM No. 36033/1/2013-Estt. (Res.) dated 27.05.2013 respectively.

2. It has now been decided to raise the income limit from ₹ 6 lakh to ₹ 8 lakh per annum for determining the creamy layer amongst the Other Backward Classes. Accordingly, the expression **"₹ 6 lakh"** under Category VI in the Schedule to this Department's aforesaid O.M. dated 8th September, 1993 would be substituted by **"₹ 8 lakh".**

3. The provisions of this office memorandum have effect from 1st September, 2017.

4. All the Ministries/Departments are requested to bring the contents of this office memorandum to the notice of all concerned.

Debabrata

(Debabrata Das)
Under Secretary to the Government of India
Ph: 2304 0279

To:

1. All the Ministries/Departments of the Government of India.
2. Department of Financial Services, New Deihi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, New Delhi.
5. Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Niti Aayog.
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
7. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.

8. National Commission for Scheduled Castes/National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi.
9. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R.K. Puram, New Delhi.
10. Office of the Comptroller and Auditor General of India, 10 Bahadur Shah Jafar Marg, New Delhi-110002.
11. Director General, Press Information Bureau, National Media Centre, 7E Raisina Road, New Delhi – with a request to give wide publicity to this OM
12. The NIC, DoPT with a request to upload it at the website of this Department in OMs &Orders > Estt. (Res.) > SC/ST/OBC and in 'What's New'

Copies forwarded to:

The Chief Secretaries of all the States/Union Territories for information and necessary action.

(Debabrata Das)
Under Secretary to the Government of India

No.36035/3/2013-Estt.(Res)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
****

North Block, New Delhi.
Dated the 31st March, 2014.

OFFICE MEMORANDUM

Subject: **Guidelines for providing certain facilities in respect of persons with disabilities who are already employed in Government for efficient performance of their duties**

*****

A need has been felt to issue guidelines to provide certain additional facilities /amenities to the persons with disabilities (PWD) to enable them to effectively discharge their duties. The facilities such as identification of jobs, post recruitment and pre-promotion training, assistive devices, free accessibility, preference in transfer/posting, special casual leave, etc. have been identified as areas which require special attention. The proposed facility indicated in the guidelines should be applicable in respect of such employees working in the Ministries/Departments of the Government of India, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Boards etc.

2. An inter-ministerial committee was formed to finalise guidelines for providing certain facilities in respect of persons with disabilities, who are already employed in efficient discharge of their duties. Based on the discussions held with the stakeholders and suggestion received from the stakeholders, the following guidelines are issued to provide certain facilities/amenities to the persons with disabilities:-

A. Identification of jobs

Each Ministry/Department of the Government of India, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Boards etc. should identify the types of jobs which could be easily performed by them specially for Group B, C and D posts where the number of jobs are more. Such persons should preferably be posted to perform such identified jobs and they be allowed to continue performing such jobs, as far as possible. If the concerned PWD officer could perform all the jobs as people without disability or could perform several types of jobs efficiently, no effort should be made to instruct them to certain types of jobs only.

B. <u>Post recruitment and Pre-promotion training</u>

Induction training is an essential component of the service requirement of an employee. Induction training programme for the persons with disabilities should be imparted together with the other employees.

Job specific post-recruitment as well as pre-promotion training programmes are required to be organised for the persons with disabilities. Outlining a specific module/norm for training programme for the persons with disabilities common to all the Ministries/Departments and their attached/subordinate offices, Central Public Sector

Enterprises, Cantonment Board, etc. may not be possible as the training requirement may be different on the basis of the work pattern. All the Ministries / Departments should take definite action to conduct job specific inclusive training programmes for the persons with disabilities with other employees.

Duration and training contents may be finalized in consultation with the National Institutes under the Department of Disability Affairs, Ministry of Social Justice & Empowerment and, if felt necessary, prominent Associations/ Federations/Confederations workings in the sphere of disability can be consulted. It should also be ensured that training programmes are conducted at the time of change in job, introduction of new technology, after promotion of the employee, etc. The venue of the training may be fixed as considered suitable for conducting such training. The Ministries/Departments and their offices shall utilize existing Budget provisions for undertaking the aspects of training programme.

The employee with disability shall be placed with an experienced employee for at least one month on resuming responsibility of a post. This would help him to pick up skills required to perform the job and also the adaptations that may be required in individual cases.

C. Providing aids/assistive devices

The persons with disabilities could perform their duties efficiently if they are provided with aids and appliances which are suitable to their needs. Ministries /Departments and their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Board, etc. should assist the persons with disabilities by providing them high tech/latest technology led assistive devices (including low vision aids, hearing aids with battery), special furniture, wheel chairs (motorised if required by the employee), software scanners, computer and other hardware, etc. in accordance with their requirement, which would improve their efficiency.

They should either provide or shall reimburse the cost of such devices with a specific time period for such devices to persons with disabilities in accordance with the price/durability of the special devices, special furniture, software, scanners, computer and other hardware, etc. as fixed by them, in consultation with various National Institutes working in the sphere of disability. A review exercise shall be carried out by the Departments/Ministries every three years to check the availability or need for introduction of enhanced/upgraded versions of such devices/software etc. They shall utilise their existing budget provisions for providing these facilities.

D. Accessibility and barrier free environment at work place

In addition to the guidelines for modification in all public buildings including Government offices to provide easy accessibility and barrier free environment for PWDs as per the provisions of the PWD Act, all Government offices should take special steps to provide barrier free and accessible work stations to PWD employees, access from main building entrance to their work stations and access to common utility areas such as Toilets, canteens etc. Lifts/elevators should be made accessible by providing Braille signage and audio outputs. Wherever required, suitable colour contrast may also be made available in buildings, utilities, staircases, etc. for the benefit of low vision employees.

E. Preference in Govt. accommodation

The Directorate of Estates may give preference to the persons with disabilities for providing them accessible accommodation near their place of posting and they may be preferred for allotment of ground floor accommodation. Possibility of existing housing accommodations being renovated to make them conveniently accessible to persons with disabilities, be explored by the Directorate of Estates.

F. Grievance redressal

Some of the employees including persons with disability may be got trained by the empanelled Master Trainers/Offices of various National Institutes working in the sphere of disability to develop their skills in handling grievances relating to PWDs.

The Liaison Officer appointed to look after reservation matters for SCs, STs may also act as the Liaison Officer for reservation matters relating to persons with disabilities. The Liaison Officer would also look after the issues relating to providing of amenities for the persons with disabilities. In addition, every Ministry/Department, their attached and subordinate offices, Central Public Sector Enterprises, Cantonment Board, etc., would preferably constitute a Grievance Redressal Mechanism headed by the Head of Administration and comprising at least two employees including a PWD having knowledge in disability matters. The Committee so constituted would receive and try to redress the grievances of persons with disabilities within a reasonable time frame.

G. Special Casual Leave

Vide this Department's OM No. 25011/1/2008-Estt.(A) dated 19.11.2008, a provision of Special Casual Leave for 4 days in a calendar year has been made for the employees of Central Government with disabilities for specific requirements relating to disabilities of the official. Further, vide this Department's OM No. 28016/02/2007-Estt(A) dated 14.11.2007, there is also a provision of 10 days Special Casual Leave in a calendar year subject to exigencies of work for the differently abled Central Government employees with disabilities for participating in Conference/Seminars/Trainings/Workshop related to disability and development to be specified by Ministry of Social Justice & Empowerment.

H. Preference in transfer/posting

As far as possible, the persons with disabilities may be exempted from the rotational transfer policy/transfer and be allowed to continue in the same job, where they would have achieved the desired performance. Further, preference in place of posting at the time of transfer/promotion may be given to the persons with disability subject to the administrative constraints.

The practice of considering choice of place of posting in case of persons with disabilities may be continued. To the extent feasible, they may be retained in the same job, where their services could be optimally utilised.

3. Every Ministry/Department in consultation with the Office of the Chief Commissioner for Persons with Disabilities would arrange for training of the Liaison Officer on "Disability Equality and Etiquettes".

4. All the Ministries/Departments are requested to bring the above instructions to the notice of all appointing authorities under their control, for information and compliance. The Department of Public Enterprises may ensure to give effect the above guidelines in the all the Central Public Sector Enterprises.

G. Srinivasan

(G. Srinivasan)
Deputy Secretary to the Government of India
Tel: 2309 3074

To

(i) The Secretary, all the Ministries / Departments of the Government of India.
(ii) The Secretary, Department of Public Enterprises, CGO Complex, New Delhi with a request to issue necessary instructions to give effect the above guidelines in the all the Central Public Sector Enterprises.
(iii) The Secretary, Department of Financial Services, Jeevan Deep Building, New Delhi with the request to consider issuance of similar guidelines for PSU banks.
(iv) The Secretary, Railway Board, Rail Bhavan, New Delhi.
(v) Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Prime Minister's Office/Planning Commission.
(vi) The Chairman, Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
(vii) Office of the Chief Commissioner for Persons with Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi-110001.
(viii) Office of the Comptroller and Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
(ix) All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.
(x) Information and Facilitation Centre, DOPT, North Block, New Delhi- 20 copies.

Copy to Director, NIC, DOP&T- with a request to place this circular on the website of this Ministry, for information of all concerned

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No. 36033/5/2004-Estt(Res)
GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES & PENSIONS
DEPARTMENT OF PERSONNEL & TRAINING
*****

New Delhi, Dated : the 14th October, 2004

To

The Chief Secretaries of all the States /Union Territories.

Subject: Clarifications regarding creamy layer amongst OBCs.

Sir,

I am directed to invite your attention to the Schedule to this Department's OM No.36012/22/93-(SCT) dated 8th September, 1993 which contains the criteria to determine the creamy layer amongst the OBCs. In regard to the children of the persons in civil services of the Central and the State Governments, it provides that son(s) and daughter(s) of:

(a) parents, both of whom are directly recruited Class I/Group A officers;

(b) parents, either of whom is a directly recruited Class I/Group A officer;

(c) parents, both of whom are directly recruited Class I/Group A officers, but one of them dies or suffers permanent incapacitation;

(d) parents, either of whom is a directly recruited Class I/Group A officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Orgainsation like UN, IMF, World Bank, etc. for a period of not less than 5 years;

(e) parents, both of whom are directly recruited Class I/Group A officers and both of them die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Orgainsation like UN, IMF, World Bank, etc. for a period of not less than 5 years;

(f) parents both of whom are directly recruited Class II/Group B officers;

(g) parents of whom only the husband is a directly recruited Class II /Group B officer and he gets into Class I//Group A at the age of 40 or earlier;

(h) parents, both of whom are directly recruited Class II/ Group B officers and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years;

(i) parents of whom the husband is a Class I/ Group A officer (direct recruit or pre-forty promoted) and the wife is a directly recruited Class II /Group B officer and the wife dies; or suffers permanent incapacitation; and

(j) parents, of whom wife is a Class I/Group A officer (Direct Recruit or pre-forty promoted) and the husband is a directly recruited Class II/Group B officer and the husband dies or suffers permanent incapacitation

shall be treated as falling in creamy layer.

2. The Schedule further provides that sons and daughters of:

(i) parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation;

(ii) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation;

(iii) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer.

3. The criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organizations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/Wealth Test' given in the Schedule. The Income/ Wealth Test prescribes that the sons and daughters of persons having gross annual income of Rs.2.5 lakh or above or possessing wealth above the exemption limit as prescribed

in the Wealth Tax Act for a period of three consecutive years would be treated to fall in creamy layer. An explanation is given below the Income/Wealth Test which provides that 'income from salaries or agricultural land shall not be clubbed.'

4. Following questions have been raised from time to time about the application of the above provisions to determine creamy layer:

(i) Will the sons and daughters of parents either of whom or both of whom are directly recruited Class I/Group A officer(s) and such parent(s) dies/die or suffers/suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?

(ii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffer permanent incapacitation after retirement be treated to be excluded from the creamy layer?

(iii) Will the sons and daughters of parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation after retirement even though either of them has had got the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation be treated to be excluded from the purview of creamy layer?

(iv) Will the sons and daughters of parent(s) who retire from the service on the basis of which their sons and daughters fall in creamy layer, continue to fall in creamy layer after retirement of the parent(s)?

(v) Will the sons and daughters of parents of whom husband is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer?

(vi) Will a candidate who himself is a directly recruited Class I/Group A officer or a directly recruited Class II/Group B officer who got into Class I/Group A at the age of 40 or earlier be treated to be falling in creamy layer on the basis of his service status?

(vii) Will a candidate who has gross annual income of Rs.2.5 lakh or above or possesses wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years be treated to fall in creamy layer?

(viii)The instructions provide that a lady belonging to OBC category who has got married to a directly recruited Class I/Group A officer shall not be treated as falling in creamy layer on the basis of her marriage. Will a man belonging to OBC category who is married to a directly recruited Class I/Group 'A' officer be treated as falling in creamy layer on the basis of his marriage?

(ix)How will be the Income/Wealth Test apply in case of sons and daughters of parent(s) employed in PSUs etc. in which equivalence or comparability of posts has not been established vis-à-vis posts in the Government?

(x)What is the scope of the explanation, 'Income from salaries or agricultural land shall not be clubbed', given below the Income/ Wealth Test?

5. It is clarified in regard to clauses (i), (ii) and (iii) of para 4 that the sons and daughters of:

(a) parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;

(b) parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and

(c) parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

are not treated to be falling in creamy layer. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated to be falling in creamy layer and would not get the benefit of reservation.

6. In regard to clause (iv) of para 4, it is clarified that sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

7. In regard to clause (v) of para 4, it is clarified that the sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

8. In regard to clauses (vi), (vii) and (viii) of para 4, it is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

9. In regard to clause (ix) of para 4, it is clarified that the creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-vis posts in Government has not been evaluated is determined as follows:

> Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.2.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs. 2.5 lakh per annum and income from other sources is also less than Rs.2.5 lakh per annum will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.2.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.

10. In regard to clause (x) of para 4, it is clarified that while applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI of the Schedule to the OM, income from the salaries and income from the agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs. 2.5 lakh per annum, income from agricultural land is more than Rs. 2.5 lakh per annum, but income from other sources is less than Rs 2.5 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s)

do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

11. You are requested to bring the contents of this letter to all concerned in the State.

Yours faithfully,

(K.G. Verma)
Deputy Secretary to the Govt. of India

Copy to:-

1. All Ministries / Departments of Govt. of India
2. Department of Economic Affairs (Banking Division), New Delhi
3. Department of Economic Affairs (Insurances Division), New Delhi
4. Department of Public Enterprises, New Delhi,
5. Railway Board,
6. Union Public Service Commission / Supreme Court of India / Election Commission / Lok Sabha Secretariat / Rajya Sabha Secretariat / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat / Prime Minister's Office / Planning Commission/ National Commission for Backward Classes.
7. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
8. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.

With the request to bring the contents of this letter to the notice of all concerned.

No. 36012/2/96-Estt.(Res) SLNO 30(9)

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)
*****

North Block,
New Delhi, the 2nd July,1997.

OFFICE MEMORANDUM - 2 JUL 1997

Subject: Reservation roster - Post based - Implementation of the Supreme Court Judgement in the case of R.K. Sabharwal Vs. State of Punjab.
****

The undersigned is directed to say that under the existing instructions, vacancy-based rosters have been prescribed in order to implement the Government's policy relating to reservation of jobs for the Scheduled Castes, the Scheduled Tribes and the Other Backward Classes. The application of reservation on the basis of these rosters was called into question before Courts. The Constitution Bench of the Supreme Court, in the case of R.K. Sabharwal Vs. State of Punjab as well as J.C. Mallick Vs. Ministry of Railways has held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts and not to vacancies. The Court further held that the vacancy based rosters can operate only till such time as the representation of persons belonging to the reserved categories, in a cadre, reaches the prescribed percentages of reservation. Thereafter, the rosters cannot operate and vacancies released by retirement, resignation, promotion etc. of the persons belonging to the general and the reserved categories are to be filled by appointment of persons from the respective category so that the prescribed percentage of reservation is maintained.

2. The Court also held that persons belonging to the reserved categories, who are appointed on the basis of merit -- and not on account of reservation -- are not to be counted towards the quota meant for reservation.

3. With a view to bringing the policy of reservation in line with the law laid down by the Supreme Court, it has been decided that the existing 200-point, 40-point and 120-point vacancy-based rosters shall be replaced by post-based rosters. All Ministries/Departments and concerned Authorities are requested to prepare the respective rosters based on the principles elaborated in the Explanatory Notes given in Annexure-I to this O.M. and illustrated in the Model Rosters annexed to this O.M. as Annexure-II, III and IV. Similarly, the concerned authorities may prepare rosters to replace the existing 100-point rosters in respect of local recruitment to Group C & D posts on the basis of the same principles.

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4. The principles for preparing the rosters elaborated upon in the Explanatory Notes are briefly recapitulated below:

a) Since reservation for OBCs does not apply in promotions, there shall be separate rosters for direct recruitment and for promotions;

b) The number of points in the roster shall be equal to the number of posts in the cadre. In case there is any increase or decrease in the cadre strength in future, the rosters shall be expanded/contracted correspondingly;

c) Cadre, for the purpose of a roster, shall mean a particular grade and shall comprise the number of posts to be filled by a particular mode of recruitment in terms of the applicable recruitment rules. Thus, in a cadre of, say, 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotion, two rosters -- one for direct recruitment and one for promotion (when reservation in promotion applies) -- each comprising 100 points shall be drawn up on the lines of the respective model rosters;

d) Since reservation does not apply to transfer on deputation/transfer, where the recruitment rules prescribe a percentage of posts to be filled by this method, such posts shall be excluded while preparing the rosters;

e) In small cadres of upto 13 posts, the method prescribed for preparation of rosters does not permit reservation to be made for all the three categories. In such cases, the administrative Ministries/Departments may consider grouping of posts in different cadres as prescribed in this Department's O.M. No. 42/21/49-NGS dated 28.1.1952 and subsequent orders reproduced at pages 70 to 74 of the Brochure on Reservation for Scheduled Castes & Scheduled Tribes (Eighth Edition) and prepare common rosters for such groups. In the event it is not possible to resort to such grouping, the enclosed rosters (Appendices to Annexures-II, III & IV) for cadre strength upto 13 posts may be followed. The principles of operating these rosters are explained in the explanatory notes.

5. At the stage of initial operation of a roster, it will be necessary to adjust the existing appointments in the roster. This will also help in identifying the excesses/shortages, if any, in the respective categories in the cadre. This may be done starting from the earliest appointment and making an appropriate remark- "utilised by SC/ST/OBC/Gen.", as the case may be, against each point in the rosters as

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explained in the explanatory notes appended to the model rosters. In making these adjustments, apointments of candidates belonging to SCs/STs/OBCs which were made on merit (and not due to reservation) are not to be counted towards reservation so far as direct recruitment is concerned. In other words, they are to be treated as general category appointments.

6. Excess, if any, would be adjusted through future appointments and the existing appointments would not be disturbed.

7. All Ministries/Departments are requested to initiate immediate action to prepare rosters and operate them according to these guidelines.

8. The existing orders on the subject are deemed to have been amended to the extent herein.

9. These orders shall take effect from the date of their issue. However, where selections have already been finalised they need not be disturbed and the necessary adjustments in such cases may be made in future. In other cases, recruitment may be withheld till the revised rosters are brought into operation and recruitment effected in accordance with these instructions.

(Hindi Version will follow).

(Y.G. PARANDE)
DIRECTOR

1. All Ministries/Departments of the Government of India.
2. Union Public Service Commission, Dholpur House, New Delhi.
3. Staff Selection Commission, C.G.O. Complex, Lodi Road, New Delhi.
4. Department of Economic Affairs (Banking Division), New Delhi
5. Department of Economic Affairs(Insurance Division), New Delhi.
6. Department of Public Enterprises, New Delhi.
7. National Commission for SC & ST, Lok Nayak Bhavan, New Delhi.
8. National Commission for Backward Classes, Trikoot-I, Bhikaji-cama-place, R.K. Puram, New Delhi.
9. Ministry of Welfare, Shastri Bhavan, New Delhi.

Dept. of Personnel & Trg. Receipt & Issue Section — 2 JUL 1997 — ISSUED

Copy also forwarded for information to Sh. Pant Director (Admn), D.O P&T

Yr. Director

ANNEXURE-I to O.M. No. 36012/2/96-Estt.(Res)
dated 02.07.1997

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EXPLANATORY NOTES:-

Principles for making & operating post based rosters.

1. As hitherto, these rosters are only an aid to determine the entitlement of different categories with regard to the quota reserved for them. They are not to determine seniority.

2. The model rosters have been drawn up keeping in mind two fundamental principles - the reservation for the entitled categories is to be kept within the prescribed percentage of reservation and the total reservation should in no case exceed 50% of the cadre.

3. There should be separate rosters for direct recruitment and for promotions where reservation in promotion applies.

4. The number of points in each roster shall be equal to the number of posts in a cadre.

5. While cadre is generally to be construed as the number of posts in a particular grade, for the purpose of preparation of roster, it shall comprise posts required to be filled by a particular mode of recruitment in terms of the applicable recruitement rules. To illustrate, in a cadre comprising 200 posts, where the recruitment rules prescribe a ratio of 50:50 for direct recruitment and promotions, the roster for direct recruitment shall have 100 points and that for promotion shall have 100 points - thus making a total of 200.

6. As indicated in the model roster, the method for making a roster is to multiply each post by the prescribed percentages of reservation for the different reserved categories. The point at which the multiple for a community obtains a complete number or oversteps the number is to be reserved for that community - while taking care to evenly space out the different reserved categories. Thus, at point no. 15, in the roster at Annexure-II both OBC and SC get entitled. However, since earlier reserved point has gone to OBC, point no. 15 has been reserved for SC and point no. 16 for OBC.

7. Since reservation does not apply to transfer/ transfer on deputation, where rules prescribe a percentage of posts to be filled by this method, the corresponding proportion of posts should be excluded while drawing up the rosters.

8. It would be noted that at the end of the roster, "squeezing" has been done for the reserved categories to reach the number of posts to be reserved for them without violating the 50% limit

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laid down by the Courts. While drawing up rosters, the cadre controlling authorities should similarly "squeeze" the last points of the roster. Such squeezing may not, however, be done where it would violate the rule of 50%.

9. Whenever there is any increase or decrease in the cadre strength, the roster shall be correspondingly expanded or contracted. The same will also apply whenever there is a change in recruitment rules which affects the proportion of posts to be filled by a particular mode of recruitment.

10. The roster is to be operated on the principle of replacement and not as a "running account" as hitherto. In other words, the points at which reservation for different categories applies are fixed as per the roster and vacancies caused by retirement etc. of persons occupying those points shall be filled by appointment of persons of the respective categories.

11. While operating the roster, persons belonging to communities for whom reservation has been made, but who are appointed on merit and not owing to reservation, should not be shown against reserved points. They will occupy the unreserved points.

12. In the case of small cadres (upto 13 posts), all the posts shall be earmarked on the same pattern as in the model post based rosters. Initial recruitment against these posts shall be by the category for which the post is earmarked. Replacement of incumbents of posts shall be by rotation as shown horizontally against the cadre strength as applicable. While operating the relevant roster, care will have to be taken to ensure that on no occasion the percentage of reserved category candidates exceed 50%. If such a situation occurs at any time, the relevant reserved point occurring as a result of rotation will be skipped.

INITIAL OPERATION:-

1. At the point of initial operation of the roster, it will be necessary to determine the actual representation of the incumbents belonging to different categories in a cadre vis-a-vis the points earmarked for each category viz. SC/ST/OBC and General in the roster. This may be done by plotting the appointments made against each point of roster starting with the earliest appointee. Thus, if the earlier appointee in the cadre happens to be a candidate belonging to the Scheduled Castes, against point No. 1 of the roster, the remark "utilised by SC" shall be entered. If the next appointee is a general category candidate, the remark "utilised by general category" shall be made against point No. 2:

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and so on and so forth till all appointments are adjusted in the respective rosters. In making these adjustments, SC/ST/OBC candidates on merit, in direct recruitment, shall be treated as general category candidates.

2. After completing the adjustment as indicated above, a tally should be made to determine the actual percentages of representation of appointees belonging to the different categories in the cadre. If there is an excess representation of any of the reserved categories, or if the total representation of the reserved categories exceeds 50%, it shall be adjusted in the future recruitment. Vacancies arising from retirement etc. of candidates belonging to such categories shall be filled by appointment of candidates belonging to the categories to which the relevant roster points, against which the excesses occur, belong.

3. Since recruitment is generally vacancy based, it may happen that the actual number of promotees and direct recruits in the cadre does not correspond to the number of posts earmarked in the respective reservation roster. For the purpose of calculations of representation of reserved category in a cadre, total of promotees and direct recruits may be taken. Rectification of the representation as per prescribed percentage by the prescribed mode of recruitment at the earliest possible should however be the goal.

ANNEXURE-II

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FOR DIRECT RECRUITMENT

OBJECTIVE:- REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS FOR DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Sl. No. of post	Share of entitlement			category for which the post should be earmareked.
	SC @15%	ST @7.5%	OBC @27%	
1.	0.15	0.075	0.27	UR
2.	0.30	0.15	0.54	UR
3.	0.45	0.225	0.81	UR
4.	0.6	0.3	1.08	OBC-1
5.	0.75	0.375	1.35	UR
6.	0.90	0.45	1.62	UR
7.	1.05	0.525	1.89	SC-1
8.	1.2	0.6	2.16	OBC-2
9.	1.35	0.675	2.43	UR
10.	1.5	0.75	2.7	UR
11.	1.65	0.825	2.97	UR
12.	1.8	0.9	3.24	OBC-3
13.	1.95	0.975	3.51	UR
14.	2.1	1.05	3.78	ST-1
15.	2.25	1.125	4.05	SC-2
16.	2.40	1.2	4.32	OBC-4
17.	2.55	1.275	4.59	UR
18.	2.70	1.35	4.86	UR
19.	2.85	1.425	5.13	OBC-5
20.	3.00	1.5	5.4	SC-3
21.	3.15	1.575	5.67	UR
22.	3.30	1.65	5.94	UR
23.	3.45	1.725	6.21	OBC-6
24.	3.60	1.8	6.48	UR
25.	3.75	1.875	6.75	UR

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26.	3.90	1.95	7.02	OBC-7
27.	4.05	2.025	7.29	SC-4
28.	4.20	2.1	7.56	ST-2
29.	4.35	2.175	7.83	UR
30.	4.50	2.25	8.1	OBC-8
31.	4.65	2.325	8.37	UR
32.	4.80	2.4	8.64	UR
33.	4.95	2.475	8.91	UR
34.	5.10	2.55	9.18	OBC-9
35.	5.25	2.625	9.54	SC-5
36.	5.40	2.7	9.72	UR
37.	5.55	2.775	9.99	UR
38.	5.70	2.85	10.26	OBC-10
39.	5.85	2.925	10.53	UR
40.	6.00	3	10.8	ST-3
41.	6.15	3.075	11.07	SC-6
42.	6.30	3.15	11.35	OBC-11
43.	6.45	3.225	11.61	UR
44.	6.60	3.3	11.88	UR
45.	6.75	3.375	12.15	OBC-12
46.	6.90	3.45	12.42	UR
47.	7.05	3.525	12.69	SC-7
48.	7.20	3.6	12.96	UR
49.	7.35	3.675	13.23	OBC-13
50.	7.50	3.75	13.5	UR
51.	7.65	3.825	13.77	UR
52.	7.80	3.9	14.04	OBC-14
53.	7.95	3.975	14.31	UR
54.	8.10	4.05	14.58	SC-8
55.	8.25	4.125	14.85	ST-4
56.	8.40	4.2	15.12	OBC-15
57.	8.55	4.275	15.39	UR
58.	8.70	4.35	15.66	UR

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59.	8.85	4.425	15.93	UR
60.	9.00	4.5	16.2	OBC-16
61.	9.15	4.575	16.47	SC-9
62.	9.30	4.65	16.74	UR
63.	9.45	4.725	17.01	OBC-17
64.	9.60	4.8	17.01	UR
65.	9.75	4.875	17.55	UR
66.	9.90	4.95	17.82	UR
67.	10.05	5.025	18.09	OBC-18
68.	10.20	5.1	18.36	SC-10
69.	10.35	5.175	18.63	ST-5
70.	10.50	5.25	18.9	UR
71.	10.65	5.325	19.17	OBC-19
72.	10.80	5.4	19.44	UR
73.	10.95	5.475	19.71	UR
74.	11.10	5.55	19.98	SC-11
75.	11.25	5.625	20.25	OBC-20
76.	11.40	5.7	20.52	UR
77.	11.55	5.775	20.79	UR
78.	11.70	5.85	21.06	OBC-21
79.	11.85	5.925	21.33	UR
80.	12.00	6	21.6	ST-6
81.	12.15	6.075	21.87	SC-12
82.	12.30	6.15	22.14	OBC-22
83.	12.45	6.225	22.41	UR
84.	12.60	6.3	22.68	UR
85.	12.75	6.375	22.95	UR
86.	12.90	6.45	23.22	OBC-23
87.	13.05	6.525	23.49	SC-13
88.	13.20	6.6	23.76	UR
89.	13.35	6.675	24.03	OBC-24
90.	13.50	6.75	24.3	UR
91.	13.65	6.825	24.57	UR

92.	13.80	6.9	24.84	UR
93.	13.95	6.975	25.11	OBC-25
94.	14.10	7.05	25.38	SC-14
95.	14.25	7.125	25.65	ST-7
96.	14.40	7.2	25.92	UR
97.	14.55	7.275	26.19	OBC-26
98.	14.70	7.35	26.46	UR
99.	14.85	7.425	26.73	SC-15*
100.	15.00	7.5	27	OBC-27*
101.	15.15	7.575	27.27	UR
102.	15.30	7.65	27.54	UR
103.	15.45	7.725	27.81	UR
104.	15.60	7.80	28.08	OBC-28
105.	15.75	7.875	28.35	UR
106.	15.90	7.95	28.62	UR
107.	16.05	8.025	28.89	SC-16
108.	16.2	8.10	29.43	ST-8
109.	16.35	8.175	29.43	OBC-29
110.	16.50	8.25	29.70	UR
111.	16.65	8.325	29.97	UR
112.	16.80	8.40	30.24	OBC-30
113.	16.95	8.475	30.51	UR
114.	17.10	8.55	30.78	SC-17
115.	17.25	8.625	31.05	OBC-31
116.	17.40	8.70	31.32	UR
117.	17.55	8.775	31.59	UR
118.	17.70	8.85	31.86	UR
119.	17.85	8.925	32.13	OBC-32
120.	18	9	32.40	ST-9
121.	18.15	9.075	32.67	SC-18
122.	18.30	9.15	32.94	UR
123.	18.45	9.225	33.21	OBC-32
124.	18.60	9.30	33.48	UR

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125.	18.75	9.375	33.75	UR
126.	18.90	9.45	34.02	OBC-34
127.	19.05	9.525	34.29	SC-19
128.	19.20	9.60	34.56	UR
129.	19.35	9.675	34.83	UR
130.	19.50	9.75	35.10	OBC-35
131.	19.65	9.825	35.37	UR
132.	19.80	9.90	35.64	UR
133.	19.95	9.975	35.91	UR
134.	20.10	10.05	36.18	OBC-36
135.	20.25	10.125	36.45	SC-20
136.	20.40	10.20	36.72	ST-10
137.	20.55	10.275	36.99	UR
138.	20.70	10.35	37.26	OBC-37
139.	20.85	10.425	37.53	UR
140.	21	10.50	37.80	SC-21
141.	21.15	10.575	38.07	OBC-38
142.	21.30	10.65	38.34	UR
143.	21.45	10.725	38.61	UR
144.	21.60	10.80	38.88	UR
145.	21.75	10.875	39.15	OBC-39
146.	21.90	10.95	39.42	UR
147.	22.05	11.025	39.69	SC-22
148.	22.20	11.10	39.96	ST-11
149.	22.35	11.175	40.23	OBC-40
150.	22.50	11.25	40.50	UR
151.	22.65	11.325	40.77	UR
152.	22.80	11.40	41.04	OBC-41
153.	22.95	11.475	41.31	UR
154.	23.10	11.55	41.58	SC-23
155.	23.25	11.625	41.85	UR
156.	23.40	11.70	42.12	OBC-42
157.	23.55	11.775	42.39	UR

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158.	23.70	11.85	42.66	UR
159.	23.85	11.925	42.93	UR
160.	24	12	43.20	ST-12
161.	24.15	12.075	43.47	OBC-43
162.	24.30	12.15	43.74	SC-24
163.	24.45	12.225	44.01	OBC-44
164.	24.60	12.30	44.28	UR
165.	24.75	12.375	44.55	UR
166.	24.90	12.45	44.82	UR
167.	25.05	12.525	45.09	OBC-45
168.	25.20	12.60	45.36	SC-25
169.	25.35	12.675	45.63	UR
170.	25.50	12.75	45.90	UR
171.	25.65	12.825	46.17	OBC-46
172.	25.80	12.90	46.44	UR
173.	25.95	12.975	46.71	UR
174.	26.10	13.05	46.98	SC-26
175.	26.25	13.125	47.25	ST-13
176.	26.40	13.20	47.52	OBC-47
177.	26.55	13.275	47.79	UR
178.	26.70	13.35	48.06	OBC-48
179.	26.85	13.425	48.33	UR
180.	27	13.50	48.60	SC-27
181.	27.15	13.575	48.87	UR
182.	27.30	13.65	49.14	OBC-49
183.	27.45	13.725	49.41	UR
184.	27.60	13.80	49.68	UR
185.	27.75	13.875	49.95	UR
186.	27.90	13.95	50.22	OBC-50
187.	28.05	14.025	50.49	SC-28
188.	28.20	14.10	50.76	ST-14
189.	28.35	14.175	51.03	OBC-51
190.	28.50	14.25	51.30	UR

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191.	28.65	14.325	51.57	UR
192.	28.80	14.40	51.84	UR
193.	28.95	14.475	52.11	OBC-52
194.	29.10	14.55	52.38	SC-29
195.	29.25	14.625	52.65	UR
196.	29.40	14.70	52.92	UR
197.	29.55	14.775	53.19	OBC-53
198.	29.70	14.85	53.46	ST-15*
199.	29.85	14.925	53.73	SC-30*
200.	30	15	54	OBC-54*

* To allot requisite nuumber of posts without violating rule of 50%.

APPENDIX TO ANNEXURE-II

DIRECT RECRUITMENT ON ALL INDIA BASIS BY OPEN COMPETITION

Model Roster for cadre strength upto 13 Posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST
2.	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST	
3.	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST		
4.	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST			
5.	UR	UR	SC	OBC	UR	UR	UR	OBC	UR	ST				
6.	UR	SC	OBC	UR	UR	UR	OBC	UR	ST					
7.	SC	OBC	UR	UR	UR	OBC	UR	ST						
8.	OBC	UR	UR	UR	OBC	UR	ST							
9.	UR	UR	UR	OBC	UR	ST								
10.	UR	UR	OBC	UR	ST									
11.	UR	OBC	UR	ST										
12.	OBC	UR	ST											
13.	UR	ST												

Note:- 1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"

2. All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

ANNEXURE-III 134

FOR PROMOTION

OBJECTIVE:- REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS

Sl. No. of post	Share of entitlement		category for which the post should be earmareked.
	SC @15%	ST @7.5%	
1.	0.15	0.075	UR
2.	0.30	0.15	UR
3.	0.45	0.225	UR
4.	0.6	0.3	UR
5.	0.75	0.375	UR
6.	0.90	0.45	UR
7.	1.05	0.525	SC-1
8.	1.2	0.6	UR
9.	1.35	0.675	UR
10.	1.5	0.75	UR
11.	1.65	0.825	UR
12.	1.8	0.9	UR
13.	1.95	0.975	UR
14.	2.1	1.05	ST-1
15.	2.25	1.125	SC-2
16.	2.40	1.2	UR
17.	2.55	1.275	UR
18.	2.70	1.35	UR
19.	2.85	1.425	UR
20.	3.0	1.5	SC-3
21.	3.15	1.575	UR
22.	3.30	1.65	UR
23.	3.45	1.725	UR
24.	3.60	1.8	UR
25.	3.75	1.875	UR

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26.	3.90	1.95	UR
27.	4.05	2.025	SC-4
28.	4.20	2.1	ST-2
29.	4.35	2.175	UR
30.	4.50	2.25	UR
31.	4.65	2.325	UR
32.	4.80	2.4	UR
33.	4.95	2.475	UR
34.	5.10	2.55	UR
35.	5.25	2.625	SC-5
36.	5.40	2.7	UR
37.	5.55	2.775	UR
38.	5.70	2.85	UR
39.	5.85	2.925	UR
40.	6.00	3	ST-3
41.	6.15	3.075	SC-6
42.	6.30	3.15	UR
43.	6.45	3.225	UR
44.	6.60	3.3	UR
45.	6.75	3.375	UR
46.	6.90	3.45	UR
47.	7.05	3.525	SC-7
48.	7.20	3.6	UR
49.	7.35	3.675	UR
50.	7.50	3.75	UR
51.	7.65	3.825	UR
52.	7.80	3.9	UR
53.	7.95	3.975	UR
54.	8.10	4.05	SC-8
55.	8.25	4.125	ST-4
56.	8.40	4.2	UR
57.	8.55	4.275	UR
58.	8.70	4.35	UR

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59.	8.85	4.425	UR
60.	9.00	4.5	UR
61.	9.15	4.575	SC-9
62.	9.30	4.65	UR
63.	9.45	4.725	UR
64.	9.60	4.8	UR
65.	9.75	4.875	UR
66.	9.90	4.95	UR
67.	10.05	5.025	UR
68.	10.20	5.1	SC-10
69.	10.35	5.175	ST-5
70.	10.50	5.25	UR
71.	10.65	5.325	UR
72.	10.80	5.4	UR
73.	10.95	5.475	UR
74.	11.10	5.55	SC-11
75.	11.25	5.625	UR
76.	11.40	5.7	UR
77.	11.55	5.775	UR
78.	11.70	5.85	UR
79.	11.85	5.925	UR
80.	12.00	6	ST-6
81.	12.15	6.075	SC-12
82.	12.30	6.15	UR
83.	12.45	6.225	UR
84.	12.60	6.3	UR
85.	12.75	6.375	UR
86.	12.90	6.45	UR
87.	13.05	6.525	SC-13
88.	13.20	6.6	UR
89.	13.35	6.675	UR
90.	13.50	6.75	UR
91.	13.65	6.825	UR

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92.	13.80	6.9	UR
93.	13.95	6.975	UR
94.	14.10	7.05	SC-14
95.	14.25	7.125	ST-7
96.	14.40	7.2	UR
97.	14.55	7.275	UR
98.	14.70	7.35	UR
99.	14.85	7.425	SC-15*
100.	15.00	7.5	UR
101.	15.15	7.575	UR
102.	15.30	7.65	UR
103.	15.45	7.725	UR
104.	15.60	7.80	UR
105.	15.75	7.875	UR
106.	15.90	7.95	UR
107.	16.05	8.025	SC-16
108.	16.2	8.10	ST-8
109.	16.35	8.175	UR
110.	16.50	8.25	UR
111.	16.65	8.325	UR
112.	16.80	8.40	UR
113.	16.95	8.475	UR
114.	17.10	8.55	SC-17
115.	17.25	8.625	UR
116.	17.40	8.70	UR
117.	17.55	8.775	UR
118.	17.70	8.85	UR
119.	17.85	8.925	UR
120.	18	9	ST-9
121.	18.15	9.075	SC-18
122.	18.30	9.15	UR
123.	18.45	9.225	UR
124.	18.60	9.30	UR

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125.	18.75	9.375	UR
126.	18.90	9.45	UR
127.	19.05	9.525	SC-19
128.	19.20	9.60	UR
129.	19.35	9.675	UR
130.	19.50	9.75	UR
131.	19.65	9.825	UR
132.	19.80	9.90	UR
133.	19.95	9.975	UR
134.	20.10	10.05	UR
135.	20.25	10.125	SC-20
136.	20.40	10.20	ST-10
137.	20.55	10.275	UR
138.	20.70	10.35	UR
139.	20.85	10.425	UR
140.	21	10.50	SC-21
141.	21.15	10.575	UR
142.	21.30	10.65	UR
143.	21.45	10.725	UR
144.	21.60	10.80	UR
145.	21.75	10.875	UR
146.	21.90	10.95	UR
147.	22.05	11.025	SC-22
148.	22.20	11.10	ST-11
149.	22.35	11.175	UR
150.	22.50	11.25	UR
151.	22.65	11.325	UR
152.	22.80	11.40	UR
153.	22.95	11.475	UR
154.	23.10	11.55	SC-23
155.	23.25	11.625	UR
156.	23.40	11.70	UR
157.	23.55	11.775	UR

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158.	23.70	11.85	UR
159.	23.85	11.925	UR
160.	24	12	ST-12
161.	24.15	12.075	UR
162.	24.30	12.15	SC-24
163.	24.45	12.225	UR
164.	24.60	12.30	UR
165.	24.75	12.375	UR
166.	24.90	12.45	UR
167.	25.05	12.525	UR
168.	25.20	12.60	SC-25
169.	25.35	12.675	UR
170.	25.50	12.75	UR
171.	25.65	12.825	UR
172.	25.80	12.90	UR
173.	25.95	12.975	UR
174.	26.10	13.05	SC-26
175.	26.25	13.125	ST-13
176.	26.40	13.20	UR
177.	26.55	13.275	UR
178.	26.70	13.35	UR
179.	26.85	13.425	UR
180.	27	13.50	SC-27
181.	27.15	13.575	UR
182.	27.30	13.65	UR
183.	27.45	13.725	UR
184.	27.60	13.80	UR
185.	27.75	13.875	UR
186.	27.90	13.95	UR
187.	28.05	14.025	SC-28
188.	28.20	14.10	ST-14
189.	28.35	14.175	UR
190.	28.50	14.25	UR

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191.	28.65	14.325	UR
192.	28.80	14.40	UR
193.	28.95	14.475	UR
194.	29.10	14.55	SC-29
195.	29.25	14.625	UR
196.	29.40	14.70	UR
197.	29.55	14.775	UR
198.	29.70	14.85	ST-15*
199.	29.85	14.925	SC-30*
200.	30	15	UR

* To allot requisite number of posts without violating rule of 50%.

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APPENDIX TO ANNEXURE-III

Model Roster for Promotion for cadre strength upto 13 Posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST
2.	UR	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST	
3.	UR	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST		
4.	UR	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST			
5.	UR	UR	SC	UR	UR	UR	UR	UR	UR	ST				
6.	UR	SC	UR	UR	UR	UR	UR	UR	ST					
7.	SC	UR	UR	UR	UR	UR	UR	ST						
8.	UR	UR	UR	UR	UR	UR	ST							
9.	UR	UR	UR	UR	UR	ST								
10.	UR	UR	UR	UR	ST									
11.	UR	UR	UR	ST										
12.	UR	UR	ST											
13.	UR	ST												

Note:- 1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"

2. All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

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ANNEXURE-IV

FOR DIRECT RECRUITMENT

II

OBJECTIVE:-REPRESENTATION OF EACH OF THE RESERVED CATEGORY SHOULD AT NO POINT OF TIME EXCEED THE RESERVATION PRESCRIBED FOR IT.

MODEL ROSTER OF RESERVATION WITH REFERENCE TO POSTS FOR DIRECT RECRUITMENT ON ALL INDIA BASIS **OTHERWISE THAN** BY OPEN COMPETITION.

Sl.No. of post	Share of entitlement			Category for which the post should be earmarked.
	SC @ 16.66%	ST @ 7.5%	OBC @ 25.84%	
1.	0.166	0.075	0.258	UR
2.	0.332	0.150	0.516	UR
3.	0.498	0.225	0.774	UR
4.	0.664	0.300	1.032	OBC-1
5.	0.830	0.375	1.290	UR
6.	0.996	0.450	1.548	UR
7.	1.162	0.525	1.806	SC-1
8.	1.328	0.600	2.064	OBC-2
9.	1.494	0.675	2.322	UR
10.	1.660	0.750	2.580	UR
11.	1.826	0.825	2.838	UR
12.	1.992	0.900	3.096	OBC-3
13.	2.158	0.975	3.354	SC-2
14.	2.324	1.050	3.612	ST-1
15.	2.490	1.125	3.870	UR
16.	2.656	1.200	4.128	OBC-4

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17.	2.822	1.275	4.386	UR
18.	2.988	1.350	4.644	UR
19.	3.154	1.425	4.902	SC-3
20.	3.320	1.500	5.160	OBC-5
21.	3.486	1.575	5.418	UR
22.	3.652	1.650	5.676	UR
23.	3.818	1.725	5.934	UR
24.	3.984	1.800	6.192	OBC-6
25.	4.150	1.875	6.480	SC-4
26.	4.316	1.950	6.708	UR
27.	4.482	2.025	6.966	ST-2
28.	4.648	2.100	7.224	OBC-7
29.	4.814	2.175	7.482	UR
30.	4.980	2.250	7.740	UR
31.	5.146	2.325	7.998	SC-5
32.	5.312	2.400	8.256	OBC-8
33.	5.478	2.475	8.514	UR
34.	5.644	2.550	8.772	UR
35.	5.810	2.625	9.030	OBC-9
36.	5.976	2.700	9.288	UR
37.	6.142	2.775	9.546	SC-6
38.	6.308	2.850	9.804	UR
39.	6.474	2.925	10.062	OBC-10
40.	6.640	3.000	10.320	ST-3
41.	6.806	3.075	10.578	UR
42.	6.972	3.150	10.836	UR
43.	7.138	3.225	11.094	SC-7

44.	7.304	3.300	11.352	OBC-11
45.	7.470	3.375	11.610	UR
46.	7.636	3.450	11.868	UR
47.	7.802	3.525	12.126	OBC-12
48.	7.968	3.600	12.384	UR
49.	8.134	3.675	12.642	SC-8
50.	8.300	3.750	12.900	UR
51.	8.466	3.825	13.158	OBC-13
52.	8.632	3.900	13.416	UR
53.	8.798	3.975	13.674	UR
54.	8.964	4.050	13.932	ST-4
55.	9.130	4.125	14.190	OBC-14
56.	9.296	4.200	14.448	SC-9
57.	9.462	4.275	14.706	UR
58.	9.628	4.350	14.964	UR
59.	9.794	4.425	15.222	OBC-15
60.	9.960	4.500	15.480	UR
61.	10.126	4.575	15.738	SC-10
62.	10.292	4.650	15.996	UR
63.	10.458	4.725	16.254	OBC-16
64.	10.624	4.800	16.512	UR
65.	10.790	4.875	16.770	UR
66.	10.956	4.950	17.028	OBC-17
67.	11.122	5.025	17.286	SC-11
68.	11.288	5.100	17.544	ST-5
69.	11.454	5.175	17.802	UR
70.	11.620	5.250	18.060	OBC-18
71.	11.786	5.325	18.318	UR

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72.	11.952	5.400	18.576	UR
73.	12.118	5.475	18.834	SC-12
74.	12.284	5.550	19.092	OBC-19
75.	12.450	5.625	19.350	UR
76.	12.616	5.700	19.608	UR
77.	12.782	5.775	19.866	UR
78.	12.948	5.850	20.124	OBC-20
79.	13.114	5.925	20.382	SC-13
80.	13.280	6.000	20.640	ST-6
81.	13.446	6.075	20.898	UR
82.	13.612	6.150	21.156	OBC-21
83.	13.778	6.225	21.414	UR
84.	13.944	6.300	21.672	UR
85.	14.110	6.375	21.930	SC-14
86.	14.276	6.450	22.188	OBC-22
87.	14.442	6.525	22.446	UR
88.	14.608	6.600	22.704	UR
89.	14.774	6.675	22.962	UR
90.	14.940	6.750	23.220	OBC-23
91.	15.106	6.825	23.478	SC-15
92.	15.272	6.900	23.736	UR
93.	15.438	6.975	23.994	UR
94.	15.604	7.050	24.252	OBC-24
95.	15.770	7.125	24.510	ST-7
96.	15.936	7.200	24.768	UR
97.	16.102	7.275	25.026	SC-16
98.	16.268	7.350	25.284	OBC-25

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99.	16.434	7.425	25.542	UR
100.	16.600	7.500	25.800	UR
101.	16.766	7.575	26.058	OBC-26
102.	16.932	7.650	26.316	UR
103.	17.098	7.725	26.574	SC-17
104.	17.264	7.800	26.832	UR
105.	17.430	7.875	27.090	OBC-27
106.	17.596	7.950	27.348	UR
107.	17.762	8.025	27.606	ST-8
108.	17.928	8.100	27.864	UR
109.	18.094	8.175	28.122	OBC-28
110.	18.260	8.250	28.380	SC-18
111.	18.426	8.325	28.638	UR
112.	18.592	8.400	28.896	UR
113.	18.758	8.475	29.154	OBC-29
114.	18.924	8.550	29.412	UR
115.	19.090	8.625	29.670	SC-19
116.	19.256	8.700	29.928	UR
117.	19.422	8.775	30.186	OBC-30
118.	19.588	8.850	30.444	ST-9
119.	19.754	8.925	30.702	SC-20*
120.	19.920	9.000	30.960	OBC-31*

* to allot requisite number of posts without violating rule of 50%.

(147)

APPENDIX TO ANNEXURE-IV

Roster for Direct Recruitment otherwise than through Open Competition for cadre strength upto 13 Posts

REPLACEMENT NO.

Cadre Strength	Initial Recruitment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th	11th	12th	13th
1.	UR	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST
2.	UR	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST	
3.	UR	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST		
4.	OBC	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST			
5.	UR	UR	SC	OBC	UR	UR	UR	OBC	SC	ST				
6.	UR	SC	OBC	UR	UR	UR	OBC	SC	ST					
7.	SC	OBC	UR	UR	UR	OBC	SC	ST						
8.	OBC	UR	UR	UR	OBC	SC	ST							
9.	UR	UR	UR	OBC	SC	ST								
10.	UR	UR	OBC	SC	ST									
11.	UR	OBC	SC	ST										
12.	OBC	SC	ST											
13.	SC	ST												

Note:- 1. For cadres of 2 to 13 posts the roster is to be read from entry 1 under column Cadre Strength till the last post and then horizontally till the last entry in the horizontal row i.e. like "L"

2. All the posts of a cadre are to be earmarked for the categories shown under column initial Appointment. While initial filling up will be by the earmarked category, the replacement against any of the post in the cadre shall be by rotation as shown horizontally against the last post of the cadre.

3. The relevant rotation by the indicated reserved category could be skipped over if it leads to more than 50% representation of reserved category.

(17)

No.36012/22/93-Estt(SCT)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training
***

New Delhi, the 22nd October, 1993

OFFICE MEMORANDUM

Subject:- Reservation for Other Backward Classes in Civil Posts and Services under the Government of India - Regarding.

The undersigned is directed to refer to this Department's O.M. of even number dated the 8th September, 1993 on the above subject and to say that in accordance with the Supreme Court Judgement in the Indira Sawhney case, the reservations contemplated in clause 4 of Article 16 should not exceed 50%. For the purpose of applying the rule of 50%, an year should be taken as the unit and not the entire strength of the cadre, service or the unit as the case may be. This position would also apply in the case of carry forward vacancies. Therefore, the Ministries/Departments are requested to ensure that the reservations provided to SC/ST/OBCs put together do not exceed 50% of vacancies arising in an year.

2. In the light of the reservations provided to other backward classes, it is necessary to revise the existing reservation rosters. In respect of direct recruitment on All India basis by open competition where there is a reservation for 15% for SC and 7-1/2% for ST, the existing 40 point-roster has been revised into a 200 point-roster as in the model indicated in Annexure-A. The revised roster will come into effect immediately. Vacancies filled on or after 8-9-1993 should be shown in the new roster now prescribed in Annexure-A. The old roster shall be deemed to have been closed from this date. The reservations which had to be carried forward in the previous roster shall now be carried forward to the new roster.

3. There is no change in the existing reservation rosters in so far as promotion is concerned, as there is no reservation for OBCs in promotion.

4. No other relaxation/concession is admissible to OBCs. There is no provision for any relaxed standard to be applied in the case of OBCs.

.....p.2/-

5. In para 2(d) of this Department's O.M. of even number dated 8th September, 1993, it has been stated that a list of castes and communities for the purpose of the reservation for OBCs is to be issued separately by the Ministry of Welfare. The Ministry of Welfare have since notified the said list vide their Resolution No. 12011/68/93-BCC(C) dated 10th September, 1993 published in the Gazette of India Extraordinary Part I Section I dated 13th September, 1993. For the purpose of verification of the castes/communities the certificate from the following authorities only will be accepted:

(a) District Magistrate/Additional District Magistrate/ Collector/Deputy Commissioner/Additional Deputy Commissioner/Deputy Collector/Ist Class Stipendary Magistrate/Sub-Divisional Magistrate/Taluka Magistrate/ Executive Magistrate/Extra Assistant Commissioner (not below the rank of Ist Class Stipendary Magistrate).

(b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/Presidency Magistrate.

(c) Revenue Officer not below the rank of Tehsildar; and

(d) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

M.Venkataraman

(M.VENKATARAMAN)
Under Secretary to the Government of India

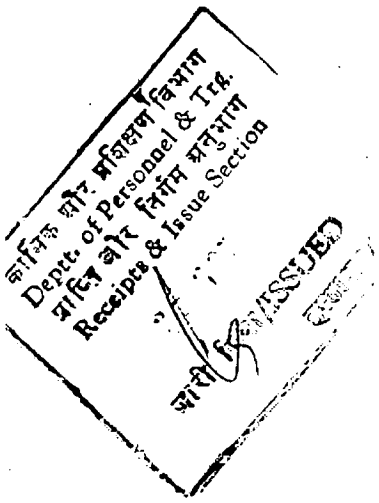
To

1. All Ministries/Departments of the Government of India.

2. Department of Public Enterprises, New Delhi.

3. Department of Economic Affairs (Banking Division), New Delhi.

4. Department of Economic Affairs (Insurance Division), New Delhi.



Annexure A

1. Scheduled Castes
2. Unreserved
3. Scheduled Tribes
4. Unreserved
5. Other Backward Classes
6. Unreserved
7. Scheduled Castes
8. Unreserved
9. Other Backward Classes
10. Unreserved
11. Other Backward Classes
12. Unreserved
13. Scheduled Castes
14. Unreserved
15. Other Backward Classes
16. Unreserved
17. Scheduled Tribes
18. Unreserved
19. Other Backward Classes
20. Unreserved
21. Scheduled Castes
22. Unreserved
23. Other Backward Classes
24. Unreserved
25. Other Backward Classes
26. Unreserved
27. Scheduled Castes
28. Unreserved
29. Other Backward Classes
30. Unreserved
31. Scheduled Tribes
32. Unreserved
33. Other Backward Classes
34. Unreserved
35. Scheduled Castes
36. Unreserved
37. Other Backward Classes
38. Unreserved
39. Other Backward Classes
40. Unreserved
41. Scheduled Castes
42. Unreserved
43. Other Backward Classes
44. Unreserved
45. Scheduled Tribes
46. Unreserved
47. Other Backward Classes
48. Unreserved
49. Scheduled Castes
50. Unreserved
51. Other Backward Classes
52. Unreserved
53. Scheduled Castes
54. Unreserved
55. Other Backward Classes
56. Unreserved
57. Scheduled Tribes
58. Unreserved
59. Other Backward Classes
60. Unreserved
61. Scheduled Castes
62. Unreserved
63. Other Backward Classes
64. Unreserved
65. Other Backward Classes
66. Unreserved
67. Scheduled Castes
68. Unreserved
69. Other Backward Classes
70. Unreserved
71. Scheduled Tribes
72. Unreserved
73. Other Backward Classes
74. Unreserved

75. Other Backward Classes
76. Unreserved
77. Scheduled Caste
78. Unreserved
79. Other Backward Classes
80. Unreserved
81. Scheduled Castes
82. Unreserved
83. Other Backward Classes
84. Unreserved
85. Scheduled Tribes
86. Unreserved
87. Other Backward Classes
88. Unreserved
89. Scheduled Castes
90. Unreserved
91. Other Backward Classes
92. Unreserved
93. Scheduled Castes
94. Unreserved
95. Other Backward Classes
96. Unreserved
97. Scheduled Tribes
98. Unreserved
99. Other Backward Classes
100. Unreserved
101. Scheduled Castes.
102. Unreserved
103. Other Backward Classes
104. Unreserved
105. Other Backward Classes
106. Unreserved
107. Scheduled Castes
108. Unreserved
109. Other Backward Classes
110. Unreserved
111. Scheduled Tribes
112. Unreserved
113. Other Backward Classes
114. Unreserved
115. Scheduled Castes
116. Unreserved
117. Other Backward Classes
118. Unreserved
119. Other Backward Classes
120. Unreserved
121. Scheduled Castes
122. Unreserved
123. Other Backward Classes
124. Unreserved
125. Scheduled Tribes
126. Unreserved
127. Other Backward Classes
128. Unreserved
129. Scheduled Castes
130. Unreserved
131. Other Backward Classes
132. Unreserved
133. Scheduled Castes
134. Unreserved
135. Other Backward Classes
136. Unreserved
137. Scheduled Tribes
138. Unreserved
139. Other Backward Classes
140. Unreserved
141. Scheduled Castes
142. Unreserved
143. Other Backward Classes
144. Unreserved
145. Other Backward Classes
146. Unreserved
147. Scheduled Castes

148. Unreserved
149. Other Backward Classes
150. Unreserved
151. Scheduled Tribes
152. Unreserved
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155. Scheduled Castes
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159. Other Backward Classes
160. Unreserved
161. Scheduled Castes
162. Unreserved
163. Other Backward Classes
164. Unreserved
165. Scheduled Tribes
166. Unreserved
167. Other Backward Classes
168. Unreserved
169. Scheduled Castes
170. Unreserved
171. Other Backward Classes
172. Unreserved
173. Scheduled Castes
174. Unreserved
175. Other Backward Classes
176. Unreserved
177. Scheduled Tribes
178. Unreserved
179. Other Backward Classes
180. Unreserved
181. Scheduled Castes
182. Unreserved
183. Other Backward Classes
184. Unreserved
185. Other Backward Classes
186. Unreserved
187. Scheduled Castes
188. Unreserved
189. Other Backward Classes
190. Unreserved
191. Scheduled Tribes
192. Unreserved
193. Other Backward Classes
194. Unreserved
195. Scheduled Caste
196. Unreserved
197. Other Backward Classes
198. Unreserved
199. Unreserved
200. Unreserved

No. 36012/22/93-Estt.(SCT)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi the 8th September 93

OFFICE MEMORANDUM

Subject: Reservation for Other Backward Classes in Civil Posts and Services under the Government of India - Regarding.

....

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90-Estt.(SCT), dated the 13th August, 1990 and 25th September, 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and others Vs. Union of India and others case (Writ Petition (Civil) No. 930 of 1990) the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

2. Consequent to the consideration of the Expert Committee's recommendations this Department's Office Memorandum No. 36012/31/90-Estt.(SCT), dated 13.8.90 referred to in para (1) above is hereby modified to provide as follows:

(a) 27% (twenty sevem per cent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.

(b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.

(c)(i) The aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the Scheduled to this office memorandum.

(ii) The rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.

..../-

(d) The OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.

(e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.

3. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this Office Memorandum.

(Hindi version will follow).

Sarita Prasad.

(Smt. Sarita Prasad)
Joint Secretary to the Government of India

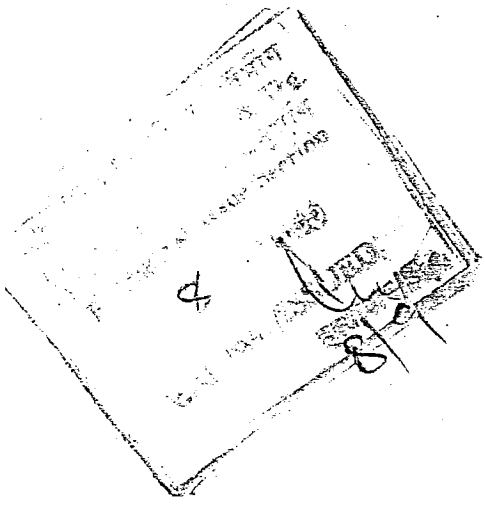
To

All Ministries/Departments of Government of India

Copy:

1. Department of Public Enterprises New Delhi.
2. Ministry of Finance (Banking & Insurance Divisions), New Delhi.

It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks & Insurance Corporations.



SCHEDULE

Description of category	To whom rule of exclusion will apply
I. CONSTITUTIONAL POSTS	Son(s) and daughter(s) of (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) persons holding Constitutional positions of like nature.
II. SERVICE CATEGORY	
A. Group A/Class I officers of the All India Central and State Services (Direct Recruits)	Son(s) and daughter(s) of (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation. (d) parents, either of whom is a Class I officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.

B. Group B/Class II officers of the Central & State Services (Direct Recruitment).

(e) parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both, either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years.

Provided that the rule of exclusion shall not apply in the following cases:

(a) Sons and daughters of parents either of whom or both of whom are Class-I officers and such parent(s) dies/die or suffer permanent incapacitation.

(b) A lady belonging to OBC category has got married to a Class-I officer, and may herself like to apply for a job.

Son(s) and daughter(s) of

(a) parents both of whom are Class II officers.

(b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.

(c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;

(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promotad) and the wife is a Class II officer and the wife does; or suffers permanent incapacitation and

(e) parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation.

Provided that the rule of exclusion shall not apply in the following cases:

Sons and daughters of

(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.

Sons and daughters of

(a) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

C. Employees in Public Sector Undertakings etc.

The criteria enumerated in A & B above in this Category will apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and

1.	2.	3.
II	ARMED FORCES INCLUDING PARA-MILITARY FORCES (Persons holding civil posts are not included)	Positions under private employment, Pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these institutions.
		Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Para Military Forces; Provided that:- (i) if the wife of an Armed Forces Officer is herself in the Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; (ii) the service ranks below Colonel of husband and wife shall not be clubbed together; (iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she fails in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

1.	2.	3.
IV	PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY	
	(I) Persons engaged in profession as a doctor, lawyer, chartered accountant, Income-Tax Consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professiona, author, playwright, sports person, sports professional, media professional or any other vocations of life status;	Criteria specified against Category VI will apply:-
	(II) Persons engaged in trade, business and industry	Criteria specified against Category VI will apply: Explanation: (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income. (ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed withit.

V PROPERTY OWNERS

A. Agricultural holdings

Son(s) and daughter(s) of persons belonging to a family(father, mother and minor children) which owns

(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or

(b) both irrigated and unirrigated land, as follows:

The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur).

(ii) The rule of exlusion will not apply if the land holding of a family is exclusively unirrigated.

1.	2.	3.
B.	Plantations	
(i)	Coffee, tea, rubber, etc.	Criteria of income/wealth specified in Category II below will apply.
(ii)	Mango, citrus, apple plantations etc.	Deemed as agricultural holding and hence criteria at A above under this Category will apply. Criteria spefified in Category VI below will apply
C.	Vacant land and/or buildings in urban areas or urban agglemorations	Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.
VI	INCOME/WEALTH TEST	Son(S) and daughter(s)
		(a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.
		(b) Persons in Categories I, II, III and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.
		Explanation:
		(i) Income from salaries or agricultural a land shall not be clubbed;
		(ii) The income criteria in terms of rupee will be modified taking into account the change in [illegible]

1.	2.	3.
		its value every three years. If the situation, however, so demands, the interregnum may be less. Explanation: Wherever the expression "permanent incapacitation" occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.

Department of Personnel and Training O.M. No.36012/17/88-Estt.(SCT), dated the 25th April, 1989, to all Ministries/Departments, *etc.*

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion applicability to grades or services in which the element of direct recruitment does not exceed 66-⅔%.

The question of enlarging the scope of the existing scheme of reservation for Scheduled Castes and Scheduled Tribes in posts filled by promotion by extending it to grades or services in which the element of direct recruitment is more than 66-⅔% has been under the consideration of Government.

2. Under the existing orders contained in the Department of Personnel & A.R. O.M. No.36021/7/75-Estt. dated the 25th Feb., 1976, reservations have been provided at 15% and 7-½% of the vacancies for Scheduled Castes and Scheduled Tribes respectively (i) in promotions through limited departmental competitive examinations in Group B, C & D (ii) in promotions by selection in Groups B, C & D and from Group B to the lowest rung of Group A and (iii) in promotion on the basis of seniority subject to fitness in all Groups i.e. Groups A,B, C & D (in all these cases), in grades or services in which the element of direct recruitment, if any, does not exceed 66-⅔%. It has now been decided in partial modification of above mentioned O.M. that the reservations in posts by promotion under the existing scheme as indicated above should be made applicable to all grades or services, in which the element of direct recruitment, if any, does not exceed 75%.

3. The above instructions take effect from the date of issue of these orders except where a Select List for promotion under the relevant orders has already been prepared by the Departmental Promotion Committee and in the case of selections made through limited departmental competitive examination, the relevant exam has already been held.

4. Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned.

Department of Personnel and Administrative Reforms O.M. No.36011/33/81-Estt.(SCT), dated the 5th October, 1981, to all Ministries/Departments, *etc.*

Subject :—Application of two 40-point rosters for recruitment on all India basis by open competition and otherwise than open competi tion clarification regarding—

The undersigned is directed to say that the Commissioner for SCs & STs has expressed a doubt about the maintenance and application by the Ministries and Departments of the 40-point rosters contained in Appendices I & II in the Brochure on Reservation for SCs. & STs. in services (1978 ed.). The existing position in the Brochure is given below:

Mathod of recruitment	*Roster to be followed*
Direct recruitment made on all-India basis by open competition, i.e., through UPSC or by means of open competitive tests held by any other authority.	40-point roster as given in Appendix 1 for reservtion @ 15% for SCs and @ 7½ % for STs.
Direct recruitment made on all-India basis otherwise than by open competition.	40-point roster as given in Appendix 2 for reservation @ 16⅔% for SCs and 7½% for STs.
Direct recruitment to Group C & D posts normally attracting candidates from a locality or a region.	100-point roster as given in Appendix 3 for percentages of reservation based on the population of SCs/STs in these areas/regions.

2. The expression 'by open competition' occurring in the above paragraph would mean all recruitment by U.P.S.C. whether through written examination or by interview or both and recruitment made by other authorities including Staff Selection Commission or any other appointment authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the U.P.S.C. or not made through written competitive tests held by any other authority would mean direct recruitment otherwise than by open competition.

3. Ministry of Finance, etc. may kindly see for their future guidance and subordinate the contents of this Office Memorandum to the notice of all the attached and surbrdinate offices under their control.

Department of Personnel and Administrative Reforms O.M. No.36021/9/76-Estt.(SCT), dated the 10th February, 1977, to all Ministries/Departments, *etc.*

Subject :—Reservation for Scheduled Castes and Scheduled Tribes in workcharged establishments/daily-rated staff.

The undersigned is directed to refer to the instructions contained in para 4(b) of the Ministry of Home Affairs Office Memorandum No. 42/21/49-NGS, dated the 28th January, 1952, according to which purely temporary establishments such as work charged staff including the daily rated and the monthly rated staff, were excluded from the scope of the orders regarding representation of Scheduled Castes and Scheduled Tribes in services

The question of reservations for Scheduled Castes and Scheduled Tribes in work-charged establishments came up for consideration before the High Power Committee set up under the Chairmanship of the Prime Minister to review the representation of Scheduled Castes and Scheduled Tribes in services, at its meeting held on 12th November, 1976.

The Committee noted that the major Departments employing work-charged staff viz. C.P.W.D., Railways, Min. of Defence and Posts and Telegraphs Department were already observing a procedure for ensuring representation of Schedued Castes and Scheduled Tribes while recruiting persons on their work-charged establishments, and considered that a similar procedure may be adopted by other Departments also which employ work-charged staff.

It has now been decided that the principle of reservation for Scheduled Castes and Scheduled Tribes should generally be suitably applied to the extent possible to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc.

Ministry of Finance etc. are therefore, requested to keep the above decision in view while making recruitment against the work-charged posts in the establishments under their control so that suitable reservations for Scheduled Castes and Scheduled Tribes are made while making such appointments. The percentage of reservation in such appointments may correspond to what is applicable to Group C and Group D posts.

Department of Personnel and Administrative Reforms O.M. No.8/7/74-Estt.(SCT), dated the 22nd August, 1975, to all Ministries/Departments, *etc.*

Subject :—Reservations for Scheduled Castes and Scheduled Tribes in posts filled by promotion—post of industrial workers in the industrial establishments of the Government.

As Ministries/Departments etc. are aware the Government of India's policy has been to make reservations for candidates belonging to Scheduled Castes/Scheduled Tribes for posts/services under the Central Government in accordance with the provisions of Articles 16(4) and 335 of the Constitution. Various instructions have been issued from time to time, in implementation of this policy indicating the reservations for candidates of Scheduled Castes/Scheduled Tribes in all vacancies in posts/grades under the Central Government filled by direct recruitment, and, subject to certain conditions, in vacancies filled also by promotion both on the basis of seniority-cum-fitness and selection. These orders have generally referred to the posts/grades under the Central Government as those belonging to Class I, II, III and IV. In addition there may be posts/grades under the Central Government particularly in the industrial establishments under the Government of India which have not been specifically classified as Class I, II, III and IV, mainly due to historical reasons. Many of the Departments/ Ministries and their offices have been applying, *mutatis-mutandis*, the instructions regarding reservations of Scheduled Castes/Scheduled Tribes to the cases of appointments to such grades and posts also. Still enquiries are sometimes being received as to whether the scheme of reservations for Scheduled Castes/Scheduled Tribes covers posts and grades in industrial establishments of Government, which may not have been strictly classified as belonging of Class I, II, III and IV.

2. Government of India's intention has always been that the scheme for reservation for Scheduled Castes/Scheduled Tribes will embrace all the posts and grades under Central Government irrespective of whether they have been classified as Class I, II, III and IV or not, and never to exclude posts in the industrial establishments whether classified or not from the purview of the scheme of reservations. The incumbents of the posts in the industrial establishments whether classified or not, are also governed usually by the normal service rules and regulations or Central Government on the same lines as other employees holding posts in Classes I, II, III and IV. Also the incumbents of such unclassified posts in the industrial establishments are also governed by the provisions of Article 311 of the Constitution, on par with the other employees holding posts in Class I, II, III and IV. As such, there is no doubt that industrial establishments are also covered by the Scheme of reservations. The various instructions of this Department in regard to reservations for SC/STs therefore apply *mutatis-mutandis* to such posts/grades also.

Department of Personnel and Administrative Reforms O.M. No.9/2/73-Estt.(SCT), dated the 23rd June, 1975, to all Ministries/Departments, *etc.*

Subject :—Reservation in services for Scheduled Castes and Scheduled Tribes—Exemption of scientific and technical posts.

According to the Ministry of Home Affairs O.M. No. 9/2/63-SCT(I), dated 2nd November, 1963 and No. 9/2/63-SCT(I), dated 17th July, 1964 read with O.M. No. 9/4/69-Estt.(SCT), dated 6th October, 1969, 'scientific and technical' posts required for conducting research or for organising, guiding and directing research which satisfy the conditions laid down therein, can be exempted from the purview of the orders relating to reservations for Scheduled Castes and Scheduled Tribes. Under the above orders, exemption in respect of gazetted posts which fulfil conditions laid down in the O.M. referred to above, can be given by the Ministries/Departments themselves after obtaining the orders of the Minister concerned whereas in respect of non-gazetted posts of similar nature, the Department of Personnel & Administrative Reforms is to be consulted before exemption is granted. The question whether reservations should be introduced in respect of the scientific and technical posts which are so exempt from the purview of the reservations for Scheduled Castes and Scheduled Tribes under the existing orders has been under examination in this Department. In partial modification of the instructions referred to above, it has now been decided that the same scheme of reservations for Scheduled Castes and Scheduled Tribes should cover appointments made to scientific and technical posts up to and including the lowest grade of Class I in the respective services wherever they have been hitherto exempt from the purview of the scheme of reservations so far on the ground that the posts were intended for conducting/directing, guiding research work. It has also been decided that the reserved vacancies in scientific and technical posts which would thus be brought within the purview of the scheme of reservations for candidates from Scheduled Castes and Scheduled Tribes need be advertised only once, instead of twice, as prescribed in Ministry of Home Affairs O.M. No. 1/1/70-Estt.(SCT), dated 31-7-70. In the event of non-availability of candidates belonging to the reserved communities, the reserved vacancies may be treated as dereserved by the administrative Ministry/Department concerned without obtaining the approval of the Department of Personnel & Administrative Reforms.

2. To give effect to the decisions mentioned in para 1 above, Ministries/Departments are requested to review the lists of scientific and technical posts under their control which are at present exempt from the purview of the orders relating to reservations for Scheduled Castes and Scheduled Tribes. Only such of the scientific and technical posts as satisfy all the following conditions should hereafter be exempted from the purview of the reservation orders :—

(i) The posts should be in grades above the lowest grade in Class I of the Service concerned;

(ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) O.M. No. 55/11/CF-61(1), dated 28-12-1961; and

(iii) There should be posts for conducting research or for organising, guiding and directing research.

Orders of the Minister concerned should be obtained before exempting any post satisfying the above conditions from the purview of the scheme of reservations.

3. Exemption, if any, in operation at present, from the purview of the reservation orders in respect of the scientific and technical posts up to and inclusive of the lowest grade of Class I of a service should be treated as cancelled with immediate effect and reservations should be provided for Scheduled Castes and Scheduled Tribes candidates in such posts also with immediate effect. Reserved vacancies in such posts need be advertised only once and not twice as provided in this Department's O.M. No. 1/1/70-Estt.(SCT), dated 31-7-70. In the event of non-availability of candidates belonging to reserved communities, vacancies in such posts may be treated as dereserved by the administrative Ministry/Department concerned and prior approval of this Department will not be necessary for such dereservation. However, the Commissioner for Scheduled Castes and Scheduled Tribes

and this Department should be informed about the dereservation made together with details and reasons necessitating the dereservation.

4. The decisions mentioned in para 1-3 above will not however apply to posts in the Department of Space and in the Department of Electronics and in regard to the recruitment of trainees to the training school under the Department of Atomic Energy. In these Departments, scientific and technical posts for research will continue to be exempt from the purview of the orders regarding reservations for Scheduled Castes and Scheduled Tribes under the orders in MHA OM, dated 2-11-1963, 17-7-1964 and 6-10-1959.

5. Ministry of Finance etc. are requested to bring the above decision to the notice of all authorities under them for appropriate action.

Cabinet Secretariat (Department of Cabinet Affairs) O.M. No.85/11/CF-61(1), dated the 28th December, 1961, to the Ministries/Departments,*etc.*

Subject :—Classification of posts as 'scientific or technical' for the purposes of granting extensions of service beyond the prescribed age of retirement.

The undersigned is directed to invite a reference to the Joint Secretary to the Cabinet letter No. 164/CP/59, 60, dated December 29, 1960 on above subject. It was stated in that letter that at the meeting of the Committee of Secretaries held on December 20, 1960, it has been decided that for the purposes of granting extensions of service beyond the prescribed age of retirement, the posts which should be classified as 'scientific or technical' should be those, the incumbents of which have to use a knowledge of the exact/natural sciences or of technology, in the discharge of their duties and are engagted in or in charge of research, development, designing, construction, production, inspection, survey, testing or teaching. The Ministries/Departments were requested to prepare or revise the already prepared lists of posts and services under their administrative control in the light of the above decision and to forward them to this Secretariat for examination by the Committee of Secretaries.

2. On receipt of the revised lists from some of the Ministries/Departments, the matter was re-examined by the Committee of Secretaries. Having regard to the present overall shortage of scientific and technical personnel of all descriptions in the country, it was decided that the definition of 'scientific or technical' posts evolved by the Committee at its meeting held on December 20, 1960, should be liberalised so as to include all posts for which qualifications in the natural/exact sciences, or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties. The lists of posts received from the Ministries/Departments, so far, have been examined by the Committee in the light of the revised definition and the decision taken has been notified to the concerned Ministries/Departments, with copies to the Ministries of Home Affairs and Finance.

3. If the Ministries/Departments have any further posts and services under their administrative control which they wish to recommend for being classified as 'scientific or technical' in the light of the revised definition, it is suggested that supplementary lists of those posts may be prepared in the attached proforma, and 10 copies of the list forwarded to this Secretariat for examination by the Committee of Secretaries.

The lists of posts which may be ready by now on the basis of the previous definition need not be held over pending re-examination. It is requested that those lists may be sent to this secretariat for examination by the Committee of Secretaries.

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18.3 Annexure – Verification of documents against appointment

No. 11012/7/91-Estt.(A)

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel and Training)

...

New Delhi, the 10-5-93

OFFICE MEMORANDUM

Subject: Action against Government servants to be taken if they are later found ineligible or unqualified for their initial recruitment

...

Attention of the Ministries/ Departments is invited to Ministry of Home Affairs OM No. 39/1/67-Ests.(A) dated 21.2.1967 wherein it was clarified that departmental action can be taken against ... Government servant in respect of misconduct committed before his employment. Attention is also invited to the Ministry of Home Affairs OM No.5/1/63-Estt.(D) dated 30.4.1965 wherein Ministires/Departments were requested to make use of the provision of 'warning' inserted in the Attestation From for taking action against Government servant furnishing false information at the time of appointment.

2. A question has now arisen as to whether a Government servant can be discharged from service where it is discovered later that the Government servant was not qualified or eligible for his initial recruitment in service. The Supreme Court in its judgement in the District Collector, Vizianagram vs. M. Tripura Sundari Devi (1990 (4) SLR 237 went into this issue and observed as under:-

> " It must further be realised by all concerned that when an advertisement mentions a particular qualification and an appointment is made in disregard of the same, it is not a matter only between the appointing authority and the appointee concerned. The aggrieved are all those who had similar or better qualifications than the appointee or appointees but who had not applied for the post because they did not possess the qualifications mentioned in the advertisement. It amounts to a fraud on public to appoint a person with inferior qualifications in such circumstances unless it is clearly stated that the qualifications are relaxable. No Court should be a party to the perpetuation of the fraudulent practice."

....2/-

The matter has been examined in consultation with the Ministry of Law and Justice and it has now been decided that whenever it is found that a Government servant, who was not qualified or eligible in terms of the recruitment rules etc, for initial recruitment in service or had furnished false information or produced a false certificate in order to secure appointment, he should not be retained in service. If he is a probationer or a temporary Govt. servant, he should be discharged or his services should be terminated. If he has become a permanent Govt. servant, an inquiry as prescribed in Rule 14 of CCS (CCA) Rules, 1965 may be held and if the charges are proved, the Government servant should be removed or dismissed from service. In no circumstances should any other penalty be imposed.

3. Such discharge, termination, removal or dismissal from service would, however, be without prejudice to the right of the Government to prosecute such Government servants.

4. Ministries/ Departments are requested to bring the above to the notice of all concerned for information and necessary action.

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

(V. NATARAJAN)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

TO

1. All Ministries/ Deptts.

.....3/-

2. Chief Secretaries of all States and Union Territories.
3. Comptorller and Auditor General of India, New Delhi.
4. Supreme Court of India, New Delhi.
5. UPSC, New Delhi.
6. CVC, New Delhi.
7. Lok Sabha Secretariat/Rajya Sabha Secretariat.
8. President's Secretariat/Vice President's Sectt.
9. Commissioner of Linguistic Minorities, Allahabad.
10. Election Commission, New Delhi.
11. All zonal Councils.
12. CAT, Principal Bench, Faridokat, House, New Delhi.
13. All attached and subordinate offices of the Ministry of Personnel Public Grievances and Pensions and Ministry of Home Affairs.
14. All Sections of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

(V. NATARAJAN)
DEPUTY SECRETARY TO THE GOVT. OF INDIA.

18.4 Annexure - Medical examination on first appointment

CHAPTER XIII

MEDICAL EXAMINATION ON FIRST APPOINTMENT

I. Basic Requirement

Every new entrant to Government service is required to produce a medical certificate of health :

To ensure that only persons, as are physically as well as mentally sound in health, are admitted to Government service. Every new entrant including a part-time employee on appointment to Government service/post is required to produce a medical certificate of health issued by a competent authority.

Where the post is permanent and the appointment thereto is made in a substantive capacity, the medical certificate of fitness shall be produce before such appointment.

[M/o Finance OM No. 45(1)-EV/54, dt. 24-3-1954].

II. 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 OM 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 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 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 or 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.

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

(4) *Delegation of powers and conditions for appointment in anticipation of medical certificate.*—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 this period or after the case for second medical examination is finally decided, if such an appeal is made and accepted. The 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 Goverment 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.

[MOF. OM No. s 67(21)-E V/60 dated the 16th December, 1960 and F. 25(24)-E. V/66 dated the 24th August, 1966l.

(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 MOF. OM No. F. 55(11)-EV/59 dated the 12th February, 1960 read with OM No. 15(1)-EV.(B)/62 dated the 5th July, 1962 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.

[MOF. OM No. F. 20(15)-E. V(A)/65 dated the 16th February, 1966.]

(6) *Complete exemption from medical examination only in exceptional cases* :—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.

[MOF. OM No. F. 20(1)-EV.(A)/64 dated the 24 Feb., 1964.]

(7) *Procedure for recording health certificate on first appointment in service.* It has been decided in consultation with the Comptroller and Auditor-General that the existing practice of affixing the medical certificate to the first pay bill of a Government servant should be dispensed with. However, to meet the requirement of audit, a certificate to the effect that the medical certificate in the prescribed form has been obtained in respect of the Government servant, should be furnished to Audit along with the first pay bill of the Government servant. The procedure for furnishing this certificate in respect of Gazetted and non-gazetted officers will be as follows :—

(i) In respect of Gazetted Officers certificates furnished by the competent authority to whom the medical certificate has been submitted should be attached to the first pay bill.

(ii) In respect of non-gazetted officers, the drawing and disbursing officers should furnish such certificates along with the first pay bills of Government servants concerned.

[MOF OM No. F. 25(24)-E V/66, dated the 24th August, 1966.]

(8) *Entry in service book of production of medical certificate 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 carrier. 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.

[MOF. OM No. F. 25(24)-E V/66, dated 12th April, 1967.]

III. RULES UNDER F.R. 10 & GOVT. OF INDIA ORDERS

A medical certificate of fitness for Government service shall be in the following form :—

"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 or bodily infirmity except ..... I do not consider this a disqualification for employment in the office of.....

A-I 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 certifi-

cate the thumb and finger impression of the candidates, in so far as illeterate persons are concerned. These 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 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. 5463-183, dated the 5th January, 1909 F.D. Letter No. F. 67-R. 1/28 dated the 19th May, 1928 and MOF. OM 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 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.

CANDIDATES' STATEMENT AND DECLARATION

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, Asthama, heat disease, lung disease, fainting attack, 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, asthama, 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 a 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
1.			
2			
3.			

Mother's age if living and state of health.	Mother's age at death and cause of death	No. of sisters living, their ages and state of health	No. of sisters dead, their age at death and cause of death.
1			
2.			
3.			

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.

Candidates' Signature————
Signed in my presence————
Signature of Medical Officer

NOTE :—The candidates 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, of forfeiting all claim to superannuation allowance or gratuity.

[M.H. OM No. F.5(11)-55 MII dated the 27th September, 1957.]

B. (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) (a) 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

(b) 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 hopsital 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.

B-1 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 he 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, he 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 to 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.

[MOF. OM No. F.53(8)-V/50, dated the 5th October, 1950 No. F.55(11)-E.V/59, dated the 12th February, 1960, and No. F.15(1)-E.V(B)/62 dated the 5th July, 1962 and U.O. No. 3617-E.(V)/B/63 dated the 25th January, 1964.]

(2) *Communication of adverse medical report*

It has been decided in supersession of the earlier orders that in case 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.

[MO. Health OM No. F.5(11)-45/56, M.II dated the 17th November, 1956 received with MOF. OM No. F.43(20)-EV/56 dated the 28th November, 1956]

(3) *Re-examination only in case of possible error of Judgement*

It has been decided that there should be no right of appeal from the findings of a Civil Surgeon or an authorised medical attendant, but that, if Government are satisfied on the evidence placed before them by the candidate concerned of the possibility of an error of judgment in the decision of the Civil Surgeon or the authorised medical attendant, it will be open to them to allow re-examination by another Civil Surgeon or a specialist or by a Medical Board, as may be considered necessary. The fee for such examination, if any, will be paid by the candidate concerned.

[M.H. OM No. F.7(1)-27/51 M-II dated the 18th January, 1952 and M.H.A. Endt. No. 38/5/52-Ests, dated the 1st February, 1962.]

(4) *Evidence regarding possible error of judgment must refer to original certificate*

With reference to the instructions contained in Order (3) above, it has been decided that if any medical certificate is produced by a candidate or Central Government servant as a piece of evidence about the possibility of an error of judgment in the decision of 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.

[M.H. OM No. F.7(1)-6/53, M-II dated the 27th March, 1953.]

(5) *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 judgment 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.

[MH O.M. No. F.5(11)-45/56, M-II dated the 26th October, 1956.]

(6) *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.

[Min. of Health OM No. F.5(11)-12/57 M-II (Pt. II) dated the 17th December, 1957.]

(7) *Time-limit for preferring appeal for re-examination*

With reference to the instructions contained in Order (3) 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 were communicated to the candidates/Government servant.

[M.H. OM No. F.7(1)-10(53)M-II dated the 1st May, 1953 circulated with M.O.F. OM No. 61(5)-E.V/53 dated the 23rd June, 1953.]

In case no appeal is preferred by a candidate who is already in service within one month of the date of the communication to him of the findings of the examining medical authority, his service shall be terminated on the expiry of the period of one month and ordinarily no appeal shall be allowed after expiry of that period.

[M.H. OM No. F.5-35/55M-II dated the 13th December, 1953.]

(8) *Applicability to 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 conditions as whole-time employee. 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. OM No. F-45(1)-EV/54 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. Agents in the P&T Department are treated as part-time employees for this purpose.

(D G. P. & T's letter No. S.P.B. 61/10/54 dt. the 17th December, 1954)

NOTE 2 :—It has been decided that the 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 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. 34/1/60-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, 1965)

(9) *Conditions for acceptance of certificates given by Honorary Medical Officers*

It has been decided that certificates 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.

[M.O. F. OM No. F.15(1)E-V(B)/63 dated the 30th March, 1963.]

(10) *Medical examination of non-gazetted employees by doctors of C.H.S.*

It has been decided in consultation with the Department of Personnel and Training that for purposes of medical examination of non-gazetted Government employees, general Duly 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.

[MH & F.W. OM No. 17011/12/79-MS, dated the 26th September, 1979.]

(11) *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.

[M.F. OM No. F.55(5)-E.V(B)/59 dated the 18th February, 1960 and U.O. No. 3617-E.V(B)/63 dated the 25th February, 1964.]

(12) *Procedure in case of temporary servant declared unfit*

In accordance with the instructions contained in Government of India's Orders (3) and (4) 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 Surgeons 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 been 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 Orders (3) and (4) 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 services of the officer should be terminated forthwith.

5. It has also been brought to the notice that the instructions contained in Orders (3) and (4) 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.

[Health OM No. 5(35)/55-H-II dated the 13th December, 1955]

(13) *Employment of women candidates in a state of pregnancy*

It has been decided that a woman candidate, who as a result of tests, is found to be 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 medical certificate of fitness from a registered medical practitioner.

[MOF OM No. F-5-21/68/M.A. dated the 12th December, 1958]

It has been noticed that certain Ministries/Departments have not strictly 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. OM No. 9/11/55-RPS, dated the 22nd December, 1959.

[Deptt. of Personnel & A.R. O.M. No. 14034/5/75-Estt(D), dated the 19th July, 1976.]

(14) *Medical examination of candidates having neural leprosy*

Reference is invited to M.H. O.M. No. 5(11)-41/56-M.II dated 24th October, 1957 on the subject mentioned above. 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 appoint-

ment) 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.

[MH No. A-17011/6/79-MS(I) dated 25th June, 1980]

(15) *Appointment in another suitable post of person declared medically unfit*

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.E. & 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.

[MHA O.M. No. 14034/1/80-Estt(D), dated the 30th October, 1980.]

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 a 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 Department, 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."

[MHA OM No. 37/1/52-DGS, dated 10th July, 1945]

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.

[MHA OM No. 37/1/52-DGS dated 10th July 1954 OM No. 13/4/56-RPS dated the 29th September 1956 and OM No. 13/4/57-RPS dated the 14th July, 1958]

C. 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) 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 Posts 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 : (a) The production of medical certificate is necessary when—

(1) a Government servant is promoted from non-qualifying 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.

GOVERNMENT OF INDIA'S ORDERS

(6) *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-2-1/41, dated the 10th March, 1941]

(7) *Medical examination on fresh appointment after resignation*

As an exception to the provision of clause (2) of Note 1 above 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.

[M.O.F. OM 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 Hand Book on Medical Examination—Second Edition).

(8) *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.

[M.O.F. OM No. 15(2)-E.V(B)/62 dated the 18th August, 1962]

(9) The following further decisions of general nature have been reached in consultation with the Ministry of Health and the Ministry of Home Affairs (Now Department of Personnel & Trg) :

(i) 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;

(ii) A permanent State Government servant holding a gazetted post in the State, when appointed to gazetted post under Central Government need not be subjected to a fresh medical examination by a Medical Board.

(iii) 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 to a non-gazetted post no medical examination will be necessary.

(iv) In case where the rules for recruitment to new appointment 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 Department 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 is already in employ of the Government and has already undergone medical examination by a medical authority which are recognised by the appointing authority as equivalent to those prescribed for the new appointment for which he is recruited or selected 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.

[M/o Finance OM No. 55(ii)-EV/59, dated 12-2-60]

NOTE :—A person who has already been medically examined by the prescribed medical standards and the appropriate medical authority, should not be subjected to fresh medical examination at the time of his appointment to the new post, irrespective of the fact whether that person was permanent, quasi-permanent or temporary in his previous appointment.

[M.O.F. O.M. No. F.15(1)/EV(B)/62 dt. 5-7-62]

All the Ministries, etc. of the Government of India were required to amend the recruitment rules in respect of Class I and Class II with which they were concerned in consultation with the U.P.S.C. in the light of decisions contained in the above paragraph and which should also be kept in mind while framing any new set of recruitment rules.

[M/o Finance No. F.(15)(1)/EV(B)/62 dated 5-7-62]

D—STANDARD OF FITNESS

(1) For employment in the I.A.S., I.P.S., I.F.S. and other Central Services, recruitment to which is made by competitive examination through U.P.S.C. as prescribed in Medical Regulations and Medical Report form for I.A.S., I.P.S., I.F.S. and Central Services"—Annexure-I.

(2) For employment in the Engineering Services and Survey of India—as laid down in the relevant regulations.

(3) Civil Aviation Department Technical (Gazetted post) :

In the case of Assistant Aerodrome Officers (Grade I and Grade II) of the Civil Aviation Department, the International Civil Aviation Organisation medical standards for Air Traffic Controllers would apply.

(4) *Other Class I and Class II Gazetted posts*

As prescribed in the "Medical Regulations and Medical Report form for I.A.S., IPS, I.F.S. and Central Services" unless specific provision is made to the contrary.

[M.O. Health OM No. F7(1)-28/52-M-11 dated 7-4-53]

(5) *For employment in non-gazetted posts*

No specific standard of physical fitness other than visual acuity have 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. The standard of visual acuity for employment in non-gazetted post will be as is given in annexure II.

Standard of visual acuity for employment in non-gazetted post in the Aerodrome Organisation of the Civil Aviation Department, who have to deal with aircraft operations, is given in Annexure III.

[M.O. Health O.M. No. 5(ii)-12/57-M.II, dated 17-12-1957]

(6) *Physically handicapped persons*

(i) Cases of physically handicapped persons seeking employment in the public services that may be referred to the appointing and medical authority shall be viewed with the utmost sympathy.

[M.H.A. OM No. 20/29/57-Estt(D)-dated 15-1-1958]

(ii) On nomination of the physically handicapped persons by the Employment Exchanges for appointment against posts under the Government, they should not be subjected to the usual medical examination on first appointment in Government service, but the question of their appointment should be decided on the basis of the reports of the Medical Board attached to the special Employment Exchanges for the Physically Handicapped. These persons need not be examined by the Medical Board at the time of their registration with the Employment Exchange, but they should be sent for medical examination to the Medical Board attached to the Special Employment Exchanges after they have actually been selected for a particular post.

[MHA OM No. 5/1/60, dated 28-6-60 No. 5/1/62-Estt(D) dated 31-7-67 No. 5/1/66-Estt(D) dated 12-10-66 and 8-12-1967]

E—Stammering not a Disqualification for a Clerical Post

Stammering is not to be considered a physical defect requiring disqualication of a candidate for a clerical post.

[M.O. Health OM No. 5(1)-55-H.II dated 6-6-55]

F—Deaf muteness or deafness not a disqualification

In the case of appointment to Class III or Class IV 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. Subject to this and to any other rules and order in force, the possibility of affording avenues of employment to deaf or deaf-mute persons should be examined at the time of making recruitment to any posts.

[M.H.A. OM No. 60/137/50-Estt. dated 28-7-50]

G—Procedure for Medical Examination

(1) No medical officer in Government employ shall examine a candidate for determining his/her physical fitness for Government service under Government of India expect on written request from the Head of the Office concerned.

[Late Deptt. of E.H.&L. letter No. 16/4/41-H. dated 18-1-41 recirculated with Government of India M.O. Health letter No. 7(1)/2/53-M II dated 17-2-1953]

(2) *Procedure for addressing Medical Officer*

When a candidate including a person already in Government service is required to produce a medical certificate of fitness from a Government Medical Officer the head of the office concerned should make a written request to that officer to have the candidate examined giving full particulars indicating—

(a) the name and address of the candidate and also the post for which he is a candidate;

(b) the correct date of birth of the candidate;

(c) the date of entry into Government service.

(d) the status and nature of duties of the post;

(e) specific standards, if any, of physical fitness prescribed for the post;

(f) whether the candidate has prior to the appointment suffered from tuberculosis.

[M/o Health OM No. 7(1)10/53-M. II, dated 3-10-53 and OM No. 7(1) 24/53-H. II, dated 16-10-54.]

(3) Administrative Medical Officers to be addressed direct by heads of offices

(A) *Medical Examination by Medical Board*

If the candidate is required to be examined by a Medical Board (i) *in Delhi* the request shall be addressed to the Chairman, Medical Boards, Willingdon/Safdarjung Hospital, New Delhi by name.

[M/o Health letter No. 7(1)2-52, M. II, dated 4-2-1952; Memo No. 5(1) 1/54-Hosp. dated 18-9-54 & letter No. 5(1)1/54-H-II, dated 16-2-55.]

(ii) *Outside Delhi* : The request shall be addressed by the Head of the Office of the candidate direct to the Administrative Medical Officer of the State in which the candidate is residing, giving all particulars indicated in clause (2) above.

[M/o Health Letter No. 7/1/52-M. II, dated 4-2-52]

(B) *Medical Examination by Single Medical Officer*

If the candidate is required to be examined by a Civil Surgeon or District Medical Officer *in Delhi* the request shall be addressed to the Staff Surgeon (Man) Willingdon Hospital and the Assistant Surgeon Grade I (Woman) under the Contributory Health Service Scheme for male and female candidates respectively.

[M/o Health OM No. 7(1)/9/54-Hosp. II, dated 24-12-54]

(C) *Medical Examination by Authorised Medical Attendant*

In case the candidate is to be examined by authorised Medical Attendant (i) *in Delhi* the request shall be made to the Assistant Surgeon Grade I or Lady Assistant Surgeon Grade I of the Contributory Health Service Scheme Dispensary of the area in which the candidate is residing for male and female candidate respectively.

[M/o Health OM No. D1558 H-154, dated 25-11-54 & F. No. 7(1)/54-Hosp-II, dated 24-12-54.]

(ii) *Outside Delhi* reference shall be made to the State Administrative Medical Officer concerned for arranging the candidate's medical examination by medical officer of appropriate rank.

[M/o Health letter No. 7(1)/2/52-M. II, dated 4-2-52.]

Signature and/or Thumb impression on the certificate

The signature of the candidate (or his thumb and finger impressions if he is illiterate) shall be obtained on the body of the certificate by the examining Medical Authority in his presence and the Head of the Office shall later verify this with reference to the signature or thumb impressions in the service book of the person concerned.

[Govt. of India order below S. R. 3-Choudri's Compilation of FRs & SRs. Vol. II, Supplementary Rules 5th edition 1971.]

(4) Ex-T.B. Patients

The authority sending a candidate who has been ex-T.B. patient, for medical examination should inform the medical examining authority that the candidate had suffered from tuberculosis. If the medical examination is to be conducted by a Medical Board, one of the members of the

H—CATEGORIES FOR REPORTIN THE FINDINGS BY MEDICAL AUTHORITIES

H—CATEGORIES FOR REPORTING THE FINDINGS BY MEDICAL AUTHORITIES

The findings of the examining medical authority shall be recorded under one of the following three categories only :—

(1) Fit

(2) Unfit

(3) Temporarily unfit.

The last category is only in respect of those who, in the opinion of the medical authority, are suffering from a temporary ailment, e.g. Trachoma, Hydrocele etc. and which can be cured by treatment in a short period. A woman candidate who as a result of test is found to be pregnant of 12 weeks standing or over, should be declared temporarily unfit until the confinement is over. Any other category shall be avoided.

[DGHS Memo No. 8-C-3/58-M. II, dated 15-3-58, read with Deptt. of Health O.M. No. 5-21/68-MA, dated 12-12-68.]

Though medical opinion should not declare a candidate as "fit for temporary employment", sometimes it 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. 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 a 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.

In relaxation of the provisions of F.R. 10, it has also been decided in consultation with the Ministry of Finance and the Comptroller and Auditor General 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 above.

[MHA OM No. 5/2/57-RPS, dated 22-7-57.]

I—CONFIDENTIAL NATURE OF THE MEDICAL REPORTS

On the conclusion of the examination, the examining medical authority will communicate its findings to the Head of the Office concerned. These findings shall normally be treated as confidential. But in cases where a Government servant or a candidate for Government service is declared unfit for appointment in Government service by the examining medical authority as the case may be, the grounds for rejection may be communicated to the candidate in broad terms without giving minute details regarding the defects pointed out by the examining medical authority. The reports of the cases in which the grounds of rejections have not been clearly stated by the Medical Board, may be referred to the Health Ministry for advice. However, in cases where

candidates are declared only temporarily unfit by the medical authority on account of minor curable defect after treatment, the same may be intimated to the candidates also. The department may arrange re-examination of those candidates after treatment. A woman candidate who has been declared temporarily unfit due to pregnancy should be re-examined for a fitness certificate six weeks after the date of confinement subject to the production of a medical certificate of fitness from a registered medical practitioner.

[M/o Health O.M. No. 5(11)/46/50 M.II dated 17-11-56 M/o Finance OM No. 43/20 EV/56 dated 28-12-56 and M/o Health OM No. 5-21/68-MA dated 12-12-68]

IV. Miscellaneous

A—*Fees to be borne by candidates*

The fees for the following kinds of medical examination shall be borne by the candidates themselves :

(i) Medical examination of candidates recruited through competitive examination held by the U.P.S.C. for appointment to gazetted post e.g. I.A.S., I.P.S., I.F.S. and other Central Services.

(ii) Second and subsequent medical examination allowed on appeal in all cases.

[M/o Health OM No. 7(1)-25/51-M II, dated 15-10-51.]

The fees for the following medical examination shall be borne by the Government of India :

(i) Medical examination of candidates for appointment to posts either through the UPSC by advertisement or through any other agency.

(ii) Medical examination of gazetted Government servants already in temporary Government service who are asked by their departments/offices to appear before a Medical Board.

[M/o Health OM No. 7(1)-25/51-M.II, dated 15-10-51.]

(iii) Class IV Government servants stationed in or passing through Calcutta, medically examined by private registered practitioner, upto the limit prescribed from time to time.

(iv) Medical examination of a non-gazetted Government servant who is already permanent or quasi-permanent, when appointed to a gazetted post which is not in the normal line of promotion and requires a different medical standard from that required in his permanent or quasi-permanent appointment or the rules for recruitment to which prescribe a fresh medical examination in respect of all candidates.

(v) Re-examination of the aforesaid candidates at the instance of the medical Boards.

(vi) Medical examination of woman candidates by private registered medical practitioners outside Delhi for appointment to non-gazetted posts; restricted to the extent prescribed from time to time.

[M/o Health OM No. F7(1)-11/51-M II dt. 10-4-51]

(vii) Medical examination of local recruits at present in the Indian Missions abroad by one of the doctors on the approved panel for treatment of India-based staff :

Provided that the fee for medical examination shall not exceed the fee charged by approved doctor for his first consultation at his clinic.

[M/o External Affairs OM No. 15(53)-EII/51, dt. 28-4-52]

(viii) Medical examination of part time employees.

[M/o Finance OM No. 45(1)EV/54, dated 24-3-54.]

In all the States other than Union Territories the candidate concerned shall first pay the fee, direct to medical officer and then claim reimbursement from the Department concerned after joining duty. No reimbursement will be allowed in the case of candidate who are found unfit.

Travelling allowance is not admissible for a journey undertaken to procure a health certificate on first appointment to Government service.

B—*Incidental charges to be borne by the candidates*

The expenses incurred on the radio-graphic examination of the chest, other X-ray examination, Medical Specialist fee, hospitalization charges, laboratory fees for blood sugar and other test called for by the Medical Specialist shall be borne by the candidates themselves in all cases.

[M/o Health O.M. No. 5(11)-37/60-M II, dated 21-11-60.]

ANNEXURE I

Regulations as to the physical examination of candidates for admission into Technical and Non-Technical Civil Service Class I and class II (Gazetted) under the Government of India except technical Posts under the civil aviation Department, Land Defence Services Personnel

The classification of various Services under the two categories, namely "Technical" and "Non-technical" will be as under :—

A. Technical

(1) Railway Engineering Service (Civil, Electrical, Mechanical and Signal), Railway Traffic Service, Special Class Railway Apprentice and posts on the Marine Establishment.

(2) Central Engineering "Class I & II, Telegraph Engineering Class I, Electrical Engineering Classes I & II, Survey of India, Class I & II and Class I & II posts in the Engineering branch of the Overseas Communication Service, Technical Officers, Class I & II of the Inspection Wing of the Directorate General of Supplies & Disposals.

(3) Indian Forest Service.

(4) Indian Police Service.

B. Non-Technical

IAS, IFS, IA & AS, Indian Customs Service, Indian Railway Accounts Service, Indian Railway Stores Service, Railway Protection Force, Railway Board Secretariat Service Class II and all other Class I & II posts in Railways, Indian Defence Accounts Service, Income Tax Officers (Class I, Grade II and Class II) Service, Indian Postal Service (Class I) and Military Lands and Cantonment Service, Class I & II, Geological Survey of India, Class I & II and other Central Civil Services Class I and II ; Technical Officers of Wireless Planning and Coordination-Organisation, Classes I and II.

NOTE 1. These Regulations are published for the convenience of candidates and in order to enable them to ascertain the probability of their coming up to the required physical standard. The regulations are also intended to provide guidelines to the medical examiners and a candidate who does not satisfy the minimum requirements prescribed in the regulations, cannot be declared fit by the medical examiners. However, while holding that a candidate is not fit according to the norms laid down in these regulations, it would be permissible for a medical board to recommend to the Government of India for reasons specifically recorded in writing that he/she may be admitted to service without disadvantage to Government.

2. It should, however, be clearly understood that the Government of India reserve to themselves, absolute discretion to reject or accept any candidate after considering the report of the Medical Board.

1. To be passed as fit for appointment a candidate must be in good mental and bodily health and free from any physical defect likely to interfere with the efficient performance of the duties of his/her appointment.

2. (a) In the matter of the correlation of age, height and chest girth of candidates of Indian (including Anglo-Indian) race, it is left to the Medical Board to use whatever correlation figures are considered most suitable as a guide in the examination of the candidates. If there be any disproportion with regard to height, weight and chest girth, the candidate should be hospitalised for investigation and X-ray of the chest taken before the candidate is declared fit or not fit by the Board.

(b) However, for certain services the minimum standards for hegiht and chest girth, without which candidates cannot be accepted, are as follows:—

	Height	Chest girth (fully expanded)	Expansion
(i) Railway Engineering Service (Civil, Electrical, Mechanical and Signal), Transportation (Traffic and Commercial Departments), Railway Protection Force and posts on the Marine Establishment and Class I & II posts in the Engineering Branch of the Overseas Communication Service.	152 cms 150 cms	84 cms 79 cms	5 cms (for men) 5 cms (for women)
(ii) Indian Police Service	165 cms 150 cms	84 cms 79 cms	5 cms (for men) 5 cms (for women)
(iii) Indian Forest Service	163 cms 150 cms	84 cms 79 cms	5 cms (for men) 5 cms (for women)

The minimum height prescribed is relaxable in case of candidates belonging to races such as Gorkhas, Garhwalis, Assamese, Nagaland Tribals etc., whose average height is distinctly lower.

3. The candidate's height will be measured as follows:—

He/She will remove his/her shoes and be placed against the standard with his/her feet together and the weight thrown on the heels and not on the toes or other sides of the feet. He/She will stand erect without rigidity and with the heels, calves, buttocks and shoulders touching the standard; the chain will be depressed to bring the vertex of the head level under the horizontal bar, and the height will be recorded in centimetres and parts of a centimetre to halves.

4. The candidate's chest will be measured as follows :—

He/She will be made to stand erect with his/her feet together, and to raise his/her arms over his/her head. The tape will be so adjusted round the chest that its upper edge touches the inferior angles of the shoulder blades behind and lies in the same horizontal plane when the tape is taken round the chest. The arms will then be lowered to hang loosely by the side, and care will be taken that the shoulders are not thrown upwards or backwards so as to displace the tape. The candidate will then be directed to take a deep inspiration several times and the maximum expansion of the chest will be carefully noted, and the minimum and maximum will then be recorded in centimetres. 84-89, 86-93·5 etc. In recording the measurements, fractions of less than half a centimetre should not be noted.

N.B. The height and chest of the candidates should be measured twice before coming to a final decision.

The candidate will also be weighed and his/her weight recorded in kilograms, fractions of half a Kilogram should not be noted.

6. (a) The candidate's eye-sight be tested in accordance with the following rules. The result of each test will be recorded :

(b) There shall be no limit for minimum naked eye vision but the naked eye vision of the candidates shall, however, be recorded by the Medical Board or other medical authority in every case, as it will furnish the basic information in regard to the condition of the eye.

(c) The following standards are prescribed for distant and near vision with or without glasses for different types of Services.

Class of Service	*Distant vision*		*Near vision*	
	Better eye (corrected vision)	Worse eye (corrected vision)	Better eye (corrected vision)	Worse eye (corrected vision)
Class I and II				
(i) Technical	6/6 or 6/9	6/12 or 6/9	J.I	J. II
(ii) Non-Technical	6/9	6/12	J. I	J.II

(d) In every case of myopia, fundus examination should be carried out and the results recorded. In the event of patholigical condition being present which is likely to be progressive and affect the efficiency of the candidate, he/she should be declared unfit. In respect of the Services mentioned under the category 'Technical" and for also any other services concerned with the safety of public the total amount of Myopia (including the Cylinder) shall not exceed 4·00 D. Total amount of Hypermetropia (including the Cylinder) shall not exceed 4·00 D.

(e) *Field of vision* :—The field of vision shall be tested in respect of all services by the confrontation method. When such test gives unsatisfactory or doubtful results, the field of vision should be determined on the perimeter.

(f) *Night blindness*—Broadly there are two types of night blindness : (1) as a result of Vit. A deficiency and (2) as a result of Organic disease of Retina—a common cause being Retinitis pegmentosa. in (1) the fundus is normal, generally seen in younger age group and ill nourished persons and improves by large doses of Vit. A. In (2) the fundus is often involved and mere fundus examination will reveal the condition in majority of cases. The patient in this category is an adult, and may not suffer from malnutrition. Persons seeking employment for higher posts in the Government will fall in this category. For both (1) and (2), dark adaptation test will reveal the condition. For (2) specially when fundus is not involved electro-Retinography is required to be done. Both these tests (dark adaptation and retinography) are time consuming and

require specialised set up, and equipment; and thus are not possible as a routine test in a medical check up. Because of these technical considerations, it is for the Ministry/Department to indicate if these tests for night blindness are required to be done. This will depend upon the job requirement and nature of duties to be performed by the prospective Government employee.

(g) *Colour vision*—The testing of colour vision shall be essential in respect of all the services mentioned under the categry 'TECHNICAL' and also for services relating to medical, Railway Protection Force and Chemist and Metallurgists under the Ministry of Railways. As regards the non technical services/posts, the Ministry/Department concerned will have to inform the Medical Board that the candidate is for a service requiring colour vision examination or not.

N.B.—Colour perception should be graded into a higher and lower grade depending upon the size of aperture in the lantern as described in the table below :—

Grade	*Higher grade of colour Perception*	*Lower grade of colour Perception*
1. Distance between the lamp and candidate	16'	16'
2. Size of aperture	1·3 mm	1·3 mm
3. Time of exposure	5 seconds	5 seconds

For the services concerned with the safety of the public, higher grade of colour vision is essential but for others lower grade of colour vision should be considered sufficient.

Satisfactory colour vision constitutes recognition with ease and without hesitation of signal red, signal green and white colours. The use of Ishihara's plates, shown in good light and suitable lantern like Edridge Green's shall be considered quite dependable for testing colour vision. While either of the two tests may be ordinarily considered sufficient in respect of the services concerned with road, rail and air traffic, it is essential to carry out the lantern test. In doubtful cases where a candidate fails to qualify when tested by only one of the two tests, both the tests should be employed.

(h) Ocular conditions other than visual acuity—(i) Any organic disease or a progressive refractive error if the visual acuity in each eye is of the perscribed standard should be considered a disqualification.

(ii) *Squint*—For technical services where the presence of binocular vision is essential, squint even if the visual acuity in each eye is of the prescribed standard, should be considered a disqualification. This will also apply in the case of candidates for Railway Protection Force. For other services the presence of squint sould not be considered as a disqualification, if the visual acuity is of the prescribed standard.

(iii) If a person has one eye or if he has one eye which has normal vision and the other eye is ambyiyopic or has subnormal vision, the usual effect is that the person lacks storeoscopic vision for perception of depth. Such vision is not necessary for many civil posts. The medical board may recommend as fit, such persons provided the normal eye has.

(i) 6/6 distant vision and J.I. near vision with or without glasses provided the error in any meridian is not more than 4 diopteres for distant vision.

(ii) has full field of vision.

(iii) normal colour vision wherever required.

Provided the board is satisfied that the candidate can perform all the functions for the particular job in question.

The above relaxed standards of visual acuity will not apply to candidates for posts/services classified as "TECHNICAL". The Ministry/Department concerned will have to inform the Medical Board that the candidate is for a "TECHNICAL" post or not.

(i) Contact Lenses—During the medical examination of a candidate, the use of contact lenses is not to be allowed. It is necessary that when conducting eye test, the illumination of the type letters for distant vision should have an illumination of 15 foot-candles.

7. *Blood Pressure*

The Board will use its discretion regarding blood presure. A rough method of calculating normal maximum systolic pressure is as follows :

(i) With young subjects 15-25 years of age the average is above 100 plus the age.

(ii) With subjects over the 25 years of age the general rule of 110 plus half the age seems quite satisfactory.

N.B.—As a general rule any systolic pressure over 140 and diastolic over 90 should be regarded as suspicious and the candidate should be hospitalised by the Board before giving their final opinion regarding the candidate's fitness or otherwise. The hospitalization report should indicate whether the rise in blood pressure is of a transient nature due to excitement etc. or whether it is due to any organic desease. In all such cases

X-Ray and electro-cardiographic examinations of heart and blood, urea clearance test should also be done as a routine. The final decision as to the fitness or otherwise or the candidate will, however, rest with the Medical Board only.

Method of taking blood Pressure

The mercury manometer type of instrument should be used as a rule. The measurement should not be taken within fifteen minutes of any exercise or excitement. Provided the patient and particularly his/her arm, is relaxed, he/she may be either lying or sitting. The arm is supported comfortably at the patient's side in a more or less horizontal position. The arm should be freed from clothes to the shoulder. The cuff completely deflated should be applied with the middle of the rubber over the inner side of the arm , and its lower edge an inch or two above the bend of the elbow. The following turns of cloth bandage should spread evenly over the bag to avoid bulging during inflation.

The brachial artery is located by palpitation and the bend of the elbow and the stethescope is then applied lightly and centrally over it below, but not in contact with the cuff. The cuff is inflated to about 200 mm. Hg. and then slowly deflated. The level at which the column stands when soft successive sounds are heard represents the Systolic pressure. When more air is allowed to escape the sounds will be heard to increase in intensity. The level at which the column well-heard clear sounds change to soft muffled fading sounds represents the diastolic pressure. The measurements should be taken in a fairly brief period of time as prolonged pressure of the cuff is irritating to the patient and will vitiate the readings. Rechecking. if necessary, should be done only a few minutes after complete deflation of the cuff. (Sometimes as the cuff is deflated sounds are heard at a certain level; they may disappear as pressure falls and reappear at a still lower level. This 'Silent Gap' may cause error in reading).

8. The urine (passed in the presence of the examiner) should be examined and the result recorded, where a Medical Board finds sugar present in candidate's urine by the usual chemical tests the Board will proceed with the examination with all its other aspects and will also specially note any signs or symptoms suggsstive of diabetes. If except for glycosuria the Board finds the candidate conforms to the 'standard of medical fitness required they may pass the candidate 'fit subject to the glycosuria being non-diabetic' and the Board will refer the case to a specified specialist in Medicine who has hospital and laboratory facilities at his disposal. The Medical Specialist will carry out whatever examination, clinical and laboratory he/she considers necessary including a standard blood sugar tolerance test, and will submit his/her opinion to the Medical Board upon which the Medical Board will base its final opinion "fit or unfit". The candidate will not be required to appear in person before the Board on the second occasion. To exclude the effects of medication it may be necessary to retain a candidate for several days in hospital, under strict supervision.

9. A woman candidate who as a result of tests is found to be pregnant, of 12 weeks standing or over, should be declared temporarily unfit until the confinement is over. She should be re-examined for a fitness certificate six weeks after the date of confinement, subject to the production of medical certificate of fitness from a registered medical paractitioner.

10. The following additional points should be observed :

(a) The candidate's hearing in each ear is good and that there is no sign of disease of the ear.' In case it is defective the candidates should be got examined by the ear specialist, Provided that if the defect in hearing is remediable by operation or by use of a hearing aid, a candidate cannot be declared unfit on that account provided he/she has no progressive disease in the ear. This provision is not applicable in the case of Railway Services; and Military Engineering Services;

(b) that his/her speech is without impediment ;

(c) that his/ner teeth are in good order that he/she is provided with dentures where necessary for effective mastication (well filled teeth will be considered as sound).

(d) that the chest is well formed and his chest expansion sufficient; and that his/her heart and lungs are sound;

(e) that there is no evidence of any abdominal disease;

(f) that he/she is not ruptured;

(g) that he/she does not suffer from hydrocele, a severe degree of varicocele, varicose veins or piles;

(h) that his/her limbs, hands and feet are well formed and developed and that there is free and perfect motion of all joints;

(i) that he/she does not suffer from any inveterate skin diseases;

(j) that there is no congential malformation or defect;

(k) that he/she does not bear traces of acute or chronic disease pointing to an impared constitution.

(l) that he/she bears marks of efficient vaccination ; and

(m) that he/she is free from communicable disease.

11. Screening of the chest should be done as a routine in all cases for detecting any abnormality of the heart and lungs, which may not be apparent by ordinary physical examination. Where it is considered necessary a skiagram should be taken.

When any defect is found it must be noted in the certificate and the medical examiner should state his/her opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate.

NOTE :— Candidates are warned that there is no right of appeal from a Medical Board, special or standing, appointed, to determine their fitness for the above services. If however, Government are satisfied on the evidence produced before them of the possibility of an error of judgement in the decision of the first Board, it is open to Government to allow an appeal to second Board. Such evidence should be submitted within one month of the date of the communication in which the decision of the first Medical Board is communicated to the candidate, otherwise no request for an appeal to second Medical Board will be considered.

If any medical certificate is produced by a candidate as a piece of evidence about the possibility of an error judgement in the decision of the first Board, 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 the Medical Board.

The procedure regarding filing an appeal, described in note below para 11 is not applicable so far as the candidates for the Combined Competitive Examination are concerned. The candidates for this examination will be required to deposit an appeal fee of Rs. 50 in such manner as may be prescribed by the Government of India in this behalf by the Department of Personnel & A.R. This fee will be refundable only to those candidates who are declared fit by the Appellate Medical Board whereas in the case of others, it will be forfeited. The candidates, may if they like, enclose medical certificates in support of their claim of being fit. The appeals should be submitted within 21 days of the date of communication in which the decision of the first Medical Board is conveyed to the candidate; otherwise, requests for second medical examination by an Appellate Medical Board will not be entertained. The second medical examination by the Appellate Board will be arranged at New Delhi only at candidate's own cost. No travelling allowance or daily allowance will be admissible for the journeys performed in connection with the second medical examination. Necessary action to arrange medical examination by the Appellate Medical Board will be taken by the Department of Personnel & A.R. on receipt of appeals accompanied by the prescribed fees.

Medical Board's Report

The following intimation is made for the guidance of the Medical Examiner :

The standard of physical fitness to be adopted should make due allowance for the age and length of service if any, of the candidate concerned.

No person will be deemed qualified for admission to the Public Service who shall not satisfy Government, or the appointing authority, as the case may be that he/she has no disease, constitutional affliction, or bodily infirmity unfitting him/her. or likely to unfit him/her for that service.

It should be understood that the question of fitness involves the future as well as the present and that one of the main objects of medical examination is to secure continuous effective service and in the case of candidates for permanent appointment to prevent early pension or payments in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and the rejection of a candidate need not be advised on account of the presence of a defect which in only a small proportion of cases is found to interfere with continuous effective service.

The Board should normally consist of three members, (i) a Physician (ii) a Surgeon and (iii) an Opthalmologist, all of whom should as far as practicable be of equal status. A lady doctor will be co-opted as a member of the Medical Board whenever a woman candiate is to be examined.

Candidates appointed to the Indian Defence Accounts Service are liable for field service in or out of India. In the case of such a candidate, the medical board should specifically record their opinion as to his fitness or otherwise for field service.

The report of the medical board should be treated as confidential.

In cases where a candidate is declared unfit for appointment in the Government service the grounds for rejection may be communicated to the candidate in broad terms without giving minute details regarding the defects pointed out by the Medical Board.

In cases where a Medical Board considers that a minor disability disqualifying a candidate for Government service can be cured by treatment (medical or surgical) a statement to that effect should be recorde by medical board. There is no objection to candidate being informed of the Board's opinion to this effect by the appointing authority and when a cure has been effected it will be open to the authority concerned to ask for another medical board.

In the case of candidates who are to be declared 'Temporarily Unfit' the period specified for re-examination should not ordinarily exceed six months at the maximum. On re-examination after the specified period these candidates should not declared be temporarily unfit for a further period but a final decision in regard to their fitness for appointment or otherewise should be given.

(A) *Candidate's statement and declaration*

The candidate must make the statement required below prior to his/her medical examination, and must sign the Declaration appended thereto. His/her 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 birth place : . . . .

2. (a) Do you belong to races such as Gorkhas, Garhwalis, Assamese, Nagaland Tribals etc. whose average height is distinctly lower, Answer 'Yes' or 'No' and if the answer is "yes" state the name of the race ? .....

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 suffered from any form of nervousness due to overwork or any other cause ? .....

6. 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	Mother's 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
.....			
.....			
.....			

7. Have you been examined by a Medical Board before ? .....

If answer to the above is, yes, please state what Service/Services you were examined for ? .....

(l) that he/she bears marks of efficient vaccination ; and

(m) that he/she is free from communicable disease.

11. Screening of the chest should be done as a routine in all cases for detecting any abnormality of the heart and lungs, which may not be apparent by ordinary physical examination. Where it is considered necessary a skiagram should be taken.

When any defect is found it must be noted in the certificate and the medical examiner should state his/her opinion whether or not it is likely to interfere with the efficient performance of the duties which will be required of the candidate.

NOTE :— Candidates are warned that there is no right of appeal from a Medical Board, special or standing, appointed, to determine their fitness for the above services. If however, Government are satisfied on the evidence produced before them of the possibility of an error of judgement in the decision of the first Board, it is open to Government to allow an appeal to second Board. Such evidence should be submitted within one month of the date of the communication in which the decision of the first Medical Board is communicated to the candidate, otherwise no request for an appeal to second Medical Board will be considered.

If any medical certificate is produced by a candidate as a piece of evidence about the possibility of an error judgement in the decision of the first Board, 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 condidate has already been rejected as unfit for service by the Medical Board.

The procedure regarding filing an appeal, described in note below para 11 is not applicable so far as the candidates for the Combined Competitive Examination are concerned. The candidates for this examination will be required to deposit an appeal fee of Rs. 50 in such manner as may be prescribed by the Government of India in this behalf by the Department of Personnel & A.R. This fee will be refundable only to those candidates who are declared fit by the Appellate Medical Board whereas in the case of others, it will be forfeited. The candidates, may if they like, enclose medical certificates in support of their claim of being fit. The appeals should be submitted within 21 days of the date of communication in which the decision of the first Medical Board is conveyed to the candidate; otherwise, requests for second medical examination by an Appellate Medical Board will not be entertained. The second medical examination by the Appellate Board will be arranged at New Delhi only at candidate's own cost. No travelling allowance or daily allowance will be admissible for the journeys performed in connection with the second medical examination. Necessary action to arrange medical examination by the Appellate Medical Board will be taken by the Department of Personnel & A.R. on receipt of appeals accompanied by the prescribed fees.

Medical Board's Report

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It should be understood that the question of fitness involves the future as well as the present and that one of the main objects of medical examination is to secure continuous effective service and in the case of candidates for permanent appointment to prevent early pension or payments in case of premature death. It is at the same time to be noted that the question is one of the likelihood of continuous effective service and the rejection of a candidate need not be advised on account of the presence of a defect which in only a small proportion of cases is found to interfere with continuous effective service.

The Board should normally consist of three members, (i) a Physician (ii) a Surgeon and (iii) an Opthalmologist, all of whom should as far as practicable be of equal status. A lady doctor will be co-opted as a member of the Medical Board whenever a woman candiate is to be examined.

Candidates appointed to the Indian Defence Accounts Service are liable for field service in or out of India. In the case of such a candidate, the medical board should specifically record their opinion as to his fitness or otherwise for field service.

The report of the medical board should be treated as confidential.

In cases where a candidate is declared unfit for appointment in the Government service the grounds for rejection may be communicated to the candidate in broad terms without giving minute details regarding the defects pointed out by the Medical Board.

9. Who was the examining authority ? .....
.....

10. When and where was the Medical Board held ? .....
.....

11. Result of the Medical Board's examination, if communicated to you or if known .....
.....

I declare that all the above answers are to the best of my belief, true and correct.

Candidate's signature .....
Signed in my presence .....
Signature of Chairman of the Board .....
.....

NOTE:— The candidate will be held responsible for the accuracy of the above statement. By wilfully suppressing any information he/she will incur the risk of losing the appointment and, if appointed, of forfeiting all claim to superannuation allowance or gratuity.

Report of the Medical Board on (name of candidate) physical examination.

General Development : Good.....Fair.....Poor.....

Nutrition : Thin.....Average.....Obese .....

Height (without shoes).....Weight.....

Best weight.....When ?.....Any recent change in weight

.....Temperature.....

Girth of Chest:—
(1) After full inspiration
(2) After full expiration

(2) Skin : Any obvious disease .....
(3) Eyes: (1) Any disease .....
(2) Night blindness .....
(3) Defect in colour vision .....
(4) Field of vision .....
(5) Visual acuity .....
(6) Fundus examination .....

Acuity of vision		Naked eye	With glasses	Strength of Glasses		
				Sph.	Cyl.	Axis
Distant Vision	R.E.					
	L.E.					
Near Vision						
	R.E.					
	L.E.					
Hypermetrophia (Manifest)						
	R.E.					
	L.E.					

4. Ears : Inspection.....Hearing : Right Ear .....
Left Ear.....
5. Glands .....Thyroid .....
6. Condition of teeth .....
7. Respiratory System : Does physical examination reveal anything abnormal in the respiratory organs ?.....
.....
.....
.....

If yes, explain fully .....
.....
.....

8. Circulatory system :

(a) Heart : Any organic lesions? .....Rate : Standing.....
After hopping 25 times.....
2 minutes after hopping.....

(b) Blood pressure : Systolic .....Diastolic.....

9. Abdomen : Girth..... Tenderness.....Hernia.....

(a) Palpable : Liver.....Spleen.....Kidneys.....
Tumors.....

(b) Hemorrhoids .....Fistula.....

10. Nervous System : Indications of nervous or mental disabilities.....

11. Loco-Motor System : Any abnormality.....

12. Genito Urinary System : Any evidence of Hydrocele, Varicocele etc.
Urine Analysis :

(a) Physical appearance (b) Sp. Gr. (c) Albumin
(d) Sugar (e) Casts (f) Cells

13. Report of Screening/X-Ray Examination of Chest.

14. Is there anything in the health of the candidate likely to render him/her unfit for the efficient discharge of his/her duties in the service for which he/she is a candidate ?

NOTE :— In the case of a female candidate, if it is found that she is pregnant of 12 weeks standing or over, she should be declared temporarily unfit vide Regulation 9 (Appendix No. 1) M/o Health O.M. No. F5-15/71, MA dt. the 5th October, 1971.

15. (i) State the Service for which the candidate has been examined :—

(a) Indian Administrative Service & Indian Foreign Service.
(b) IPS & Delhi-Himachal Pradesh Police Service
(c) Central Service, Class I & II.
(d) Indian Forest Service.

(ii) Has he/she been found qualified in all respects for the efficient and continuous discharge of his/her duties in—

(a) Indian Administrative Service & Indian Foreign Service.
(b) IPS and Delhi-Himachal Pradesh Police Service
.....
(see specially height, chest, eye-sight, colour blindness and locomotive system)
(c) Transportation Traffic & Commercial Departments of the Indian Railways.....
(see specially height, chest, eye-sight, colour blindness).
(d) Other Central Services,
Class I/II.....
(e) Indian Forest Service.

(iii) Is the candidate fit for FIELD SERVICE

NOTE :— The Board should record their findings under one of the following three categories :

(i) Fit
(ii) Unfit on account of
(iii) Temporarily unfit on account of

Chairman .....
Member .....
Member .....

Place .....
Date .....

ANNEXURE II

Standards of Visual Acuity for Employment in non-gazetted posts

Class of Service	*Distant Vision* Better eye	*Distant Vision* Worse eye	*Near Vision* Better eye	*Near Vision* Worse eye
All non-gazetted posts other than Class IV posts and also excluding the posts of Aerodrome Operators, Fire Foremen and Fire Operators in the Civil Aviation Departments	6/6	Nil.	0·6	0·8
		OR		
	6/12	6/12		
		OR		
	6/9	6/18		
CLASS IV	6/9	Nil	No standards	
		OR		
	6/18	6/18		
		OR		
	6/12	6/24		
Drivers	6/9	6/9	0·6	0·8
		OR		
	6/6	6/12		

[in addition colour vision (Red & Green) of candidates should be intact.]
(M/o Health No. 5 (II)-17/61, dated 7th August, 1961).

When the age of the candidate at the time of first appointment is 35 years or more the correct visual acuity will be reduced by one step as under :—

All non-gazetted posts other than Class IV posts and also excluding the posts of Aerodrome Operators, Fire Foremen and Fire Operators, in the Civil Aviation Department.	6/9	Nil		
		OR		
	6/18	6/18		
		OR		
	6/12	6/24		
Class IV	6/12	Nil		
		OR		
	6/24	6/24		
		OR		
	6/18	6/36		

(a) (i) No limit for the amount of refractive error in respect of non-gazetted services is prescribed provided their visual acuity is in accordance with the standards mentioned above.

(ii) In respect of non-gazetted services under the Ministry of Railways the existing practice of testing colour vision followed by that Ministry is to be continued. In respect of other non-gazetted services a test for colour perception is to be carried out only when specifically asked by the department concerned.

(iii) In respect of Aerodrome Operators and Fire Foremen, Fire Operators in the Civil Aviation Department the visual standards as, indicated in Appendix III would apply.

(iv) The presence of squint is not to be considered as a disqualification if the visual acuity is of the prescribed standards.

(v) The loss of one eye is 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 mentioned above are fully satisfied.

[Ministry of Health O.M. No. F 5(II)-22/57-M.II (pt. II) dated the 17th December, 1957].

(vi) The above standards do not apply in the case of candidates for the posts of Inspector, Sub-Inspector and Sepoy in the Central Excise Department.

[Ministry of Health O.M. No. F 5-(II)-1/60 M.II. dated the 27th January, 1960.]

(vii) If the duties of non-gazetted posts, other than Class IV, include field work and such posts as those of Air Survey Draftsman and Photogrammatic Operators who are required to have binocular vision the standards of visual acuity will be the same as are prescribed for Class I and Class II, Technical posts (of Appendix I). Squint, even if the visual acuity is of prescribed standard, is to be considered as disqualification. One-eyed persons are also not to be accepted for such posts.

(NOTE :— Government may relax any one of the conditions in favour of any candidate for special reasons).

[Ministry of Health O.M. No. 5 (II)—12/57. (Pt. II) dated the 4th November, 1958].

ANNEXURE III

Standards of visual acuity of Government servants in the Aerodrome Organisation of the Civil Aviation Department who have to deal with Aircraft, Operations

Category of post	Minimum visual standards required.
1. Aerodrome Operators, Grade I	Without glasses 6/60 each eye with glasses 6/6 each eye.
2. Aerodrome Operators, Grade II	Without glasses Better eye 6/6 worse eye 6/60
Fire Foreman	With glasses 6/12 each eye.
Fire Operators	

(a) Myopic correction acquiring a lens of more than 6 dioptres in any meridian should cause rejection.

(b) Hypermetropia of more than 4 Dioptres should not be allowed.

(c) Colour Test—Normal or defective safe.

(d) Night blindness should be a cause for rejection. No disease of the eyelids likely to become chronic or media or retina producing a visual impairment to constitute a cause for failure in the efficient performance of these duties should be present. Squint, a tendency to undue ocular fatigue or recurrent headaches should also be a cause for rejection.

(e) The Aerodrome Operators, Grade I, will be examined with reference to these standards annually. Aerodrome Operators Grade II, Fire Foreman and Fire Operators will be examined after every two years.

18.5 Annexure – police verification

F. No. 18011/8(s)/2017-Estt(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block New Delhi
Dated 15.07.2020

Office Memorandum

Subject: Verification of character and antecedents of ex-Servicemen and ex-Central Government employees selected for appointment to civil posts under the Government of India - regarding.

The undersigned is directed to refer to Government of India, Ministry of Heavy Industries & Public Enterprises, Department of Public Enterprises OM No. DPE-GM-09/001/2020-GM-FTS-11458, dated 23.06.2020 on the above subject, addressed to Ministry of Steel with a copy endorsed to this Department, and to say that the aspect regarding extending provisions of Department of Personnel & Training OM No. 18011/8(s)/2017-Estt(B), dated 31.12.2018 to ex-Servicemen and ex-Central Government employees selected for appointment to various posts in Central Public Sector Enterprises (CPSEs) has been examined in this Department. It is noted that the Department of Public Enterprises has vide OM dated 23.06.2020 stated that it has no objection in extending DoP&T's OM dated 31.12.2018 *mutatis mutandis* to all the CPSEs. Since as per GOI (Allocation of Business) Rules, 1961, coordination of matters of general policy affecting CPSEs is entrusted to Department of Public Enterprises, necessary instructions extending provisions of DoP&T's OM No. 18011/8(s)/2017-Estt(B.II), dated 31.12.2018 to appointment of ex-Servicemen and ex-Central Government employees in CPSEs, may be issued by the Department of Public Enterprises.

(Kabindra Joshi)
Director(E.II)

Department of Public Enterprises,
Public enterprises Bhawan,
Block No. 14, CGO Complex,
Lodhi Road, New Delhi 110003

Copy for information to:

Ministry of Steel
[Kind Attn. Shri S.K. Singh, US(Coordination)]
Udyog Bhawan, New Delhi

No.18011/8(s)/2017-Estt (B-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi
Date 31st December, 2018

09 JAN 2019

OFFICE MEMORANDUM

Subject: Verification of character and antecedents of ex-servicemen and ex-Central Government employees selected for appointment to civil posts under the Government of India.

The undersigned is directed to invite a reference to DoPT O.M No.18011/10(s)/87-Estt(B) dated 23rd/ 28th July, 1987 regarding verification of character and antecedents of ex-servicemen selected for appointment to civil posts under Government of India.

2. Government has reviewed these instructions in view of the modification made vide DoPT O.M No. 18011/2(s)/2016-Estt(B) dated 29.06.2016 on the policy of prior verification of character and antecedents. It has been decided that the following modified procedure shall henceforth be adopted in the case of ex-servicemen selected for appointment to civil posts under Government of India.

(i) No detailed or simple verification is necessary in the case of ex-servicemen re-employed in civil posts, if the period intervening their date of discharge/retirement from the Army/Navy/Air-Force and their date of re-employment in a civil post under the Government of India is less than a year. However, the appointing authority should verify the character and antecedents of the candidate (Ex-servicemen) from the Discharge Book issued at the time of retirement from the Armed Forces. The appointing authority should also satisfy itself about the suitability of the candidates by making a reference to the appropriate quarters that-

(a) his character and antecedents had been verified by the concerned authorities in Army/ Navy/ Air-Force and the re-verification of antecedents, where required, had also been carried out satisfactorily; and

(b) his conduct during the previous employment did not render him unsuitable for employment under the government.

(ii)(a) In cases where the interval between the date of discharge from the Army/Navy/Air-Force and the date of re-employment in the civil post is more than a year, in addition to action as envisaged at (i) above, verification of character and antecedents in respect of the period after the date of discharge shall also be got done from the district authorities of the places where the ex-servicemen had resided for more than a year after the date of his discharge from the Army/Navy/Air-Force.

(ii)(b) In keeping with the spirit of the reforms made in the policy of prior verification of character and antecedents, government has now decided that the issue of appointment letters need not be withheld pending such verification. The appointing authorities shall issue provisional appointment letters after obtaining the attestation form and self declaration from the candidate. The candidate along with the details of attestation form shall also submit the self-declaration certifying that all facts and details given in the form are correct. A copy of the attestation form is enclosed as Annexure- I.

c. In the provisional appointment letter, it will be clearly mentioned that in case character & antecedents of the candidate are found not verified, or in case any false information is given by the candidate in his self-declaration, the provisional appointment letter shall be cancelled forthwith and other criminal/ legal action will also be taken, as a consequence.

d. The exercise of the verification of character & antecedents should be carried out within six months. Once the verification report is received and there are no objections on the facts given by the candidate, the provisional appointment letter shall be confirmed.

e. If the verification report is not received within six months, then the following course of action will be taken:

(i) The appointing authority will refer the matter to Director General, Police of the concerned state, asking to provide the verification report in three months.

(ii) After three months, if the report is still not received, then the Union Home Ministry will be requested to get the verification report obtained from the concerned authorities, so that the decision of confirmation on the provisional appointment letter is taken.

f. Since the candidate will submit the self declaration, in case any of the information is found incorrect, or in case, the verification confirms that facts given by the candidate were not correct, then the appointing authority shall cancel the appointment letter forthwith. The candidate shall be rendered unfit for any Government employment and appointing authority shall undertake other criminal/civil/legal action, as per provisions of Indian Penal Code. as deemed fit.

g. In cases, where appointing authority is of the view that the candidate shall be appointed to sensitive post, or to a post for which detailed prior verification is considered particularly necessary in the interest of security, the appointment shall be made only after such verification. However, for such cases, exemption shall be considered by DoP&T after a reference is submitted by administrative ministries, with full justification.

SECRET

3. The above procedure shall also be applicable *mutatis mutandis* with immediate effect to other ex-Central Government employees who are being considered for re-employment.

4. Hindi version will follow.

31/12/14

(Smita Sarangi)
Deputy Secretary to the Government of India

To

Secretaries of All Ministries/Departments of Government of India

ANNEXURE-I

ATTESTATION FORM

Affix signed Passport size (5 cms. X 7 cms.) Approx. copy of recent photograph			"WARNING 1. The furnishing of false information or suppression of any factual information in the Attestation Form would be disqualification, and is likely to render the candidate unfit for employment under the government. 2. If detained, arrested prosecuted, bound down, fined convicted, debarred, acquitted etc. subsequent to the completion and submission of this form, the details should be communicated immediately to the authorities to whom the Attestation Form has been sent early, failing which it will be deemed to be a suppression of factual information 3. If, the fact that false information has been furnished or that there has been suppression of any factual information in the Attestation Form comes to notice at any time during the service of a person his services would be liable to be terminated".
1.	Name in full (in block capitals) with aliases, if any, (Please indicate if you have added or dropped in any stage, any part of your name or surname):	Surname	Name
2.	Present Address in full (i.e. Village, Thana and District, or House No., Lane/Street/Road & Town):		
3.(a)	Home Address in full (i.e. Village, Thana & District, or House No., Lane/Street/Road and Town and name of District Headquarters)		
(b)	If originally a resident of Pakistan/Bangladesh (erstwhile East Pakistan) the address in that country and the date of migration to Indian Union.		
4.	Adhar Card No. (if available)		
5.	PAN No. (if available)		
6.	Nationality		
7.(a)	Date of Birth		
(b)	Present age		
(c)	Age at Matriculation		

8.(a)	Place of birth, district and state in which situated	
(b)	District and State to which you belong	
(c)	District and State to which your father originally belong	
9.(a)	Your Religion	
(b)	Are you a member of a scheduled Caste/Scheduled Tribe/Other Backward Classes? (Answer Yes/No)	

10. Particulars of places (with periods of residences) where you have resided for more than one year at a time during the preceding five years. In case of stay abroad (including Pakistan), particulars of all places where you have resided for more than one year after attaining the age of 21 years, should be given.

From	To	Residential Address in full (i.e. Village Thana & District or House No. Lane/Street/Road & Town	Name of the District Head Quarter or the place mentioned in preceding column.

11.	Name (in full and aliases, if any).	Nationality (by birth and or by domicile).	Place of birth	Occupation (if employed give designation & official address)	Present postal address (if dead give last address)	Perma-nent Home address
a) Father						
b) Mother						
c) Spouse						

12. Information to be furnished with regard to son(s) and/or daughters in case they are studying/living in a foreign country:

Name	Nationality by birth & or by domicile	Place of birth	Country in which studying/living with full address	Date from which studying/living in the country mentioned in the previous column

13. Educational Qualification showing places of education with years in Schools and Colleges since 15th year of age:

Name of School/College (with full address	Date of Entering	Date of Leaving	Examination Passed

14. (a)	Are you holding or have any time held an appointment under Central or State Government or a Semi-Government or a Quasi Government body or an autonomous body or a public Sector Undertaking or a private firm or institution? If so, give full particulars with date of employment up-to –date				
Period		Designation, emoluments & nature of employment	Full name & address of employer	Reasons for leaving previous service	
From	To				
14.(b)	If the previous employment was under the Government of India/a State Government/ undertaking owned or controlled by the Government of India or a State Government/ and Autonomous Body/University/Local Body. If you had left service on giving a month's notice under Rule 5 of the Central Civil Services (Temporary Service) Rules 1965, or any similar corresponding rules, were any disciplinary proceedings framed against you, or had you been called upon to explain your conduct in any matter at the time you gave notice of termination of service, or at a subsequent dates(s), before your service actually terminated?				
15. (i)	(a)	Have you ever been kept under detention?			Yes/No
	(b)	Have you ever been arrested?			Yes/No
	(c)	Have you ever been prosecuted? (i.e has a charge sheet in a criminal case been filed against you in any court of law)			Yes/No
	(d)	Is any criminal case pending against you in any Court of Law at the time of filling up this Attestation form?			Yes/No
	(e)	Have you ever been convicted by a court of Law for any Offence?			Yes/No
	(f)	Whether discharged/expelled/withdrawn from any training/institution under the Government or otherwise?			Yes/No
	(g)	Have you ever been rusticated by any University or any other educational authority/institution?			Yes/No
	(h)	Have you ever been debarred / disqualified by any Public Service Commission/Staff Selection Commission for any of its examination/selection?			Yes/No
(ii)		If the answer to any of the above mentioned question is 'Yes' give full particulars of the case/arrest/detention/fine/conviction/sentence/punishment etc and/or the nature of the case pending in the Court/University/Educational Authority etc at the time of filling up this attestation form:			
Notes:	(i)	Please also see the 'WARNING' at the top of this Attestation Form			
	(ii)	Specific answers to each of the questions should be given by striking out 'Yes' or 'No' as the case may be			
16.	Names of two responsible person of your locality or two references to whom you are known:		1) 2)		

DECLARATION

I certify that the foregoing information is correct and complete to the best of my knowledge and belief.

I am fully aware that by providing false information or suppressing material information while filling this form, the authorities have full right to terminate my appointment letter and I am also liable for appropriate criminal/civil/legal action as a consequence.

I am not aware of any circumstances which might impair my fitness for employment under Government.

Signature of Candidate:
Date:
Place:

TO BE FILLED BY THE OFFICE

i) Name, Designation and full address of the appointing authority.

ii) Post for which the candidate is being considered.

No. DPE-GM-09/0001/2020-FTS-11458
Government of India
Ministry of Heavy Industries & Public Enterprises
Department of Public Enterprises
Public Enterprises Bhawan,
Block No.14, C.G.O. Complex,
Lodhi Road, New Delhi-110 003.
Dated: 20 July, 2020

Office Memorandum

Subject: Applicability of DoPT guidelines on Verification of character and antecedents of Ex-Servicemen and Ex-Central Government Employees selected for appointment in CPSEs.

The undersigned is directed to refer DoPT OM No. 18011/8(5)/2017-Estt.(B) dt. 15,7.2020 on the above mentioned subject(**copy enclosed**). In view of the above OM of DOPT, it has been decided that the DOPT OM of even number dated 31.12.18 containing the detailed procedure for verification of character & antecedents of Ex-Servicemen and Ex-Central Government Employees selected for appointment to the civil posts under the Govt. of India is mutatis mutendis extended to all the CPSEs. A copy of the above OM of DOPT dt 31.12.18 along with its annexures are enclosed herewith.

2. All the administrative Ministries /Departments are requested to bring these instructions to the notice of CPSEs under their administrative control.

Encl.:- As above.

(Pavanesh Kr Sharma)
Dy. Secretary to Govt of India
pksharma.ship@nic.in

To

The Secretaries of Administrative Ministries/Departments concerned of CPSEs.

Copy to: (i) Ministry of Steel (kind attention: Sh. S. K. Singh, Under Secretary) w.r.t. then OM No. 17(36)/2018-Coord dt. 22.04.2020.

(ii) DOPT (kind att Sh Kabindra Joshi, Director wrt their OM NO. 18011/8(s)/2017-Estt (B) dt 15.7.2020.

18.6 Annexure – LTC

No.DOPT-1714455840135
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. A-IV)
****

(Dated 30 April, 2024)

OFFICE MEMORANDUM

Leave Travel Concession (LTC)

Subject:- Guidelines on Leave Travel Concession (LTC)

Leave Travel Concession (LTC) scheme is a concessional travel facility for the Government employees to visit their Home Town or to visit any place in India during a block of four years. In terms pf provisions of the Scheme, the Government employees have the option either to avail Home town LTC twice in a block of two years each or to visit home town once in a period of two years and to visit any place in India in another block of two years. The current block of four years is 2022-2025 with two years block of 2022-2023 and 2024-2025. The travel expenses in terms of the employees and their eligible family members are borne by the Government. A Government employee and his family members while availing of Leave Travel Concession may travel in different groups at different times during that block. Further, they may visit different places of their choices while availing Any Place in India LTC.

2. Various instructions regarding Leave Travel Concession have been issued by the Government from time to time. The instructions still in vogue have been consolidated under easily comprehensible headings for the facility of reference. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned. While due care has been taken to compile this document, however, if any contradictions and imprecision therein are noticed, the provisions envisaged in the relevant OMs/Orders/etc. shall prevail, and the same may be brought to the notice of the Department of Personnel & Training.

Applicability of LTC Rules [Rule 1(3)&1(4)]:-

I. **Subject to the provisions of sub-rule 1(4), applicable to all persons – [Rule 1(3)]**
   (i) who are appointed to civil services and posts including civilian Government servants in the Defence Services in connection with the affairs of the Union;
   (ii) who are employed under a State Government and who are on deputation with the Central Government;
   (iii) who are appointed on contract basis; and
   (iv) who are re-employed after their retirement.

II. **Not applicable to – [Rule 1(4)]**
   a) Government servants not in whole-time employment;
   b) persons in casual and daily rated employment;
   c) persons paid from contingencies;
   d) Railway servants*****;
   e) members of the Armed Forces;
   f) local recruits in Indian Missions abroad; and
   g) person eligible to any other form of travel concession available during leave or otherwise.

*However, the Railway employees may be allowed to avail "All India LTC" once in a block of four years under CCS(LTC) Rules, 1988, subject to the certain conditions.

[O.M. No. 31011/15/2017-Estt.A-IV dated 27.03.2018]

Note:-

1. The officers of autonomous bodies deputed to Central Government will be treated as temporary Government servants during the period of their deputation with the Central Government and allowed Leave Travel Concession accordingly.

2. Industrial and work-charged staff who are entitled to regular leave will also be eligible to avail of the Leave Travel Concession in the same manner as other Central Government employees. The first block in their case would be 1960-61.

Special provisions regarding certain categories of employees (Rule 2)–

(1) In the case of persons belonging to categories mentioned in Clauses (ii), (iii) and (iv) of sub-rule (3) of Rule 1, the Leave Travel Concessions shall be admissible on completion of one year's continuous service under the Central Government, provided that it is certified by the appropriate administrative authority that the employee concerned is likely to continue to serve under the Central Government for a period of at least two years in the case of Leave Travel Concession to hometown and at least four years in the case of Leave Travel Concession to any place in India to be reckoned from the date of his joining the post under the Central Government.

(2) In the case of officers appointed on contract basis, where the initial contract is for one year but is later extended, the total duration of the contract will be taken into account for the purpose of Leave Travel Concession.

(3) In the case of persons re-employed, immediately after retirement without any break, the period of re-employed service will be treated as continuous with the previous service for the purpose of Leave Travel Concession and the concession allowed for the re-employed period, provided that the Leave Travel Concession would have been admissible to the re-employed officer had he not retired but had continued as serving officer.

Illustration: - If an officer has availed of the concession to visit any place in India in respect of a block of four years before his retirement and he is re-employed without any break, he cannot avail this concession till the expiry of the particular block of four years.

Scope - The Leave Travel Concession will cover the Government servant himself and his family **(Rule3)**.

Definitions - In these Rules, unless the context otherwise requires (Rule 4): -

(a) "*a place in India*" will cover any place within the territory of India, whether it is on the mainland India or overseas;
(b) "*Controlling officer*" means an officer declared as such under Supplementary Rule 191;
(c) "*Disciplinary Authority*" shall have the same meaning as assigned in Clause (g) of Rule 2 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965;
(d) "*Family*" means:-
  (i) the Government servant's wife or husband, as the case may be, and two surviving unmarried children or stepchildren wholly dependent on the Government servant, irrespective of whether they are residing with the Government servant or not;
  (ii) married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the Government servant and are wholly dependent on the Government servant;
  (iii) parents and/or stepparents (stepmother and stepfather) who are wholly dependent on the Govt. employees, irrespective of whether they are residing with the Government employee or not.
  (iv) unmarried minor brothers as well as unmarried, divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependent on the Government servant,

provided their parents are either not alive or are themselves wholly dependent on the Government servant.

Explanation:-

1. The restriction of the concession to only two surviving children or step children shall not be applicable in respect of:-

(i) those employees who already have more than two children prior to the coming into force of this restriction i.e. 20.10.1997;

(ii) children born within one year of the coming into force of this restriction;

(iii) where the number of children exceeds two as a result of second child birth resulting in multiple births.

2. Not more than one wife is included in the term "Family" for the purpose of these Rules. However, if a Government servant has two legally wedded wives and the second marriage is with the specific permission of the Government, the second wife shall also be included in the definition of "Family".

3. Children of divorced, abandoned, separated from their husbands or widowed sisters are not included in the term "Family".

Note:-

1. The definition of dependency will be linked to minimum family pension prescribed in Central Government and dearness relief thereon. The extant conditions in respect of other relations included in the family including married/divorced/abandoned/separated/widowed daughters shall continue without any change.

[O.M. No. 31011/4/2008-Estt.(A) dated 23.09.2008]

2. Condition of dependency is not applicable on the husband and wife as they serve as one unit for the purpose of LTC.

3. When a female Govt. servant proceeds to her hometown availing the Leave Travel Concession and gets married in the hometown, LTC may be allowed also to the husband of the female Govt. servant, for the journey performed by him from the hometown to the headquarters of the female Govt. servant. A newly married wife coming from home town to headquarters station is also allowed.

[O.M. No. 48/2/65-Estt.(A), dated 02.04.1965 & 43/10/58- Estt.(A) dated 11.12.1958]

4. LTC to visit hometown in a block of two years and to any place in India once in four years will be allowed both ways during leave preparatory to retirement provided the return journey is completed before the expiry of the leave preparatory to retirement.

[O.M. No. 31011/1/77-Ests.(A) dated 01.10.1977]

5 (i) In cases where the Government servant has left his/her spouse and the dependent children at place other than his/her Headquarters, he may be allowed LTC in respect of them from the place of their residence to hometown in a block of 2 years or any place in India in a block of 4 years, as the case may be.

[O.M. No. 31011/14/86-Est.(A), dated 08.05.1987]

(ii) Full reimbursement as per the entitlement of the Government servant shall be allowed for journey(s) performed on LTC by the family members from any place in India to Headquarters/place of posting of the Government servant and back.

[O.M. No. 31011/5/2015-Estt.(A-IV), dated 31.10.2017]

(e) *"hometown"* means the town, village or any other place declared as such by the Government servant and accepted by the controlling officer;

(f) *"shortest direct route"* shall have the same meaning as given in Supplementary Rule 30 and orders issued thereunder from time to time.

Change of Hometown (Rule 5).-

(i) The hometown once declared and accepted by the controlling officer shall be treated as final. In exceptional circumstances, the Head of the Department (HoD) or if the

Government servant itself is the HoD, the Administrative Ministry, may authorise a change in such declaration provided that such a change shall not be made more than once during the service of a Government servant.

[O.M. No. 43/5/57-Est.(A), dated 11.02.1958]

(ii) The current test to determine whether a place declared by a Government servant may be accepted as his home town or not is to check whether it is the place where the Government servant would normally reside but for his absence from such a station for service under Government.

[O.M. No. 43/15/57-Ests.(A) dated 24.06.1958]

Declaration of place of visit under Leave Travel Concession to any place in India (Rule 6):-

When the concession to visit any place in India is proposed to be availed of by a Government servant or any member of the family of such Government servant, the intended place of visit shall be declared by the Government servant in advance to his controlling officer. The declared place of visit may be changed before the commencement of the journey in exceptional circumstances where it is established that the request for change could not be made before the commencement of the journey owing to circumstances beyond the control of the Govt. servant. This relaxation may be made by the Administrative Ministry/Department or by the Head of the Department, as the case may be.

Admissibility of Leave Travel Concession (Rule 7):-

(1) The Leave Travel Concession shall be admissible to persons of the categories specified in clauses (i) and (iii) of sub-rule (3) of Rule 1 only, if they have completed one year's continuous service under the Central Government on the date of journey performed by him or his family, as the case may be, to avail of the concession.

(2) The leave travel concession shall be admissible during any period of leave, including casual leave and special casual leave.

Note:-

1(i). In the case of a Government servant serving in a vacation department, vacation will be treated as regular leave for the purpose of this concession.

(ii). The class of railway accommodation to which a Government servant and his family will be entitled is the class to which he is entitled under the normal rules at the time the journeys are undertaken.

(iii). The Government servants should inform the Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey.

(iv). The authority responsible for the maintenance of the service record shall ensure that on every occasion a Government servant proceeds on leave which is entered in that record, the fact whether or not he availed of the travel assistance under these orders is indicated.

[O.M. No. 43/1/55-Estt.(A) –Part-II dated 11.10.1956]

2. Not admissible for journeys during the weekend holidays without any leave.

3. LTC also admissible during CCL and study leave.

[O.M. No. 13018/6/2013-Estt(L) dated 03.04.2018 and O.M. No.31011/1/88-Estt.(A) dated 30.03.1988]

4. Entitlement of LTC may be carried forward in case of a Central Government servant who joins another post after having submitted technical resignation. Government servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, will be treated as a fresh recruit from the date of his initial appointment.

[O.M. No. 28020/1/2010-Estt.(C) dated 17.08.2016]

5. A Government servant who declares, subject to the satisfaction of the Controlling Officer, that his hometown is outside India, will also be entitled to the Leave Travel Concession for visiting his hometown, but with limited government's assistance.

6. Cases wherein reimbursement in r/o of outward journey only and return journey only is allowed.

[O.M. No. 43/10/58-Ests.(A), dated 11.12.1958]

7. The India-based Government offices and members of staff serving in India Missions / Posts abroad when they come to India on home leave or home leave-cum-transfer are entitled for availing LTC.

8. The Home Town LTC and All India LTC in combination with (i) transfer journey and (ii) tour journey shall be regulated.

[O.M. No. 43/15/59-Ests. (A), dated 19.07.1960]

[O.M. No. 31011/3/2006 dated 07.02.2007]

9. In case, the officer is deputed for training, the place of training automatically becomes the headquarters of the Government servant and he is entitled to claim LTC for self and members of the family. Where the competent authority changes the headquarters of a Government servant deputed for training either in India or abroad, under SR 59 for the purpose of travelling allowances on tour, the new headquarters to be reckoned for the purpose of LTC also.

10(i) The deputationists have an option either to choose the Leave Travel Concession admissible to the corresponding employees of the Public Sector Undertakings or under the Central Government Rules, whichever is more favourable to them

(ii) Fresh option may be allowed in a case where the rules relating to LTC are revised by the Undertaking concerned after the Government servant had joined it on deputation and had exercised his option in terms of Office Memorandum dated 7-7-1971.

11. When a Central Government employee is deputed to a top-level post in a Public Sector Undertaking (PSU), where LTC is not available, then he will be eligible for the LTC as in the case of other Central Government employees, provided that provision for its admissibility has been incorporated in the orders placing the employee on foreign service with the Undertaking concerned.

In those PSUs where the concession is available, the deputationist Government employees will be entitled only to those concessions. In PSUs, where concession is not available action may be taken in consultation with PSU concerned to modify the terms and conditions of the deputation so as to make the Govt. employee eligible for the concession.

12. The point of commencement/ end of the forward/return journey in India for the purpose of Leave Travel Concession in respect of the staff of the Indian Aid Mission in Nepal and other personnel sent to Nepal under India's Aid Programme will be the nearest Railway Station in India to the place of posting of the staff in Nepal from which they actually commence their onward journeys/complete their return journeys.

13. Fresh recruits to Central Government allowed to travel to their home town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. This facility available only for the first two blocks of four years applicable after joining the Government for the first time.

[O.M. No. 31011/4/2008-Estt. (A), dated 23.09.2008]

FAQ's on LTC entitlements for fresh recruits with illustrations.

[O.M. No. 31011/7/2013-Estt. (A-IV), dated 26.09.2014]

14(i). A civilian Central Government servant serving in North-Eastern Region, Ladakh region of State of Jammu and Kashmir, Andaman and Nicobar Islands and Lakshadweep groups of Islands, who leaves his family behind at the old headquarters or another selected place of residence and has not availed of transfer travelling allowance for family, shall be provided with some options for the purpose of LTC.

[O.M. No. 31011/12/2015-Estt.(A-IV) dated 24.04.2018]

(ii). "Emergency Passage Concession" on two additional occasions during the entire service career to enable the Government employees and/or their families also allowed.

[O.M. No. 31011/12/2015-Estt. (A-IV), dated 28.02.2020]

15. Both husband and wife who are Government servants and are residing together can claim the concession separately subject to some conditions.

[OM No. 31011/8/89-Estt.(A), dated 08.05.1990]

16. LTC facility for an escort accompanying single handicapped Government servant allowed subject to certain conditions.

[OM No. 31011/4/91-Estt.(A), dated 09.07.1991]

17. Suspended Government servant can not avail LTC, however, his family members are entitled.

Types of leave travel concession (LTC) (Rule 8):-

(a) LTC to hometown shall be admissible irrespective of the distance between the headquarters of the Government servant and his hometown, once in a block of two calendar years, such as 1986-87, 1988-89 and so on.
(b) LTC to any place in India admissible irrespective of the distance of the place of visit from the headquarters of the Government servant, once in a block of four calendar years, such as 1986-89, 1990-93 and so on:

Provided that in the case of a Government servant to whom Leave Travel Concession to hometown is admissible, the Leave Travel Concession to any place in India availed of by him shall be in lieu of, and adjusted against, the Leave Travel Concession to hometown available to him at the time of commencement of the journey;

(c) A Government servant whose family lives away from him at his hometown may, in lieu of all concessions under this scheme, *including the Leave Travel Concession* to visit any place in India once in a block of four years which would otherwise be admissible to him and members of his family, choose to avail of leave travel concession for self only to visit the hometown every year.

Counting of leave travel concession against particular blocks (Rule 9)-

A Government servant and members of his family availing of LTC may travel in different groups at different times during a block of two of four years, as the case may be. The concession so availed of will be counted against the block of two years or four years within which the outward journey commenced, even if the return journey was performed after the expiry of the block of two years or four years. This will apply to availing of leave travel concession carried forward in terms of Rule 10.

Carry over of leave travel concession (Rule 10)-

A Government servant who is unable to avail of the leave travel concession within a particular block of two years or four years, may avail of the same within the first year of the next block of two years or four years. If a Government servant is entitled to leave travel concession to home town, he can carry forward the leave travel concession to any place in India for a block of four years only if he has carried forward the leave travel concession to home town in respect of the second block of two years within the block of four years.

Place to be visited by Government servant and members of his family under leave travel concession to any place in India (Rule 11)-

A Government servant and each member of his family may visit different places of their choice during a block of four years. It shall not be necessary for members of family of a Government servant to visit the same place as that visited by the Government servant himself at any time earlier during the same block.

Entitlement (Rule 12):

The travel entitlements of Government servants for the purpose of LTC shall be the same as TA entitlements notified vide Ministry of Finance's O.M., dated 13-7-2017, except the air travel entitlement for

Level 6 to Level 8 of the Pay Matrix, which is allowed in respect of TA only and not for LTC.

[O.M. No. 31011/8/2017-Estt.(A-IV),dated 19.09.2017]

Note:-

1. Use of own/hired taxi for LTC journey on account of disability of the Government servant or dependent family member after obtaining certain papers to avoid misuse of such relaxation may be allowed.

[O.M. No. 31011/3/2009-Estt.(A), dated 28.10.2009]

2(i). The tours conducted by India Tourism Development Corporation (ITDC)/ State Tourism Development Corporations (STDCs) either in their own buses or buses hired or chartered by them from outside will qualify for the purpose of availing LTC facilities.

[O.M. No. 31011/6/2002-Estt. (A), dated 30.07.2002]

(ii). The tours conducted by IRCTC will also qualify for the purpose of availing LTC on the lines of ITDC/STDCs subject to certain conditions.

[O.M. No. 31011/6/2002-Estt. (A), dated 26.03.2008]

(iii). The reimbursement of air fare along with rail and road fare in the case of LTC journey of Government servants in tours offered by IRCTC is allowed.

[O.M. No. 31011/6/2002-Estt. (A), dated 02.12.2009]

3(i). No reimbursement shall be made in respect of the air journey performed by children, aged less than 5 years, of the Government servants who are not entitled to travel by air on LTC.

[O.M. No. 31011/3/2016-Estt. (A-IV), dated 16.05.2018]

(ii). The actual rail fare LTC in respect of children of 5-12 years age group shall be reimbursed for LTC, as per the choice of rail tickets purchased by the Government servant.

[O.M. No. 31011/3/2016-Estt.(A.IV), dated 29.04.2016]

4(i). Flexi-fare (dynamic fare) applicable in Rajdhani / Shatabdi / Duronto trains shall be admissible for the journey(s) performed by these trains on LTC. This dynamic fare component shall not be admissible in cases, where a non-entitled Government servant travels by air and claims reimbursement for the entitled class of Rajdhani / Shatabdi / Duronto trains.

[O.M. No. 31011/3/2016-Estt. (A-IV), dated the 17.04.2017]

(ii). Admissibility of travel by Tejas Rajdhani Express trains while availing of LTC.

[O.M. No. 31011/01/2024-Pers. Policy A-IV, dated the 12.01.2024]

5. The tour packages conducted by SPORTS (Society for Promotion of Nature Tourism and Sports) to Lakshadweep Island on the ships owned and operated by Lakshadweep Administration shall be allowed for the purpose of LTC journey subject to certain conditions.

[O.M. No. 31011/10/2017-Estt. (A-IV), dated the 11th October, 2018]

6(i). In all cases of air travel in respect of LTC, air tickets to be purchased only from the three Authorized Travel Agents (ATAs), namely (a) M/s Balmer Lawrie & Company Limited (BLCL), (b) M/s Ashok Travels & Tours (AYI') and (c) Indian Railways Catering and Tourism Corporation Ltd. (IRCTC).

(ii). Government employees to choose flight having the Best Available Fare on their entitled travel class which is the Cheapest Fare available, preferably for Non-stop flight in a given slot at the time of booking.

(iii). In case of unavoidable circumstances, where the booking of ticket is done from unauthorized travel agent/website, the Financial Advisors of the Ministry/Department and Head of Department not below the rank of Joint Secretary in subordinate/attached offices are authorized to grant relaxation.

[O.M. No. 31011/12/2022-Estt. (A-IV), dated 29.08.2022]

7. (i) The Government employees not entitled for air travel but wish to travel by air, are no longer required to mandatorily book their air tickets through the three authorised travel agencies (ATAs) viz. M/s Balmer Lawrie & Company Limited (BLCL), M/s Ashok Travels & Tours (AU), Indian Railways Catering and Tourism Corporation Ltd. (IRCTC), as the reimbursement is restricted to the actual air fare or the entitled train/bus fare for the shortest route, whichever is less.

(ii) In case of cancellation of tickets, cancellation charges shall be borne by the Government employees concerned. However, in case of Special Dispensation Scheme, the Government employees not entitled for air travel under LTC, but wish to travel by air to the intended place of visit in NE region, UTs of J&K, Ladakh, A & N, are required to book their air ticket through three ATAs only.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

8. All the three ATAs have been directed to allow the registration of those employees who do not have official email accounts, provided their administrative office sends their details depicting their names, employee code no., private email IDs and mobile numbers, etc. to the travel agents for the purpose of booking the air tickets in respect of LTC journey.

[O.M. No. 31011/11/2023-Estt.A-IV dated 20.10.2023]

9. The scheme allowing Government servants to travel by air to North East Region (NER), Union Territory of Jammu and Kashmir (J&K), Union Territory of Ladakh and Union Territory of Andaman & Nicobar Islands (A&N) is extended for a further period of two years, w.e.f. 26 September, 2022 till 25th September, 2024.

[O.M. No. 31011/15/2022-Estt. (A-IV), dated 11.10.2022]

Reimbursement of LTC claim (Rule 13) -

Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route.

Note:-

1. When a Government servant or any member of his family performs the journey by a longer route (which is not the cheapest) in two different classes of railway accommodation, the entitled class rate will be admissible for the corresponding proportion of the shortest or the cheapest route and the lower-class rate for the remaining mileage by such route.

[OM No. 43/10/58-Ests.(A) dated 11.04.1958]

2. In a case where a Govt. servant and/or his family avail(s) of the concessional circular tour ticket offered by the Railways in conjunction with the LTC, the fare at the normal rate for the entitled/lower class actually used between headquarters and declared place of visit by the shortest route of the to and fro journey should be reimbursed.

[O.M. No.31011/2/77-Ests.(A), dated 03.02.1979]

3. A Govt. servant and members of his family are eligible for the reimbursement of sleeper/reservation charges while performing a journey by availing of the Leave Travel Concession, in Second Class and for reservation charges while performing the journey in First Class.

4. The reimbursement of charges for booking of rail tickets through Internet / e-ticketing, booked through the website of Indian Railways, may be allowed only for Railway journeys undertaken for official tours and LTC.

5. Reimbursement of service charges paid to the recognized Traveller's Service Agents for booking of tickets on Leave Travel Concession shall not be allowed.

6. The element of Service Tax, Education Cess and other similar levies being charged by Government on travel by Air/Road/Rail/Steamer on tour/transfer or LTC are reimbursable to the individual officer.

7. Following time-limits while processing the LTC applications/claims of the Government servants to be followed: -

Sl. No.	Course of action	Time-Limit
1	Leave Sanction	5 working day + 3 working days*
2	Sanction of LTC advance/Leave encashment	5 working day + 3 working days*
3	Time taken by Administration for verification of LTC claim after the LTC bill is submitted by the Government employee for settlement.	10 working days + 3 working days*
4	Time taken by DDO	5 working days + 3 working days*
5	Time taken by PAO	5 working days + 3 working days*

*Additional 3 days transit time may be allowed in cases where the place of posting of the Government employees is away from their Headquarters.

[O.M. No. 31011/3/2015-Estt.(A.IV), dated 18.02.2016]

8. Wherever employees opt for catering services while booking the tickets for the eligible trains for the purpose of LTC, the reimbursement of catering charges shall be allowed.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

9. Both types of the cancellation charges, viz. (i) cancellation charges levied by the airlines & (ii) cancellation charges levied by the three authorized travel agents for utilization of their portals/platforms, if any, shall be reimbursed on the ground of official exigencies only.

[O.M. No. 31011/17/2023-Estt.A-IV dated 10.08.2023]

10. The cases where a Government servant travels on LTC upto the nearest airport/railway station/ bus terminal by authorized mode of transport and undertakes rest of the journey to the declared place of visit by private transport/ own arrangement (such as personal vehicle or private taxi etc.), may be dealt with as follows: -

(i) If a public transport is available in a particular area, the Government servant will be reimbursed the fare admissible for journey by otherwise entitled mode of public transport from the nearest airport/railway station/bus terminal to the declared place of visit by shortest direct route.

(ii) In case, there is no public transport available in a particular stretch of journey, the Government servant may be reimbursed as per his entitlement for journey on transfer for a maximum limit of 200 Kms (100 kms each side) covered by the private/personal transport based on a self-certification from the Government servant. Beyond this, the expenditure shall be borne by the Government servant.

[OM No. 31011/3/2015-Estt.(A.IV) dated 09.02.2017]

[O.M. No. 31011/18/2023-Estt.A-IV dated 04.02.2021]

Forfeiture of claim (Rule 14)-

A claim for reimbursement of expenditure incurred on journey under LTC shall be submitted within three months after the completion of the return journey**, if no advance** had been drawn. **Failure to do so will entail forfeiture of the claim and no relaxation shall be permissible in this regard**.

However, the Ministry/Department concerned with the concurrence of Financial Advisor can admit the claims within six months, if no advance has been drawn without reference to DoP&T.

[O.M. No. 31011/3/2015-Estt.A-IV dated 21.12.2023]

Grant of advance and adjustment thereof (Rule 15)-

- Advance may be granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to four-fifths of the estimated amount, which Government would have to reimburse in respect of the cost of the journey both ways.
- If the family travels separately from the Government servant, the advance may also be drawn separately to the extent admissible.
- The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Government servant or the period of anticipated absence of the members of the family does not exceed three months or ninety days. If this limit is exceeded, then the advance may be drawn for the outward journey only.
- If the limit of 3 months or ninety days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded to the Government forthwith.
- The advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. However, in cases where reservations can be made sixty days before the proposed date of the outward journey and advance is granted accordingly, the Government servant should produce the tickets within ten days of the drawal of advance, irrespective of the date of commencement of the journey.

Where an advance has been drawn by a Government servant, the claim for reimbursement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On a Government servant's failure to do so, he shall be required to refund the entire amount of advance forthwith in one lump sum. No request for recovery of the advance in instalments shall be entertained.

Note:-

1. The Ministry/Department concerned with the concurrence of Financial Advisor can admit the claims, provided the entire advance amount is returned within three months subject to a clause that the entire amount would be recovered within one lumpsum and interest will be charged on the entire amount of advance from the date of drawal to the date of recovery of amount.

[O.M. No. 31011/18/2023-Estt.A-IV dated 21.12.2023]

2. The Government servant is required to produce the outward journey tickets to the Competent Authority within ten days of drawal of advance in order to verify that he has actually utilised the amount to purchase the tickets.

[O.M. No. 31011/8/2015-Estt. (A-IV), dated 13.05.2016]

3. Procedure for grant of advance for Leave Travel Concession to an officer on deputation who, immediately on reversion to his parent office, wishes to proceed on leave and to join the parent office on the expiry of such leave.

4. Relaxation of normal time-limit of six months between commencement and completion of the journey by the family of a Govt. Servant shall be exercised by Heads of Departments.

[MHA OM No. 43/3/68-Est.(A), dated 19.07.1968]

5(i). The Government servants governed by the CCS (Leave) Rules, 1972 and entitled to avail LTC may encash earned leave up to 10 days at the time of availing both types of LTCs, i.e. "home town' and 'anywhere in India'. However, when the one and the same LTC is being availed of by the Government servant and his family members separately in a block year, encashment of leave would be restricted to one occasion only.

[O.M. No. 14028/2/2012-Estt. (L), dated 09.02.2015]

(ii). The leave encashed at the time of LTC will not be deducted from the maximum amount of earned leave encashable at the time of retirement. Where both husband and wife are Government servants, the entitlement for availing LTC shall remain unchanged, and encashment of leave equal to 10 days at the time of availing of LTC will continue to be available to both, subject to a maximum of sixty days each during the career.

[O.M. No. 31011/4/2008-Estt. (A), dated 23.09.2008]

(iii). The Government servants are permitted for encashment of earned leave up to 10 days at the time of availing LTC without any linkage to the number of days and the nature of leave availed while proceeding on LTC.

(iv). The Central Government employees governed by CCS (Leave) Rules, 1972 (i) **who are entitled to LTC** but opt for the facility of LTC provided to their spouses employed in PSUs / Corporation / Autonomous Bodies etc., and **(ii) who are otherwise not entitled to LTC**, on account of their spouse being employed in Indian Railways / National Airlines who are entitled to privilege passes/concessional tickets, are entitled to leave encashment while availing the LTC facility of their spouse/ privilege passes/concessional tickets of their spouse.

(v). Re-employed pensioner entitled to encashment of Earned Leave along with LTC during the period of re-employment up to the limit of 60 days in accordance with Rule 38-A of CCS(Leave) Rules (including the number of days for which encashment has been allowed along with LTC while in service), provided he is entitled to LTC.

(vi). In cases where the Government employee decides to forgo his claim of reimbursement for travel undertaken on private/hired vehicle or his claim is 'Nil', leave encashment is allowed.

[OM No. 31011/06/2023-Estt.A-IV dated 29.03.2023]

(vii). The spouse of the Government employees working in railways may be allowed to avail encashment of leave up to 10 days on All India LTC availed by the Government employee.

[O.M. No. 31011/15/2017, dated 27.03.2018]

Fraudulent claim of leave travel concession (Rule 16):-

(1) If a decision is taken by the Disciplinary Authority to initiate disciplinary proceedings against a Government servant on the charge of preferring a fraudulent claim of Leave Travel Concession, such Government servant shall not be allowed the Leave Travel Concession till the finalization of such disciplinary proceedings.

(2) If the disciplinary proceedings result in imposition of any of the penalties specified in Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Government servant shall not be allowed the next two sets of the Leave Travel Concession in addition to the sets already withheld during the pendency of the disciplinary proceedings. For reasons to be recorded in writing, the controlling authority can also disallow more than two sets of Leave Travel Concession.

(3) If the Government servant is fully exonerated of the charge of fraudulent claim of Leave Travel Concession, he shall be allowed to avail of the concession withheld earlier as additional set (s) in future block years but before the normal date of his superannuation.

EXPLANATION - *For the purpose of this rule, leave travel concession to hometown and leave travel concession to any place in India as specified in clauses (a) and (b) of Rule 8 shall constitute two sets of the Leave Travel Concession.*

Note :-

1. General principles for determination of the genuineness of the claim enunciated in the O.M. mentioned below.

[O.M. No. 31011/11/79-Estt. (A), dated 06.03.1981]

2. After the introduction of computerized booking system by Ministry of Railways, when Indian Railways expressed their inconvenience in furnishing verification certificate on the basis of Ticket No. alone, PNR No. is made mandatory for LTC claims.

[O.M. 31011/11/2000-Estt.(A), dated 23.04.2001]

Interpretation (Rule 17):-

If there is any doubt regarding any of the provisions in these rules, the matter shall be referred to the Department of Personnel and Training, who shall decide the same.

Power to relax (Rule 18):-

Save as otherwise provided in these rules, where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception 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 Department of Personnel and Training*.**

Saving (Rule 19):-

All the existing instructions which are not contrary to any of the provisions of these rules and all instructions which cover matters not specifically covered by these rules, shall continue to be in force until they are amended, modified or cancelled.

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<<<< CCS(LTC) RULES >>>>

CENTRAL CIVIL SERVICES
(LEAVE TRAVEL CONCESSION) RULES, 1988

1. Short title, commencement and application. –

(1) These rules may be called the Central Civil Services (Leave Travel Concession) Rules, 1988.

(2) They shall come into force on the date of their publication in the Official Gazette.

(3) Subject to the provisions of sub-rule (4), these rules shall apply to all persons –

(i) who are appointed to civil services and posts including civilian Government servants in the Defence Services in connection with the affairs of the Union;

(ii) who are employed under a State Government and who are on deputation with the Central Government;

(iii) who are appointed on contract basis; and

(iv) who are re-employed after their retirement.

(4) These rules shall not apply to –

(a) Government servants not in whole-time employment;

(b) persons in casual and daily rated employment;

(c) persons paid from contingencies;

(d) Railway servants;

(e) members of the Armed Forces;

(f) local recruits in Indian Missions abroad; and

(g) persons eligible to any other form of travel concession available during leave or otherwise.

2. Special provisions regarding certain categories of employees –

(1) In the case of persons belonging to categories mentioned in clauses (ii), (iii) and (iv) of sub-rule (3) of Rule 1, the leave travel concessions shall be admissible on completion of one year's continuous service under the Central Government and provided that it is certified by the appropriate administrative authority that the employee concerned is likely to continue to serve under the Central Government for a period of at least two years in the case of Leave Travel Concession to hometown and at least four years in the case of leave travel concession to any place in India to be reckoned from the date of his joining the post under the Central Government.

(2) In the case of officers appointed on contract basis, where the initial contract is for one year but is later extended, the total duration of the contract will be taken into account for the purpose of leave travel concession.

(3) In the case of persons re-employed, immediately after retirement without any break, the period of re-employed service will be treated as continuous with the previous service for the purpose of leave travel concession and the concession allowed for the re-employed period, provided that the leave travel concession would have been admissible to the re-employed officer had he not retired but had continued as serving officer.

Illustration:- If an officer has availed of the concession to visit any place in India in respect of a block of four years before his retirement and he is re-employed without any break, he cannot avail this concession till the expiry of the particular block of four years.

3. Scope – The leave travel concession will cover the Government servant himself and his family.

4. **Definitions**.- In these Rules, unless the context otherwise requires, -

(a) **"a place in India"** will cover any place within the territory of India, whether it is on the mainland India or overseas;

(b) **"controlling officer"** means an officer declared as such under Supplementary Rule 191;

(c) **"Disciplinary Authority"** shall have the same meaning as assigned in clause (g) of Rule 2 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965;

(d) **"Family"** means:-

(i) the Government servant's wife or husband, as the case may be, and two surviving unmarried children or step children wholly dependent on the Government servant, irrespective of whether they are residing with the Government servant or not;

(ii) married daughters who have been divorced, abandoned or separated from their husbands and widowed daughters and are residing with the Government servant and are wholly dependent on the Government servant;

(iii) parents and/or step mother residing with and wholly dependent on the Government servant;

(iv) unmarried minor brothers as well as unmarried, divorced, abandoned, separated from their husbands or widowed sisters residing with and wholly dependent on the Government servant, provided their parents are either not alive or are themselves wholly dependent on the Government servant.

EXPLANATIONS:

1. The restriction of the concession to only two surviving children or step children shall not be applicable in respect of (i) those employees who already have more than two children prior to the coming into force of this restriction i.e. 20.10.1997; (ii) children born within one year of the coming into force of this restriction; (iii)

where the number of children exceeds two as a result of second child birth resulting in multiple births.

2. Not more than one wife is included in the term "Family" for the purpose of these Rules. However, if a Government servant has two legally wedded wives and the second marriage is with the specific permission of the Government, the second wife shall also be included in the definition of "Family".

3. Though it is not necessary for the spouse and children to reside with the Government servant so as to be eligible for the Leave Travel Concession, the concession in their cases shall, however, be restricted to the actual distance traveled or the distance between the headquarters/place of posting of the Government servant and the hometown/place of visit, whichever is less.

4. Children of divorced, abandoned, separated from their husbands or widowed sisters are not included in the term "Family".

5. A member of the family whose income from all sources, including pension, temporary increase in pension but excluding dearness relief on pension or stipend etc. does not exceed Rs.1500 p.m. is deemed to be wholly dependent on the Government servant.

(e) **"hometown"** means the town, village or any other place declared as such by the Government servant and accepted by the controlling officer;

(f) **"shortest direct route"** shall have the same meaning as given in Supplementary Rule 30 and orders issued thereunder from time to time.

Govt. of India's Decision

(1) LTC to a newly married husband of a female Government servant.

When a female Govt. servant proceeds to her hometown, availing of the Leave Travel Concession and gets married in the hometown, LTC may be allowed also to be husband of the female Govt. servant, for the journey performed by him from the hometown to the headquarters of the female Govt. servant.

[OM No. 48/2/65-Ests.(A), dated 2.4.1965]

(2) On the recommendations of Task Force, Govt. have decided that the existing LTC Scheme for Central Govt. servants as amended from time to time, shall be modified to the extent indicated below with immediate effect-

> *(i) Advance on account of LTC may be sanctioned by the Head of the Office instead of by the Controlling Officer.*
>
> *(ii) Where the shortest route by which the journey is required to be performed is disrupted due to accidents or other causes, the power to grant reimbursement by the actual route traveled may be exercised by the Controlling Authority, instead of by the Department of Personnel and Administrative Reforms in consultation with the Ministry of Finance (Department of Expenditure) as at present.*
>
> *(iv) ****

*(v) ****

(vi) LTC to visit hometown in a block of two years and to any place in India once in four years will be allowed both ways during leave preparatory to retirement provided the return journey is completed before the expiry of the leave preparatory to retirement.

[MHA OM No. 31011/1/77-Ests.(A) dated 1.10.1977]

(3) What is the scope of the expression "any place in India"?

The expression "any place in India" will cover any place within the territory of India whether it is on the mainland, or overseas. If there are any local restrictions on visits to places in border areas, it is the responsibility of the Govt. servant undertaking the visit to fulfil the conditions for visit to the places which are subject to local restrictions.

***

(4) Condition of "residing with" waived in respect of spouse and children.

It has been decided that in cases where the Government servant has left his/her spouse and the dependent children at place other than his/her Headquarters, he may be allowed LTC in respect of them from the place of their residence to hometown in a block of 2 years or any place in India in a block of 4 years, as the case may be, but the reimbursement should in no case exceed the actual distance traveled by the family or the distance between the headquarters/place of posting of Govt. servant and the place visited/hometown, whichever is less. In the case of other members falling within the definition of "family" the existing conditions and restrictions will continue to be in force.

[DOPT OM No. 31011/14/86-Est.(A), dated 8.5.1987]

5. Change of Hometown.- The hometown once declared and accepted by the controlling officer shall be treated as final. In exceptional circumstances, the Head of the Department or if the Government servant himself is the Head of the Department, the Administrative Ministry, may authorise a change in such declaration provided that such a change shall not be made more than once during the service of a Government servant.

Govt. of India Decisions

(1) From time to time enquiries have been received as to how exactly the "home town" should be determined. The conditions of ownership of property and permanent residence of relatives laid down in para 1 (4) of this Ministry's Office Memorandum of 11th October, 1956 are only illustrative and not exhaustive for determining one's home town.The correct test to determine whether a place declared by a Government servant may be accepted as his hometown or not is to check whether it is the place where the Govt. servant would normally reside but for his absence from such a station for service under Government. The criteria mentioned below may, therefore, be applied to determine whether the Govt. servant's declaration may be accepted-

(i) Whether the place declared by Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the Government servant had been visiting that place frequently.

(ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.

(iii) Whether his near relations are resident in that place.

(iv) Whether, prior to his entry into Government service, the Government servant had been living there for some years.

NOTE.- The criteria, one after the other, need be applied only in cases where the immediately preceding criterion is not satisfied.

Where the Government servant or the family of which he is a member owns a residential or landed property in more than one place, it is left to the Government servant to make a choice giving reasons for the same, provided that the decision of the Controlling Officer whether or not to accept such place as the hometown of the Government servant shall be final.

Where the presence of near relations at a particular place is to be the determining criterion for the acceptance of declaration of 'hometown' the presence of near relations should be a more or less permanent nature.

2. It has been decided, in view of the comprehensive revised definition of "home town", to give further opportunity to declare the home towns afresh within a time limit (i.e. by the 31st October, 1958) to all those who might be affected by the revised definition (e.g. whose earlier declarations were rejected but who would now become eligible to declare particular places as their hometowns, or who might like to have a change affected in the light of the revised criteria). Such fresh declaration after approval by the Controlling Officer will be treated as the "first declaration" and <u>not</u> as a change of declaration in terms of para 1 (4) of this Ministry's Office Memorandum No.43/1/56-Estt. Part II, dated the 11th October, 1956.

3. Those Government servants who because of the revised definition now become eligible for the leave travel concession would, however, be eligible only for the concessions commencing from the one relating to the 1958-59 block.

(MHA OM No. 43/15/57-Ests. (A) dated 24.6.1958)

6. Declaration of place of visit under Leave Travel Concession to any place in India.-

When the concession to visit any place in India is proposed to be availed of by a Government servant or any member of the family of such Government servant, the intended place of visit shall be declared by the Government servant in advance to his controlling officer. The declared place of visit may be changed

before the commencement of the journey with the approval of his controlling officer but it may not be changed after the commencement of the journey except in exceptional circumstances where it is established that the request for change could not be made before the commencement of the journey owing to circumstances beyond the control of the Govt. servant. This relaxation may be made by the Administrative Ministry/Department or by the Head of the Department, as the case may be.

7. **Admissibility of Leave Travel Concession**.-

(1) The leave travel concession shall be admissible to persons of the categories specified in clauses (i) and (iii) of sub-rule (3) of Rule 1 only, if they have completed one year's continuous service under the Central Government on the date of journey performed by him or his family, as the case may be, to avail of the concession.

(2) The leave travel concession shall be admissible during any period of leave, including casual leave and special casual leave.

Govt. of India Decision

*(1) *** In every case the journey should be to the home and back but it need not necessarily commence from or end at the headquarters of the Government servant either in his own case or in the case of the family. But the assistance admissible will be the amount admissible for the actual distance traveled, limited to the amount that would have been admissible had the journey been performed between the headquarters and the 'home' of the Government servant.*

**** In the case of a Government servant serving in a vacation department, vacation will be treated as regular leave for the purpose of this concession.*

*****

*The class of railway accommodation to which a Government servant and his family will be entitled is the class to which he is entitled under the normal rules at the time the journeys are undertaken.****

**** The Government servants should inform the Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey, for example, serial numbers of railway tickets, etc.*

A record of all assistance granted under these orders shall be suitably maintained. In the case of Gazetted Officers, the record shall be maintained by the Accounts Officer concerned. In the case of non-gazetted staff, the record should be in the form of entries in the service book or other appropriate service records and should indicate the date or dates on which the journey or journeys to the "home" commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion a Government servant proceeds on leave which is entered in that record, the fact whether or not he availed of the travel assistance under these orders is indicated.

[MHA OM No. 43/1/55-Estt.(A) –Part-II dated 11.10.56]

(2.) LTC not admissible on resignation

The concession will not, however, be admissible to a Government servant who proceeds on

regular leave and then resigns his post without returning to duty.

(3.) LTC to hometown outside India

A Government servant who declares, subject to the satisfaction of the Controlling Officer, that his hometown is outside India, will also be entitled to the leave travel concession for visiting his hometown. Government's assistance in such a case will be limited to the share of the fares for journey (i) up to and from the railway station (by the shortest route) nearest to the hometown or (ii) the railway station for the nearest port of embarkation/disembarkation in India. The term "nearest port" for this purpose means the port in India nearest to the hometown of the Government servant.

**** Family can perform journey separately*

*Where a Government servant and his family perform journeys separately, there is no objection to his presenting separate claims. In each case, however, the claim should be for both outward and inward journeys.****

[MHA O.M. No. 43/5/57-Ests.(A) dated 4.9.1957]

(4.) An officer who is his own Controlling Officer for purposes of travelling allowance should make the initial or any subsequent declaration of his hometown to his next superior administrative authority for acceptance. This procedure should also be followed in cases where declarations have already been sent direct to the Accounts Officers concerned by officers who are their own Controlling Officers. The Comptroller and Auditor General and Secretaries to Government will, however, communicate the initial declaration of hometowns as well as any subsequent declaration for change therein direct to the Accounts Officers concerned.

[MHA OM No. 43/5/57-Ests.(A) dated 11.2.1958]

(5.) Entitlement of LTC in special cases

Leave travel concession will be admissible to the members of Government servant's family with reference to the facts existing at the time of forward and return journeys independently. The following types of cases are given by way of illustrations:-

I. Entitled to reimbursement in respect of outward journey only:

(i) A dependent son/daughter getting employment or getting married after going to hometown or remaining there for prosecution of studies.

(ii) The family having performed the journey to hometown have no intention of completing the return journey from hometown, provided the Government servant foregoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to reimbursement in respect of the return journey only:

(i) A newly married wife coming from hometown to headquarters station or a wife who has been living long at hometown and did not avail herself of the leave travel concession in respect of the outward journey.

(ii) A dependent son/daughter returning with parents or coming along from hometown where he/she has been prosecuting studies or living with grandparents, etc.

(iii) A child who was previously below five/twelve years of age but has completed five/twelve years of age only at the time of the return journey.

(iv) A child legally adopted by a Govt. servant while staying in the hometown.

[MHA OM No. 43/10/58-Ests.(A), dated 11.12.1958]

(6.) LTC to industrial & work-charged staff-

Industrial and work-charged staff who are entitled to regular leave will also be eligible to avail of the Leave Travel Concession in the same manner as other Central Govt. employees. The first block in their case would be 1960-61.

*** *** *** ***

[MHA OM No. 6/7/59-Ests.(A), dated 15.6.1960]

(7) LTC in combination with transfer/tour TA-Mode of Regularisation.

Normally, the following types of cases are likely to arise when a Govt. servant combines a journey on LTC with one on transfer or tour:-

(i) Leave Travel Concession in combination with transfer journey-. An officer going to hometown on regular leave proceeds therefrom on transfer to the new headquarters.

(ii) Leave Travel Concession in combination with tour journey.-

(a) An officer proceeding with proper prior permission to hometown on regular leave from a tour station and returns to headquarters direct from hometown; and

(b) an officer proceeding to a tour station from hometown with proper prior permission and returns to headquarters therefrom.

It has been decided that the combined claims in such cases should be regulated as indicated below-

(a) In the cases of the category of para (i) above, the officer may be allowed as his minimum entitlement transfer travelling allowance under SR 124 or SR 126, as the case may be. He may be allowed in addition, Leave Travel Concession under the rules to the extent the distance from old headquarters to hometown and from hometown to the new headquarters exceeds the distance for which transfer-travelling allowance is admissible.

In cases where the distance for which Leave Travel Concession, however, be open to the Govt. servant not to avail of the Leave Travel Concession at all, being permitted to avail of it on some other occasion within the block period, subject to other conditions being fulfilled.

The option has to be exercised in respect of self and the members of the family at the time of preferring claim for transfer travelling allowance.

When Leave Travel Concession is not availed of, the Leave Travel Concession advance, if any, taken by the Govt. servant should be adjusted against his travelling allowance entitlement.

(b) In the case of the category of para (ii) (a) above, travelling allowance as on tour may be allowed for the journey from the headquarters to the tour station from which the Government servant proceeds to hometown and Leave Travel Concession for the journey from tour station to hometown and back to headquarters deeming the tour station as the starting point for the onward journey.

The limitation contained in para 1 (3) of Ministry of Home Affairs, Office Memorandum No. 43/1/55-Ests.(A)-Part II, dated the 11th October, 1956, will be applicable in computing the

amount of Leave Travel Concession admissible.

(c) In the case of the category of para (ii) (b) above, Leave Travel Concession as admissible under the rules may be allowed from headquarters to hometown and travelling allowance as on tour for the journey from hometown to tour station and back to headquarters.

In cases falling under para (ii) the provisions of Ministry of Finance, Office Memorandum No. F. 5 (44)-E.IV/48, dated the 23rd April, 1948 (given below), will have to be complied with.

Extract of OM dated 23.4.1948, referred to above.

It has come to notice that cases of transfer of charge of an office elsewhere than at headquarters are becoming somewhat more frequent than normally. In the circumstances, it has been decided that to ensure prevention of any possible abuse of the spirit of the rules it will meet the object in view if orders in all such cases are issued by an officer not below the rank of Joint Secretary of a Ministry of the Government of India or embody the fact of his approval having been given.

(MHA OM No. F.43/15/59-Ests.(A), dated 19.7.1960)

(8) LTC to India based officers serving in India Missions/Posts abroad

The cases of India based officers and members of staff serving in India Missions/Posts abroad when they come to India on home leave or home leave- cum-transfer will be divided into the following three types for the purpose of LTC:-

(i) Officers coming on home leave and going back to their old posts on the expiry of leave.

(ii) (a) Officers coming on home leave-cum-transfer to a post in India.

(b) Officers going on home leave-cum-transfer to a post outside India.

(iii) Officers coming on leave-cum-transfer to a post in another foreign country.

For the first category, the port of disembarkation in India on the approved route will be reckoned as the starting point for the commencement of the leave travel concession to the hometown and the reimbursement allowed at par with that admissible to employees in India.

*(a) In regard to the category of officers at (ii) (a) above, the journey will be performed from the port of disembarkation in India to the new Headquarters via the hometown. The officer may be allowed as his minimum entitlement transfer travelling allowance under IFS Rules, 1954, as modified from time to time. He may be allowed, in addition, leave travel concession under the rules to the extent the distance from the port of disembarkation to hometown and from hometown to the new headquarters exceeds the distance from which transfer travelling allowance is admissible ***. (For officers whose hometowns are en route on the journey from the port of disembarkation to the new headquarters, or in case where the distance for which leave travel concession would be admissible as above is negligible it will be preferable to claim transfer travelling allowance only.)*

(b) In regard to category of officers at (ii) (b) above, the journey will be performed from the headquarters in India to the port of embarkation in India via the home town. The officer may be allowed as his minimum entitlement transfer Travelling Allowance under IFS Rules, 1954, as modified from time to time. He may be allowed, in addition, leave travel concession under the rules to the extent the distance from headquarters in India to hometown and from hometown to the port of embarkation in India exceeds the distance for which transfer travelling allowance is admissible . (For officers whose hometowns are en- route to the

journey from headquarters in India to the port of embarkation, or in cases where the distance for which Leave Travel Concessions would be admissible as above is negligible, it will be preferable to claim transfer travelling allowance only.)

*The third category of officials may be allowed as his minimum entitlement transfer TA under IFS Rules, 1954, as modified from time to time. He may be allowed, in addition, Leave Travel Concession under the rules to the extent the distance from the port of disembarkation to hometown and from hometown to the port of embarkation exceeds the distance for which transfer traveling allowance is admissible.*** (For officers whose hometowns are en route of port of disembarkation to the port of embarkation, or in case where the distance, for which Leave Travel Concession would be admissible as above, is negligible, it would be advantageous to claim transfer traveling allowance throughout and no Leave Travel Concession will hence be admissible.)*

(MHA Letter No. 43/7/59-Ests.(A), dated 6.7.1959)

(9) LTC to officers of autonomous bodies deputed to Central Government.

The officers of autonomous bodies deputed to Central Govt. will be treated as temporary Government servants during the period of their deputation with the Central Government and allowed Leave Travel Concession accordingly.

(MHA Letter No. 43/6/59-Ests.(A), dated 24.7.1959)

(10) LTC within India to the staff of the Indian Aid Mission in Nepal and other personnel sent to Nepal under India's Aid Programme.

The point of commencement/end of the forward/return journey in India for the purpose of Leave Travel Concession in respect of the staff will be the nearest Railway Station in India to the place of posting of the staff in Nepal from which they actually commence their onward journeys/complete their return journeys. When the officer is coming to India on home leave-cum-transfer, the journey will be performed from the place of entry in India to the new headquarters via the home town. For the journey from the place of entry to the home town, Leave Travel Concession would be admissible and for the journey from home town to headquarters, transfer TA restricted to what would be admissible had the journey been performed directly from the place of entry in India to the headquarters, will be permitted. (For officers whose home towns are en route on the journey from the place of entry in India to the new headquarters, it would be preferable to claim only transfer TA throughout and no leave travel concession will hence be admissible.)

(MHA Letter No. 43/7/59-Ests.(A), dated 10.9.1959 and

31011/8/78-Ests.(A), dated 14.3.1980)

(11) LTC to officers of All India Services.

They or the members of their families will not be entitled to avail of the concessions for a particular block, if they or the members of their family, had availed of the concessions from the State Govt. for that block before being deputed to service in connection with the affairs of the Union. Similarly, on reversion to the State Govt., they will not be entitled to the concession for a particular block period, if concessions for that block had been availed of, while the officer was serving in connection with the affairs of the Union.

The expenditure incurred on account of Leave Travel Concessions availed of by such officers and/or their families during the period of their deputation with the Centre, shall be borne by

the Central Govt. and the expenditure on concessions earned by these officers during the period of their deputation with the Centre but not availed of during that period, will be borne by the State Govt. concerned.

(MHA OM No. 16/1/69-AIS(II), dated 15.7.1969)

(12) Admissibility of LTC to Central Govt. servants deputed to other than top posts in the Public Sector Undertakings, etc.

The deputationists may be given an option either to choose the Leave Travel Concession admissible to the corresponding employees of the Public Sector Undertakings or under the Central Govt. Rules, whichever is more favourable to them. However, a Central Govt. servant deputed to a Public Sector Undertaking would not be entitled to avail of the LTC from the Public Sector Undertaking concerned for self and/or his family for the duration of the block of two years, if he and/or his family, as the case may be, had already availed of the concession under the Central Govt. during the block; and on reversion if the Central Govt. employee and/or his family has availed of LTC under the rules of the Public Sector Undertaking concerned, he would not be entitled to LTC under the Central Govt. for the duration of the block in which he had already availed of this concession. There may also be cases where a Govt. servant exercises an option to avail the LTC under the rules of the Public Sector Undertakings but could not actually avail the concession during the term of service in the Undertakings. In such a case, on reversion to Govt. service, the Govt. servant and his family should be entitled to avail the concession for a particular block only under the Central Govt. Rules.

(DPAR OM No. 43/2/60-Ests.(A), dated 7.7.1971)

(13) Reimbursement of Special Supplementary Charges for travel by Super Fast Express trains.

*Doubts have been expressed as to whether the Special Supplementary Charges levied by the Railways for travel by Super Fast Express trains in reserved accommodation could be reimbursed in respect of journeys on Leave Travel Concession. In view of the provisions of Ministry of Finance (Department of Expenditure), OM No. 19023/2/73-E.IV(B), dated the 6th August, 1973 (not reproduced), under which the said special supplementary charges could be reimbursed for journeys on transfer, it is hereby clarified that those charges may also be reimbursed in respect of journeys on Leave Travel Concession.****

In cases where the journey for which Leave Travel Concession claim is preferred is performed otherwise than by rail between places connected by rail and the claim is restricted to the amount which would have been admissible had the journey been performed by rail, the amount to be reimbursed shall not include the Special Supplementary Charges.

(DPAR OM No. 43/4/73-Ests.(A), dated 7.6.1974)

(14) LTC to Central Government servants deputed to other than top posts in the Public Sector Undertakings.

Deputationists to posts, other than the top posts, in Public Undertakings may be given an option either to choose the Leave Travel Concessions as admissible to the corresponding employees of the Public Sector Undertakings or as admissible under the Central Government Rules, whichever is more favourable to them. A question has been raised whether fresh option can be allowed in a case where the rules relating to Leave Travel Concession are revised by the Undertaking concerned after the Govt. servant had joined it on deputation and

had exercised his option in terms of the aforesaid Office Memorandum of 7.7.1971. It is clarified that a fresh option may be allowed in such cases also.

(DPAR OM No. 43/5/74-Ests.(A), dated 16.1.1976)

***(**15) LTC to officials under suspension.*

A question has been raised whether LTC is admissible during the period of suspension. It is clarified that a Govt. servant under suspension cannot avail of LTC as he cannot get any leave including casual leave during the period of suspension. As he continues to be in service during the period of suspension, members of his family are entitled to LTC.

(All India Service Manual, Fifth Edition, Part I, page 233)

(16) LTC to Central Govt. employees deputed to top level posts in Public Sector Undertakings.

The undersigned is directed to refer to paragraph 3 (v) of this Department's OM No. F. 1 (3)-Est.(P-II)/80, dated 27.7.1981 (not reproduced), which inter alia provides that while on deputation to a Public Sector Undertaking a Central Govt. employee will be allowed concessions as admissible to corresponding employees of the Undertaking.

It has now been represented that while under the Central Govt., LTC is available to Govt. employees, in some of the Public Sector Undertakings similar concessions are not available.

When a Central Govt. employee is deputed to a top level post in a Public Sector Undertaking, where LTC is not available, then he will be eligible for the LTC as in the case of other Central Govt. employees provided that provision for its admissibility has been incorporated in the orders placing the employee on foreign service with the Undertaking concerned. In those Public Sector Undertakings where the concession is available the deputationist Govt. employees will be entitled only to those concessions. As regards the Central Govt. employees already on foreign service with Undertakings, where the concession is not available, action may be taken in consultation with the Undertakings concerned to modify suitably the terms and conditions of their deputation so as to make them eligible for the concession. The cost of the concession in all such cases will, however, be met by the Undertaking concerned.

(DOPT OM No. 2 (16)-Est. (P-II)/82, dated 6.3.1984)

(17) LTC to the Central Govt. employees while on `Study Leave' .

The leave travel concession is admissible to the Central Govt. employees while on study leave. In such cases the claim are to be regulated as under-

(a) For Self:

> *Government servant can avail LTC from the place of study leave to any place in India/hometown, subject to the condition that the reimbursement of fare should be restricted to the fare admissible for travel between his headquarters station to any place in India/hometown or actual expenditure, whichever is less;*

(b) For the Family Members:

(i) When the family members are staying with the Govt. servant at the place of his study leave

:

The reimbursement will be as indicated at (a) above;

(ii) When not staying at the place of study leave:

The reimbursement will be as under the normal terms and conditions of the LTC Scheme.

(DOPT OM No. 31011/1/88-Ests.(A), dated 30.3.1988)

(18) LTC when both husband and wife are Government servants and are residing together.

According to the definition of family as given under rule 4, which is applicable, in travel inter alia, for the purpose of admissibility of LTC, the family of a Government servant includes wife or husband, as the case may be, residing with the Government servant and children residing with and wholly dependent upon the Govt. servant. In addition, it includes the parents, sisters and minor brothers, if residing with and wholly dependent upon the Government servant.

According to the existing position where both husband and wife are Govt. servants and are residing together, they constitute one family unit for the purpose of LTC and only one of them can claim this concession and the other spouse travels as a member of his/her family. In such a case, the Govt. servants are required to make a joint declaration of a common hometown, which can be the hometown of either of the spouses or a third place. Therefore, the spouse who avails the LTC as member of family of the other could not claim the benefit separately for his/her own parents or dependent minor brothers and sisters even if they were residing with him/her. On the other hand, where a couple, both being Govt. servants, are residing separately can claim the benefit of LTC individually for their dependent parents, minor brothers and sisters and also declare two separate places as their respective hometowns. Therefore, the husband and wife when both are Govt. employees and are staying together suffer from certain disadvantages inasmuch as they have to declare common hometown and only one of them can claim the benefit of LTC. The matter has been considered in consultation with Ministry of Finance (Department of Expenditure) and it has been decided that where husband and wife both are Govt. servants, they could, at their option, choose to declare separate hometown and both of them may claim the concession separately under the normal provisions of CCS (LTC) Rules in respect of the members of their respective families subject to the condition that if husband or wife avails the facility as a member of the family of the other, he or she will not be entitled for claiming the concession for self independently. Similarly, the children shall be eligible for the benefit in one particular block as members of the family of one of the parents only. All other conditions for admissibility of the LTC shall continue to be applicable as per normal provisions of the scheme.

The above decision will be applicable to the journeys performed for availing the LTC against the block years 1990-91 onwards.

(DOPT OM No. 31011/8/89-Est.(A), dated 8.5.1990)

(19) LTC facility for an escort accompanying single handicapped Government servant.

It has been decided that LTC facility could be allowed for an escort who accompanies a handicapped Govt. servant on the journey subject to the following conditions:-

(i) Prior approval of the Head of the Department concerned is obtained on each occasion.

(ii) The nature of physical disability of the Govt. servant is such as to necessitate an escort for the journey. In case of doubt, the decision of the Head of the Department will be final.

(3) The physically handicapped Govt. servant does not have an adult family member.

(4) The Govt. servant and the escort avail of the concession, if any, in the rail/bus fare as might be extended by Railways/State Roadways authorities in such cases.

(5) Any other person who is entitled to LTC does not accompany the handicapped Govt. servant on the journey.

(DOPT OM No. 31011/4/91-Estt. (A) dated 9.7.91)

(20) LTC when an officer is deputed for training in India or abroad.

(i) In case the officer is deputed for training, the place of training automatically becomes the headquarters of the Govt. servant and such cases present no difficulty in deciding the admissibility of the LTC to the Govt. servant himself and the members of the family.

(ii) Normally, the headquarters of a Govt. servant deputed for training either in India or abroad continue to be at the place from where he proceeds for training unless under the provisions of SR 59, the competent authority changes his headquarters during the training period for the purpose of traveling allowances on tour. Where the competent authority changes his headquarters under SR 59 the new headquarters will have to be reckoned for the purpose of LTC also. If no change of headquarters is effected in respect of those who are deputed for training in India, the trainees are treated as on tour from their original headquarters and are sanctioned traveling allowance as on tour by the competent authority under SR 164. In such cases, if the Govt. servant proceeds on regular leave from the training station and wants to avail of the LTC, the concession should be allowed in respect of the Govt. servant himself for the journeys from the place of training to the hometown and back to the place of training or the headquarters on the expiry of the regular leave, as the case may be. So far as the members of his family are concerned, the starting point for the onward journey in such case will continue to be the headquarters of the Govt. servant concerned.

(iii) In respect of officers who are deputed abroad for training, the Government's liability in respect of the Leave Travel Concession in respect of the Govt. servant himself will be limited to the liability the Govt. would have borne, if he had undertaken the journeys from the headquarters (from which he proceeded for training abroad) or the headquarters declared under SR 59 to the hometown and back. So far as members of his family are concerned, headquarters from which he proceeded on training will be treated as the starting point for the onward journey for the purpose of LTC.

(MHA OM No. 43/10/65-Estt. (A) dated 7.8.65)

8. Types of leave travel concession.-

(a) The leave travel concession to hometown shall be admissible irrespective of the distance between the headquarters of the Government servant and his hometown, once in a block of two calendar years, such as 1986-87, 1988-89 and so on.

(b) the leave travel concession to any place in India shall be admissible irrespective of the distance of the place of visit from the headquarters of the Government servant, once in a block of four calendar years, such as 1986-89, 1990-93 and so on:

Provided that in the case of a Government servant to whom leave travel concession to hometown is admissible, the leave travel concession to any place in India availed of by him shall be in lieu of, and adjusted against, the leave travel

concession to hometown available to him at the time of commencement of the journey;

(c) A Government servant whose family lives away from him at his hometown may, in lieu of all concessions under this scheme, including the leave travel concession to visit any place in India once in a block of four years which would otherwise be admissible to him and members of his family, choose to avail of leave travel concession for self only to visit the hometown every year.

9. Counting of leave travel concession against particular blocks.-

A Government servant and members of his family availing of leave travel concession may travel in different groups at different times during a block of two of four years, as the case may be. The concession so availed of will be counted against the block of two years or four years within which the outward journey commenced, even if the return journey was performed after the expiry of the block of two years or four years. This will apply to availing of leave travel concession carried forward in terms of Rule 10.

10. Carry over of leave travel concession.-

A Government servant who is unable to avail of the leave travel concession within a particular block of two years or four years may avail of the same within the first year of the next block of two years or four years. If a Government servant is entitled to leave travel concession to home town, he can carry forward the leave travel concession to any place in India for a block of four years only if he has carried forward the leave travel concession to home town in respect of the second block of two years within the block of four years.

Government of India's Decision

CCS (LTC) Rules, 1988-Extension of the grace period of Home Town LTC block years 2002-2003.

It has been decided that the Government servants who were eligible for the home town leave travel concession for the block years 2002-2003 or leave travel concession to visit to any place in India for the block years 2002-2005 in lieu of home town block years 2002-2003 and who could not avail it within the grace period up to 31.12.2004, may be allowed to avail this facility up to 30th June, 2005, in relaxation of the CCS (LTC) Rules, 1988.

11. **Place to be visited by Government servant and members of his family under leave travel concession to any place in India**.-

A Government servant and each member of his family may visit different places of their choice during a block of four years. It shall not be necessary for members of family of a Government servant to visit the same place as that visited by the Government servant himself at any time earlier during the same block.

12. Entitlement.- (1) For travel under the Scheme of Leave Travel Concession the entitlement shall be as under –

(A) Journey by Air/Rail:

Pay Range	Entitlement

Rs.18,400 and above.	Air Economy (Y) Class by National Carriers or AC First Class by train, at their option.
Rs.16,400 and above, but less than Rs.18,400	AC First Class.
Rs.Rs.8,000 and above, but less than Rs.16,400.	Second AC-2 tier Sleeper.
Rs.4,100 and above, but less than Rs.8,000.	First Class/AC 3-tier Sleeper/AC Chair Car.*
Below Rs.4,100.	Second Sleeper.

*All Govt. servants who are entitled to travel on LTC by First Class/AC 3-tier Sleeper/AC Chair Car may, at their discretion, travel by AC 2-tier Sleeper in cases where any of the trains connecting the originating and destination stations concerned by the direct shortest route do not provide these three classes of accommodation.

Travel by Rajdhani Express Trains:

Pay Range	Entitlement
Rs. 16,400 and above.	AC First Class.
Rs.8,000 and above, but less than Rs.16,400.	Second AC 2-tier Sleeper.
Rs.4,100 and above, but less than Rs.8,000.	Chair Car/AC 3-tier Sleeper.

Travel by Shatabdi Express Trains:

Pay Range	Entitlement
Rs. 16,400 and above.	Executive Class.
Rs.4,100 and above, but less than Rs.16,400.	AC Chair Car.

Note.- Entitlement by Rajdhani/Shatabdi Trains would be applicable in cases where journey is actually undertaken by these trains and not for determining entitlement

on notional basis. Both ends of the journey, i.e., place of start of the journey and the destination should be directly connected by Rajdhani/Shatabdi Express.

(B) Journey by Sea or by River Steamer:

Pay Range	Entitlement
Rs.8,000 and above.	Highest Class.
Rs.6,500 and above, but less than Rs.8,000	If there are two classes only on the steamer, the lower class.
Rs.4,100 and above, but less than Rs.6,500.	If there are three classes, the middle or the second class. If there are four classes, the third class
Below Rs.4,100.	The lowest class.

Accommodation entitlements for travel between the mainland and the Andaman & Nicobar Group of Islands and the Lakshadweep Group of Islands by ships operated by the Shipping Corporation of India Limited will be as follows:-

Pay Range	Entitlement
Rs.8,000 and above.	Deluxe Class.
Rs.6,500 and above, but less than Rs.8,000	First/`A' Cabin Class.
Rs.4,100 and above, but less than Rs.6,500.	Second/`B' Cabin Class.
Below Rs.4,100.	Bunk class.

(C) **Journey by Road**:

Pay Range	Entitlement
(i) Rs. 18,400 and above.	Actual fare by any type of public bus,

	including air-conditioned Bus: OR
(ii) Rs.8,000 and above but less than Rs.18,400.	At prescribed rates for AC Taxi/Taxi (AC Taxi when the journey is actually performed by AC Taxi) for journey to the places not connected by rail, subject to condition that the claim shall be restricted to the bus fare by entitled class or the fare actually paid, whichever is less. Same as at (i) above with the exception that journeys by AC Taxi will not be permissible.
(iii) Rs.6,500 and above, but less than Rs.8,000.	Same as at (ii) above with the exception that journeys by AC Bus will not be permissible.
(iv) Rs.4,100 and above, but less than Rs.6,500.	Actual fare by any type of public bus other than air-conditioned Bus: OR At prescribed rates for Auto rickshaw for journey to places not connected by rail, subject to condition that the claim shall be restricted to the bus fare by entitled class or the fare actually paid, whichever is less.
(v) Below Rs.4,100.	As at (iv) above with the condition that the claim shall be restricted to the bus fare by ordinary bus.

NOTE.- In all cases of travel by AC Taxi, Taxi or Autorickshaw production of fare receipt will be necessary.

(2) Journey by road.-

(i) Where a public transport system as aforesaid does not exist, the assistance will be regulated as in case of journeys undertaken on transfer.

(ii) Notwithstanding anything contained in sub-rule (1) or Clauses (i) and (ii) of sub-rule (2), where a Govt. servant travelling by road takes a seat or seats in a

bus, van or other vehicle operated by Tourism Development Corporations in the Public Sector, State Transport Corporations and Transport services run by other Government or local bodies to visit any place in India, the reimbursement shall be either the actual hire charges or the amount reimbursable on the journey to the declared place of visit had the journey been undertaken by entitled class by rail by the shortest direct route, whichever is less. Reimbursement shall not be admissible for journey by a private car (owned, borrowed or hired), or a bus, van or other vehicle owned by private operators.

(3) By Air.- The Govt. servant may travel by air between places not connected by rail, where an alternative means of travel is either not available or is more expensive.

(4) In regard to places in territory of India connected by shipping services, the entitlement of a Govt. servant to travel by ship will be regulated as in the case of journeys by ship undertaken on transfer.

(5) Travel between places not connected by any other means of transport**.-** For travel between places not connected by any other means of transport, a Govt. servant can avail of animal transport like pony, elephant, camel, etc. In such cases mileage allowance will be admissible at the same rate as for journeys on transfer.

EXPLANATION.- For the purpose of this Rule, "Pay" shall mean pay as defined in FR 9 (21) (a) (I). [Now Basic pay + NPA+SI-vide GID (1) below SR 17 and OM, dated 7.6.1990.]

Govt. of India's Decision

(1) Facility of LTC by air during winter only to the Govt. servants posted in Ladakh Region.

It has been decided to grant LTC facility by air during winter season to all the Central Govt. employees serving in the Ladakh Region subject to the following conditions:-

(i) The facility of air travel will be admissible only for the period from 15th November to 15th March.

(ii) The facility of air travel will be limited to travel between Leh and Srinigar/Jammu/Chandigarh for the forward as well as the return journey. This facility would, however, be admissible between Leh and only one of these three places. The journeys between Srinagar/Jammu/Chandigarh and the hometown or any other place of visit, as the case may be, will be regulated by the normal entitlement of the Govt. servant concerned.

(iii) The air travel facility will be allowed to the Govt. servant, his-her spouse and only two dependent children (up to 18 years for boys and 24 years for girls).

(DOPT OM. No. 31011/15/87-Ests.(A), dated 22.4.1988 and

31011/18/90-Estt.(A), dated 19.3.1991)

(2) LTC travel by air between New Delhi and Srinagar

In relaxation of Rule 12 (1) of the CCS (LTC) Rules, 1988, the Government have now decided to permit all Group A and B Government servants to travel on LTC by Air Economy (Y) class in national carrier between New Delhi and Srinagar for a period of two years and allow air fare reimbursement accordingly. These orders shall apply to Government servants

who intend to visit Srinagar, by availing All India LTC, provided New Delhi is the originating station or is en-route to Srinagar.

These orders shall take effect from the date of issue.

(DOPT OM No. 31011/2/2003-Estt. (A) dated 16.6.2004)

(3) LTC to Central Government Employees-Travel by State Tourism Development Corporation buses-Clarification-regarding.

The Staff Side has raised a demand in the National Council (JCM) that the tours conducted by the ITDC/State Tourism Development Corporations either in their own buses or buses hired or chartered by them may be made admissible for availing the facility of Leave Travel Concession. The matter has been reconsidered and it has been decided that tours conducted by ITDC/State Tourism Development Corporations either in their own buses or buses hired or chartered by them from outside will qualify for the purpose of availing LTC facilities provided the ITDC/State Tourism Development Corporations certify that the journey has actually been performed by the Government servant and his family members for which he is claiming the LTC.

(DOPT OM No. 31011/6/2002-Estt. (A) dated. 30th July, 2002)

(4) Govt. servants entitled to travel by First Class by rail may Travel by AC-III Tier.

The Govt. servants, who are entitled to travel by First Class by rail, while on duty or on LTC, may, at their discretion, travel by AC-III Tier by trains including Rajdhani Express Trains.

[M.F. OM No. F.19023/1/94-E.IV, dated 10.5.1995]

(5) Certain clarifications have been sought by various Ministries/Departments from time to time. The doubts raised by various authorities are clarified as under:-

Points raised	*Clarifications*
1. Can an employee be entitled to travel by air travel via a station connected by air services even if the Home Town/declared place of visit is not directly connected by air services?	*An employee can travel by entitled to travel by air the national carriers (and not by private airlines) to airport nearest to the Home Town or the declared place of visit in case where these are not directly connected by air services. The air journey in such cases shall however, be performed by the shortest direct route.*
2. Entitlement for journey by train has been modified through the Notification dated 28.7.1998, which came into force w. e.	*The entitlement of an officer is to be*

	f. 1.10.1998. How the entitlement will be determined for a journey performed prior to Ist October, 1998?	*determined strictly in terms of the orders in force and applicable on the date of commencement of the outward journey.*
3.	*If an employee commenced his outward journey before 1.10.1998 but returned after 1.10.1998, how his claim shall be regulated?*	*The claim shall be regulated strictly in terms of the orders in force on the date of commencement of the outward journey.*
4.	*LTC orders provide for journey by AC chair car in Rajdhani Express Trains by employees in the pay range of Rs. 4,100 and above but less than Rs. 8,000. In cases where Chair Car is not provided, can an employee travel by AC 3-tier sleeper on Such trains and claim reimbursement accordingly?*	Travels by Rajdhani Express is a special concession provided in the LTC Rules. In the circumstances, reimbursement of AC-3 Tier sleeper fare on trains in which chair car accommodation is not provided will not be permissible and the claim Shall be restricted only to the applicable Chair Car fare.
5.	*LTC orders permit journeys by Rajdhani/Shatabdi Express Trains. Can the entitlement be determined on notional basis?*	No. In order to be entitled to reimbursement of fares applicable on Rajdhani or Shatabdi Express, the journeys in question have to be actually performed by these trains. In cases where LTC journeys are undertaken in trains other than Rajdhani or Shatabdi Express by a class of accommodation higher than the one to which

		the employee is entitled to or by an alternative mode of travel (e.g. by air) to which he/she is not entitled, reimbursement of fares cannot be determined on a notional basis with reference to the fares applicable by the entitled class on the Rajdhani/Shatabdi Express.
6.	*LTC orders provide for journey by Rajdhani/Shatabdi Express trains where both the originating and destination stations are directly connected by these trains. Can an employee travel by these trains if the Home-Town/declared place of visit is not directly connected by rail but the nearest Railway Station is directly connected by Rajdhani/Shaatabdi Trains?*	This will be permissible provided the employee concerned is entitled to travel by Rajdhani/Shatabdi Express on LTC.
7.	*If the Home-town of an employee is connected by train but is not directly connected by Rajdhani/Shatabdi Express Trains. In such a case can the employee be entitled to travel partly by Rajdhani/Shatabdi Express Trains and partly by other trains(s).*	*If the journey is actually performed by Rajdhani/Shatabdi Trains upto an enroute railway station by direct shortest route and thereafter the journey is completed in a train other than Rajdhani/Shatabdi trains, fare for both the types of trains by the entitled class would be admissible for the respective portion of journey.*
8.	*Whether reimbursement is permissible in cases where an employee travels by a longer route or breaks journey when he is travelling only by Rajdhani Express trains. Can the reimbursement in such cases be restricted to the fare applicable on Rajdhani Express trains by the shortest direct route or will only the ordinary train fare be admissible?*	*Reimbursement of fares by the entitled class of accommodation applicable on Rajdhani/Shatabdi*

		Express by the shortest direct route, shall be permissible provided all the legs of the journey are actually performed exclusively by these trains and both the originating and destination stations are directly connected by these trains.
9.	*If an employee travels partly by Rajdhani/Shatabadi Express trains and partly by other train (s) or by any other mode of transport, such as ship, bus, etc. how is the LTC claim to be regulated?*	*As already clarified at Sl. No. 7 above, in cases where travel on LTC is performed partly by Radjhani/Shatabadi Express and partly by other trains/modes of transport the claim shall be reimbursable subject to the condition that the journey is performed by the shortest route.*
10.	*Certain places are not directly connected by trains and one has to change train at nearest rail head. In such cases can journey be undertaken up to nearest rail head which is connected by Rajdhani/Shatabadi Express?*	*Clarification in respect of Sl. No. 9 may be seen in this connection.*
11	*If the originating and terminating points fall on the routes of Rajdhani/Shatabadi Express Trains but these trains do not halt at these stations, can an employee travel by Rajdhani/Shatabadi Express and claim reimbursement?*	*The employee can travel by Rajdhani/Shatabadi Express up to the nearest enroute station which should not be beyond the destination i.e. Home Town or the declared place of visit.*
12	*If two stations are connected by direct trains but the route transversed by such trains is not the shortest, can the fare*	*Yes. Provided travel by the longer route on*

	applicable for travel by the direct longer route be reimbursed in full?	*LTC has been specifically recognized and approved by the Government in terms of the separate orders issued in this regard from time to time.*
13	*Revised LTC orders permit travel by private vehicles i.e. Taxi, Autorickshaw, etc. It may be clarified whether the orders prohibiting LTC journeys by road in a private, hired vehicle or by own vehicles have been withdrawn. If so, in such cases, can the claim be restricted to the bus fare or the fare actually paid?*	*Journeys on LTC by taxi, autorickshaw, etc. are permissible only between places which are not connected by rail. This is further subject to the condition that these modes of transports operate on a regular basis from point to point with the specific approval of the State Governments/Transport Authorities concerned and are authorized to ply as public carriers. The existing restrictions on travel by private chartered vehicles, own vehicles etc. shall, therefore, continue to be in force and applicable. No reimbursement shall be permissible in such cases.*
14	*If journeys on LTC are performed by taxi or auto-rickshaw between stations connected by rail and/or bus, can the LTC claim be restricted to the bus fare? If not, what amount be admissible ?*	*Journeys by taxi, autorickshaw etc. are permissible only between places not connected by rail and subject to the further condition that these operate on a regular basis from point to point with the specific*

		approval of the State Governments/ Transport Authorities concerned. Journeys by these modes on LTC are not permissible between places connected by rail.
15	*Can claims in respect of local journeys performed by taxi, autorickshaw, etc. from the residence to the Railway Station, airport, etc. and vice-versa be restricted to the applicable bus fare?*	*Incidental expenditure incurred on local journeys between the residence/place of stay and the airport/railway station/bus terminal are not reimbursable.*
16.	*LTC Rules provide that when a journey is performed by taxi, autorickshaw etc. the claim shall be restricted to the entitled bus fare. However, various State Roadways Corporations operate on the same route but have different fare structures. How will the claim be regulated in such a situation.*	*When journey on LTC is actually undertaken by buses operated by a State Roadways Corporation, the actual fare paid by the entitled type of bus shall be reimbursable. As clarified against Sl. No. 13, journeys on LTC by taxi, autorickshaw, etc. are permissible only between places not connected by rail and subject to the conditions specified. When journeys are performed by these modes and more than one State Roadways Corporation operate on the route, the lowest fare applicable on the route is reimbursable.*

(DOPT OM No. 31011/8/98-Estt. (A) dated 31.3.99)

Related Circular :

OM F.No. 7(1)/E.Coord./2008 Dated - 10/11/2008
Subject : Expenditure Management - Economy Measures and Rationalization of Expenditure - Guidelines related to LTC

13. Reimbursement.-

Reimbursement under the leave travel concession scheme shall not cover incidental expenses and expenditure incurred on local journeys. Reimbursement for expenses of journey shall be allowed only on the basis of a point to point journey on a through ticket over the shortest direct route.

Govt. of India's Decision

LTC when journey performed by longer route

(1) When a Government servant or any member of his family performs the journey by a longer route (which is not the cheapest) in two different classes of railway accommodation, the entitled class rate will be admissible for the corresponding proportion of the shortest or the cheapest route and the lower class rate for the remaining mileage by such route.

Example.- If the total distance by the longer route is 1,100 miles and that by the shortest route is 1,000 miles and if the Government servant concerned has travelled the initial 800 miles by II Class and the remaining 300 miles by I Class, Government's share of reimbursement of the expenditure incurred in this case should be as follows:-

(i) Mileage for which II Class fare will be admissible-

$$\frac{\text{Distance actually travelled by II Class}}{\text{Total distance by the longer route}} \times \text{Total distance by the shortest route}$$

$$= \frac{800}{1,100} \times 1,000 = 727 \text{ miles (roundly)}$$

ii) Mileage for which II Class fare will be admissible-

$$\frac{\text{Distance actually travelled by I Class}}{\text{Total distance by the longer route}} \times \text{Total distance by the shortest route}$$

$$= \frac{300}{1,100} \times 1,000 = 273 \text{ miles (roundly)}$$

(MHA OM No. 43/10/58-Ests.(A) dated 11.4.1958 and 29.5.1958 and F. 31011/9/78-Est.(A), dated 24.7..1980]

(2) Regulation of claims on Circular Tour Ticket.

*It has been decided that in a case where a Govt. servant and/or his family avail(s) of the concessional circular tour ticket offered by the Railways in conjunction with the LTC, the fare at the normal rate for the entitled/lower class actually used between headquarters and hometown by the shortest route*** of the to and fro journey should be reimbursed to the Govt. servant.*

(DPAR OM No. 35014/4/76-Ests.(A), dated 16.12.1976)

(3) Admissibility of reservation/sleeper charges

A Govt. servant and also members of his family are eligible for the reimbursement of sleeper/reservation charges while performing a journey by availing of the Leave Travel Concession, in Second Class and for reservation charges while performing the journey in

First Class (Separate fare is not charged for sleeper accommodation where the journey is performed in First Class).

(DPAR OM No.31011/6/78-Ests.(A), dated 9.10.1978)

(4) Admissibility of claims where the journey commences/terminates at the place of residence of the Govt. servant and not the place of duty.

Situations do arise when the Govt. servant is forced to reside with his family at a place away from his headquarters for his own reasons generally under the following circumstances:-

(i) The Govt. servant on his transfer from one station to another continues to reside with his family at the old station even after joining duty at the new station.

(ii) Due to non-availability of suitable accommodation at reasonable rent in a metropolitan city or a costly place, where he has to work, he prefers to live with his family away from his place of duty and commutes daily from his residence to perform his duties.

The question has arisen whether in cases referred to above, the LTC should be allowed only from the duty station or from the place of residence of the Govt. servant and his family. This has been considered in consultation with the Ministry of Finance and it has been decided that where the Govt. servant and family live away from the place of duty for any reason, LTC may be allowed from the place of residence to the place of visit/hometown and back to the place of residence, subject to the condition that the claim is restricted to the rail fare by the shortest direct route between the duty station and the hometown or declared place of visit, as the case may be. In such cases, the Govt. servant should furnish the reasons for residing at a place other than place of duty and the controlling authority should also satisfy itself regarding the genuineness of those reasons before admitting the claim with reference to the place of residence.

(DOPT OM No. 31011/16/84-Est.(A), dated 11.6.1985)

(5) Regulation of LTC claim when the journey is performed by Air.

The reimbursement of fare in cases where a Govt. servant performs journeys on LTC by air between places connected by rail, may be restricted to the fare of the entitled class by rail other than Rajdhani/Shatabdi Express.

These provisions are, however, not applicable in respect of journeys undertaken by private airlines.

(DOPT OM No.31011/1/95-Estt (A) dt. 28-4-1995)

14. Forfeiture of claim.-

A claim for reimbursement of expenditure incurred on journey under leave travel concession shall be submitted within three months after the completion of the return journey, if no advance had been drawn. Failure to do so will entail forfeiture of the claim and no relaxation shall be permissible in this regard.

15. Grant of advance and adjustment thereof.-

(i) Advance may be granted to Government servants to enable them to avail themselves of the concession. The amount of such advance in each case shall be limited to four-fifths of the estimated amount, which Government would have to reimburse in respect of the cost of the journey both ways.

(ii) If the family travels separately from the Government servant, the advance

may also be drawn separately to the extent admissible.

(iii) The advance may be drawn both for the forward and return journeys at the time of commencement of the forward journey, provided the period of leave taken by the Government servant or the period of anticipated absence of the members of the family does not exceed three months or ninety days. If this limit is exceeded, then the advance may be drawn for the outward journey only.

(iv) If the limit of 3 months or ninety days is exceeded after the advance had already been drawn for both the journeys, one half of the advance should be refunded to the Government forthwith.

(v) The advance should be refunded in full if the outward journey is not commenced within 30 days of the grant of advance. However, in cases where reservations can be made sixty days before the proposed date of the outward journey and advance is granted accordingly, the Government servant should produce the tickets within ten days of the drawal of advance, irrespective of the date of commencement of the journey.

(vi) Where an advance has been drawn by a Government servant, the claim for reimbursement of the expenditure incurred on the journey shall be submitted within one month of the completion of the return journey. On a Government servant's failure to do so, he shall be required to refund the entire amount of advance forthwith in one lump sum. No request for recovery of the advance in instalments shall be entertained.

Govt. of India's Decision

(1) Advance to an officer on deputation.

The following procedure may be followed for grant of advance for Leave Travel Concession to an officer on deputation who, immediately on reversion to his parent office, wishes to proceed on leave and to join the parent office on the expiry of such leave:-

(a) In the leave application of the reverting officer, the fact that he would be availing of the Leave Travel Concession during the period of leave would have been mentioned by him. The borrowing department may, while forwarding the leave application to the lending department for sanction, inform the latter department that in the event of leave being sanctioned, they would sanction advance to the extent admissible under, and subject to the conditions laid down in, this Ministry's Office Memorandum No. 43/3/57-Ests.(A), dated the 1st April, 1958. On receipt of intimation regarding sanction to leave, the controlling officer for T.A. purposes in the borrowing department, in respect of the officer availing of the Leave Travel Concession may sanction the advance and endorse a copy of the lending department, which will keep a watch on the adjustment of Leave Travel Concession advance.

(b) The procedure in (a) above may be made applicable in the event of the reverting officer applying for leave and intending to avail of, during the leave, the Leave Travel Concession himself or with any or all members of his family. If during the period of leave in question, any or all members of his family alone intend to avail of the concession and not the Government servant himself, even then the procedure at (a) above may also be made applicable.

(c) The Leave Travel Concession advance granted by the borrowing department will be adjusted against the account of the department/office which is ultimately liable to bear the expenditure on account of the LTC availed of by the Government servant concerned and/or

his family.

(MHA OM No. 43/9/64-Ests.(A), dated 7.12.1965)

(2) Relaxation of normal time-limit of six months between commencement and completion of the journey by the family of a Govt. servant.

It has been recommended by the Department of Administrative Reforms that the powers for relaxation of time-limit fixed for the return journey under this Ministry's Office Memorandum, dated the 11th April, 1958, may be delegated to Heads of Departments. The Ministry of Home Affairs have accepted this recommendation. It has accordingly been decided that the aforesaid power of relaxation of time-limit for the return journey of families of Govt. servants shall be exercised by Heads of Departments, subject to the conditions mentioned in the Office Memoranda under reference.

(MHA OM No. 43/3/68-Est.(A), dated 19.7.1968)

(3) Advance should be recovered in full and not in installments.

A Govt. servant who is granted advance to enable him/her and/or members of his/her family to avail himself/herself of the LTC should refund it, in full, immediately, if the outward journey is not commenced within thirty days of the drawl of advance. Subsequently, since the Railways had raised the time-limit for reservation of seats/berths by six months (now sixty days) before the date of the journey, it was decided vide Department of Personnel & Training OM No. 31011/4/78 Est.(A), dated 1st September, 1978, that a Govt. servant can draw advance in respect of the journey proposed to be performed under the LTC Scheme by himself/herself and/or by the members of his/her family, sixty days before the proposed date of the outward journey. In such cases, it was further decided that the Govt. servant should produce railway tickets within ten days of the drawl of advance to the competent authority to show that he/she has actually utilised the amount to purchase the tickets.

It has, however, been noticed that, due to administrative lapse in certain cases, the LTC advances which were not utilised to purchase the tickets in time remained unrecovered for many months. This Department takes a serious view of the matter. It is once again stressed that the above provision should be strictly observed. Ministry of Finance, etc., are requested to ensure that if the ticket is not purchased within the stipulated time, or the ticket having been purchased, the journey is not performed for one reason or the other, the full amount of the advance is recovered immediately, and no request for deduction of advance in convenient monthly instalments is entertained.

(DOPT OM No. 31011/11/85-Est.(A), dated 21.3.1986)

(4) Advance may be granted up to 90% of the estimated Fare.

The President has been pleased to decide that employees of the Lakshadweep and A&N Administrations may be sanctioned an advance of 90% of the estimated ship fare from Island to Mainland and back for availing Annual Free Sea Passage. It has also been decided to increase the amount of advance for availing LTC from 80% to 90% of estimated fare in respect of the Central Govt. employees.

(*M.F. OM No. F. 17 (4)-E.II (A)/85, dated 8.9.1986)*

Related Circular :

OM No. 14028/7/97-Estt(L) Dated - 07/10/1997

Subject : Recommendations of the Fifth Central Pay Commission - Decisions relating to enhancement of the ceiling on accumulation and encashment of Earned Leave in respect of Central Government Employees.

16. Fraudulent claim of leave travel concession.-

(1) If a decision is taken by the Disciplinary Authority to initiate disciplinary proceedings against a Government servant on the charge of preferring a fraudulent claim of leave travel concession, such Government servant shall not be allowed the leave travel concession till the finalisation of such disciplinary proceedings.

(2) If the disciplinary proceedings result in imposition of any of the penalties specified in Rule 11 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, the Government servant shall not be allowed the next two sets of the leave travel concession in addition to the sets already withheld during the pendancy of the disciplinary proceedings. For reasons to be recorded in writing, the controlling authority can also disallow more than two sets of leave travel concession.

(3) If the Government servant is fully exonerated of the charge of fraudulent claim of leave travel concession, he shall be allowed to avail of the concession withheld earlier as additional set (s) in future block years but before the normal date of his superannuation.

EXPLANATION.- For the purpose of this rule, leave travel concession to hometown and leave travel concession to any place in India as specified in clauses (a) and (b) of Rule 8 shall constitute two sets of the leave travel concession.

17. Interpretation .-

If there is any doubt regarding any of the provisions in these rules, the matter shall be referred to the Government of India in the Department of Personnel and Training, who shall decide the same.

18. Power to relax.-

Save as otherwise provided in these rules, where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, dispense with or relax the requirements of that rule to such extent and subject to such exception 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 Department of Personnel and Training.

19. Saving.-

All the existing instructions which are not contrary to any of the provisions of these rules and all instructions which cover matters not specifically covered by these rules, shall continue to be in force until they are amended, modified or cancelled.

FORMS

1

Application Form for grant of LTC advance

1. Name of the Government servant

2. Designation

3. Date of entering the Central Government Service

4. Present pay +NPA+Sl\

5. Whether permanent or temporary

6. Home town as recorded in the Service Book

7. Whether wife/husband is employed and if so whether entitled to LTC

8. Whether the concession is to be availed for visiting Home Town, and if so block for which LTC is to be availed

9. (a) If the concession is to visit "anywhere in India", the place to be visited.

(b) Block for which to be availed

10. Single rail fare/bus fare from the headquarters to home town/place of visit by shortest route

11. Persons in respect of whom LTC is proposed to be availed:

Sl. No.	Name and age	Relationship

12. Amount of advance required .... Rs.

I declare that the particulars furnished above are true and correct to the best of my knowledge. I undertake to produce the tickets for the outward journey within ten days of receipt of the advance.

In the event of cancellation of the journey or if I fail to produce the tickets within ten days of receipt of advance, I undertake to refund the entire advance in one lumpsum.

Date Signature

CHECK LIST

(For use in Office)

1. Particulars in Cols. 1 to 6 verified

2. Amount entitled for reimbursement

3. Advance admissible (90% of amount in 2)

Advance of Rs.....may be sanctioned.

D.A. J.A.O./S.O.

2

Form T.R.25 **CENTRAL**

GAR-14-C

Sub-Bill Sub-Bill No.....

LTC

LEAVE TRAVEL CONCESSION BILL

For the Block of years.....to .....

[NOTE.- This bill should be prepared in duplicate-one for payment and the other as office copy.]

PART A

(To be filled in by the Government servant)

1. Name..... 2. Designation.....

3. Pay..... 4. Headquarters.....

5. Nature and period of leave sanctioned:

Nature of leave from .....From .....To.....

6. Particulars of members of family in respect of whom the Leave Travel Concession has been claimed:

Sl. No.	Name(s)	Age	Relationship with the Govt. servant

7. Details of journey (s) performed by Government servant and the members of his/her family.

Departure	*Arrival*	*Distance in km*	*Mode of travel*	*Class of Accommodation used*	*No. of fares*	*Fares paid Rs. P.*	*Remarks*

8. Amount of advance, if any, drawn … … … … …. Rs……

9. Particulars of journey (s) for which higher class of accommodation than the one to which the Government servant is entitled, was used (Sanction No. and date to be given):

Place *From To*	*Mode of conveyance*	*Class to which entitled*	*Class by which actually traveled*	*No. of fares*	*Fares paid* *Rs. P.*

10. Particulars of journey(s) performed by road between places connected by rail:

Name of places *From To*	*Class to which entitled*	*Rail fare* *Rs. P.*

CERTIFIED THAT-

1. The information as given above is true to the best of my knowledge and belief;

2. That my husband/wife is not employed in Government service/that my husband/wife is employed in Government service and the concession has not been availed of by him/her separately for himself/herself or for any of the family members for the concerned block of years.....to.....

3. That my husband/wife for whom LTC is claimed by me is employed in..... (name of the Public Sector Undertaking/Corporation/Autonomous Body. Etc.), which provides Leave Travel Concession facilities but he/she has not preferred and will not prefer, any claim in this behalf to his/her employer; and

4. That my husband/wife for whom LTC is claimed by me is not employed in any Public Sector Undertaking/Corporation/Autonomous Body. Financed wholly or partly by the Central Government or a Local Body, which provides Leave Travel Concession facilities to its employees and their families.

Date…….. Signature of Government servant

PART B

(To be filled in by the Bill Section)

1. The net entitlement on account of leave travel concession works out to Rs.....

(Rupees.....)

as detailed below-

(a) Railway/Air/Bus/Steamer fare ....Rs. P.

(b) Less amount of advance drawn vide Vr. No....., dated.....

Net amount

2. The expenditure is debitable to.....

Bill Clerk Drawing and Disbursing Officer

(Initial) (Signature)

Countersigned

Controlling Officer

(Signature)

Certified that necessary entries have been made in the Service Book of

Shri/Smt./Kum.....

(Signature of the Officer authorized
to attest entries in the Service Book)

3

REGISTER OF LTC CLAIMS

Sl. No.	*Bill No. & Date of Advance / Final Bill*	*Name & Designation of Govt. servant*	*Block Year*	*Place of visit*	*For whom claimed*	*Amount of Advance / Final claim*	*Bill No. & Date of Adjust--ment*	*Date of Receipt of claim*	*Gross Amt. of the bill*	*Net Amt.*	*Remarks*
(1)	*(2)*	*(3)*	*(4)*	*(5)*	*(6)*	*(7)*	*(8)*	*(9)*	*(10)*	*(11)*	*(12)*

NOTES.-

1. Entries for advance bill should be made in red ink.

2. In case of final claim where no advance has been drawn, columns (1) to (7) only need to be filled up

3. In case of adjustment bills, columns (9) to (12) against the S. No. of the advance bill should be filled up while passing the net claim.

4. If net amount of the adjustment bill is for a minus amount, particulars of recovery of the balance should be indicated in column (12).

(1) The two certificates one from the Controlling Officer and the other from the Govt. servant concerned should be submitted to the audit authorities along with the T.A. bills for travel concession.

CERTIFICATES TO BE GIVEN BY THE CONTROLLING OFFICER

Certified –

(i) that Shri/Shrimati/Kumari (name of the Government servant) ..... has rendered continuous service for one year or more on the date of commencing the outward journey.

** (ii) that necessary entries as required under para 3 of the Ministry of Home Affairs, OM No. 43/1/55-Ests.(A)-Part II, dated the 11th October, 1956, have been made in the Service Book of Shri/Shrimati/Kumari.....*

(Signature and designation of the Controlling Officer)

CERTIFICATES TO BE GIVEN BY THE GOVERNMENT SERVANT

1. I have not submitted any other claim so far for Leave Travel Concession in respect of myself or my family members in respect of the block of two years

19…… and 19……

2. I have already drawn TA for the Leave Travel Concession in respect of a journey performed by me/my wife with ……children. This claim is in respect of the journey performed by my wife/myself with ……. children none of whom travelled with the party on the earlier occasion.

3. The journey has been performed by me/my wife with children to the declared `hometown', viz……

4. <u>That my husband/wife is not employed in Government service</u>

That my husband/wife is employed in Government service and the concession has not been availed of by him/her separately for himself/herself or any of the family members for the concerned block of two years.

Signature of the Government servant

No. 31011/12/2015-Estt.(A-IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment A-IV Desk
***

North Block, New Delhi-110 001
Dated: February 28, 2020

OFFICE MEMORANDUM

Subject: LTC facilities to the Civilian employees of the Central Government serving in States of the North-Eastern Region, Ladakh region of State of Jammu & Kashmir and in Union Territories of Andaman & Nicobar Island and Lakshadweep Group of Islands – Implementation of recommendations of 7th CPC - clarification reg.

The undersigned is directed to refer to this Department's O.M. of even no. dated 24.04.2018 on the subject noted above and to say that as per para 5 of the aforesaid O.M., civilian Central Government servants posted in North-Eastern Region, Union Territory of Ladakh, Andaman & Nicobar Islands and Lakshadweep groups of Islands, who leave their family behind at the old headquarters or another selected place of residence shall be allowed "Emergency Passage Concession" on two additional occasions during their entire service career to enable the Government employees and/or their families [*restricted only to spouse and dependent children*] to travel either to the Home Town or the station of posting in an emergency.

2. In this regard, this Department is in receipt of references seeking clarification as to whether the facility of "Emergency Passage Concession" is available to the Government servant for travel from the station of posting to Home Town only **or** whether the Government servants can avail the facility to travel to the selected place of residence of family declared by them for the duration of their posting /transfer to these regions.

3. The matter has been considered in this Department in consultation with Department of Expenditure. It is clarified that "Emergency Passage Concession" can be availed by Government employees posted in North-East Region, Andaman & Nicobar Islands, Lakshadweep Islands and Union Territory of Ladakh to visit any one of the destinations, i.e. Home Town **or** any selected place of residence of the family declared by them for the duration of their posting/transfer to these regions.

28.2.20
(Surya Narayan Jha)
Under Secretary to the Govt. of India

To,

The Secretaries
All Ministries/ Departments of the Government of India.
(As per the standard list)

contd...2/-

From pre-page:

Copy to:

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/ Rajya Sabha Secretariat.
8. All Attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. Hindi Section for Hindi version.

F.No. 31011/12/2015-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-IV Desk
***

North Block New Delhi.
Dated April 24, 2018

OFFICE MEMORANDUM

Subject: LTC facilities to the Civilian employees of the Central Government serving in States of the North-Eastern Region, Ladakh region of State of Jammu & Kashmir and in Union Territories of Andaman & Nicobar Island and Lakshadweep Group of Islands – Implementation of recommendations of 7th CPC.

The undersigned is directed to refer to Department of Expenditure's O.M. No. 11(2)/97-E.II(B) dated 22nd July, 1998, regarding Allowance & Special Facilities for civilian employees of the Central Government serving in States and Union Territories of the North-Eastern Region and in the Andaman & Nicobar Island and Lakshadweep Group of Islands.

2. The aforesaid O.M. provided the option of availing every year Home Town LTC (for self and family) to a Government servant serving in North-Eastern Region, Andaman & Nicobar and Lakshadweep groups of Islands who leaves his family behind at the old headquarters or another selected place of residence, and who has not availed of transfer travelling allowance for family. In addition, two additional passages under "Emergency Passage Concession" is also provided to the employees posted in these regions to enable them and/or their families [spouse and two dependent children] to travel either to the Home Town or the station of posting in an emergency.

3. The Seventh Pay Commission has recommended that splitting of hometown LTC should be allowed in case of employees posted in North East, Ladakh and Island territories of Andaman, Nicobar and Lakshadweep. This will enable these employees and their families to meet more often.

4. Consequent upon acceptance of recommendations of Seventh Pay Commission, it has been decided that a civilian Central Government servant serving in North-Eastern Region, Ladakh region of State of Jammu & Kashmir, Andaman & Nicobar Islands and Lakshadweep groups of Islands, who leaves his family behind at the old headquarters or another selected place of residence and has not availed of transfer travelling allowance for family, shall be provided with the following options for the purpose of LTC:

(i) The Government servant may avail LTC for journey to the Home Town once in a block period of two years and/or one 'Anywhere in India' LTC in a block of four years under the normal LTC rules.

Or

contd...2/-

From pre-page:

(ii) In lieu thereof, the Government servant may avail the facility for himself/herself to travel once a year from the station of posting to the Home Town or the place where the family is residing and for the family [restricted only to the spouse and dependent children as per the 'family' definition of CCS(LTC), Rules, 1988] to travel once a year to visit the Government servant at the station of posting.

5. In addition, Central Government employees and their families posted in these territories shall be entitled to avail of the Leave Travel Concession, in emergencies, on two additional occasions during their entire service career. This shall be termed as "Emergency Passage Concession" and is intended to enable the Central Government employees and/or their families [restricted only to spouse and dependent children] to travel either to the Home Town or the station of posting in an emergency. The two additional passages under the Emergency Passage Concession shall be availed by the entitled mode and class of travel as admissible under the normal Leave Travel Concession Rules.

6. This O.M. will take effect from July 1, 2017.

7. Hindi version will follow.

24.9.18
(Sanjiv Kumar)
Deputy Secretary to the Government of India

To

The Secretaries
All Ministries/Departments of Government of India
(As per the standard list)

Copy to:-

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. NIC, DoP&T with the request to upload this OM on Department's website (Notifications << OMs/Orders << Establishment << LTC Rules).
10. Hindi section for Hindi version.

No. 28020/1/2010-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
******

North Block, New Delhi
Dated 17th August, 2016

OFFICE MEMORANDUM

Subject: Technical Resignation & Lien- Consolidated guidelines.

The undersigned is directed to refer to this Department's OM of even number dated the 26th December, 2013 on the above subject and to say that guidelines/ instructions regarding Technical Resignation have been issued from time to time. It is now proposed to further consolidate these instructions, as the Department continues to receive frequent references on these issues.

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

(i) the Government servant should intimate the details of such application immediately on their joining;

(ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

(DOPT's O.M.No.13/24/92-Estt(Pay-1) dated 22.01.1993)

2.2 Carry forward of Leave benefits

(i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave(CCL) as well as all other leaves of the kind due & admissible will be carried forward.

(ii) As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

2.3 Carry forward of LTC

Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as defined in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 Applicability of Pension Scheme

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS(Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M.No.28/30/2004-P&PW(B) dated 26.07.2005)

2.8 New Pension Scheme

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

2.9 Transfer of Service Book from parent Department to present Department.

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

2.10 Need for Medical examination.

In cases 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 he need not be required to undergo a fresh examination.

2.11 Verification of Character & Antecedents

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employ in that office did not render him unsuitable for employment under Government. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh, in accordance with O.M.No.18011/9(s)/78-Estt(B) dated 2nd July,1982.

3.1 Lien

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to 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.

3.1.2 The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

(DOPT's O.M.No.18011/1/86-Estt (D) dated 28.03.1998)

3.2 Lien on a post

A Government servant who has acquired a lien on a 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) while on leave; and
(e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another central government office/ State Government

(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

(iv) Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

(DOPT O.M.No.8/4/70-Estt(C) dated 06.03.1974)

3.4 Termination of Lien

3.4.1 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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.

3.4.2 A Government employee'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.

3.4.3 No lien shall be retained:

a. where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and

b. on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.6 Joining Time, Joining Time Pay &Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 For appointment to posts under the Central Government on results of a competition 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 the CCS(Joining Time) Rules,1979. Joining time will be included as qualifying service in the new job.

3.6.2 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 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.

3.6.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance(TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled joining time pay under Joining Time Rules.

4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.

(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration
13. Secretary, Staff side, National Council (JCM), 13 C, Ferozeshah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T.
15. NIC Cell with request to upload it under OMs and Orders, Establishment, Lien and also 'What is New'.
16. Hindi Section, DOP&T.

(Mukesh Chaturvedi)
Director (Estt.)

No. 31011/5/2015-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment A-IV Desk
***

North Block New Delhi.
Dated October 31, 2017

OFFICE MEMORANDUM

Subject: Journey to Headquarters on LTC in respect of dependent family members of the Government servant - Clarification reg.

The undersigned is directed to refer to this Department's O.M. No. 31011/14/86-Estt.(A-IV) dated 08.05.1987, which inter alia provides that the Govt. servant and the members of the family may claim LTC independently, however, reimbursement in such cases will be restricted to the actual distance travelled by the family or the distance between the headquarters/place of posting of the Government servant and the place visited/hometown, whichever is less.

2. Restriction of reimbursement to the distance from the Headquarter/place of posting creates an anomalous situation where the Government servant seeks to avail of LTC in respect of members of the family to the Headquarters/place of posting either from the Home town of the Government servant or from anywhere else. For illustration, a dependent child of a Govt. servant (posted in Delhi) staying and pursuing studies in Mumbai may visit a Government servant at his Headquarters/place of posting (i.e. Delhi) on LTC, however, reimbursement in such case shall be admissible for distance between the Headquarters and place of visit (which in this case is Headquarters itself), which shall be NIL in this case.

3. To resolve the issue, the matter has been considered by this Department in consultation with Joint Consultative Machinery - Staff side and Department of Expenditure. It is clarified that full reimbursement as per the entitlement of the Government servant shall be allowed for journey(s) performed on LTC by the family members from any place in India to Headquarters/place of posting of the Government servant and back. When such journey is performed from the Home Town, the LTC shall be counted against 'Home Town' LTC and in case the journey is from any other place in India, then it shall be counted against 'Any place in India' LTC.

4. The provisions of this OM (para 3) will have prospective effect.

5. Hindi version will follow.

Surya Narayan Jha 31.10.17
(Surya Narayan Jha)
Under Secretary to the Government of India

To
The Secretaries
All Ministries/Departments of Government of India
(As per the standard list)

Contd...

From pre-page:

Copy to:-

1. Comptroller & Auditor General of India, New Delhi.
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3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigations, New Delhi.
5. Parliament Library, New Delhi.
6. All Union Territory Administrations.
7. Lok Sabha/Rajya Sabha Secretariat.
8. All attached and Subordinate Offices of Ministry of Personnel, P.G. & Pensions.
9. NIC, DoP&T with the request to upload this OM on Department's website (Notifications << OMs/Orders << Establishment << LTC Rules).
10. Hindi section for Hindi version.

No. 31011/7/2013-Estt.(A-IV)
Department of Personnel and Training
Establishment (A-IV)

***

Dated: 26th September, 2014
North Block, New Delhi

Frequently Asked Questions (FAQs) on LTC entitlements of a Fresh Recruit

The 6th CPC had recommended that "Fresh Recruits" to the Central Government may be allowed to travel to their Home Town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. This was accepted by the Government and orders were issued vide DoPT O.M. No. 31011/4/2008-Estt.(A) dated 23rd September, 2008.

2. This Department receives a number of references seeking clarifications from various Ministry/ Departments about the year wise LTC entitlements of Fresh Recruits. Based on the same, a set of frequently asked questions have been answered as under:

Question 1. What are the LTC entitlements of a Fresh Recruit?

Answer: Fresh recruits to the Central Government are allowed to travel to their home town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. This facility shall be available to the fresh recruits only for the first two blocks of four years applicable after joining the Government for the first time.

Question 2. How are the two blocks of four years applied to the Fresh Recruit?

Answer: The first two blocks of four years shall apply with reference to the initial date of joining the Government service even though the Govt. servant may change the job within the Government subsequently. However, as per Rule 7 of CCS (LTC) Rules, 1988, the LTC entitlement of a fresh recruit will be calculated calendar year wise with effect from the date of completion of one year of regular service.

Question 3. Are the LTC blocks of four years in respect of Fresh Recruits same as the regular blocks like 2010-13, 2014-17?

Answer: No. The first two blocks of four years of fresh recruits will be personal to them. On completion of eight years of LTC, they will be treated at par with other regular LTC beneficiaries as per the prescribed blocks like 2014-17, 2018-21 etc.

Question 4. If a fresh recruit does not avail LTC facility in a particular year, can he/ she avail it in the next year?

Answer: No. Carryover of LTC to the next year is not allowed in case of a fresh recruit as he is already entitled to every year LTC. Hence, if a fresh recruit does not avail of the LTC facility in any year, his LTC will deem to have lapsed with the end of that year.

From pre-page:

Question 5. How will the LTC entitlements of a Fresh Recruit be exercised after the completion of eight years of service?

Answer: (a) After the completion of eight years of service, when the next LTC cycle of fresh recruit coincides with the beginning of the second two year block (eg. 2016-17) of the running four year block (2014-17), he will be eligible only for 'Home Town' LTC if he/she has availed 'Any Place in India' LTC in the eighth year. Cases, where the new LTC cycle of fresh recruit coincides with the second year of the running two year block (ex. 2017 of 2016-2017), he will not be eligible for LTC in that year. Refer illustrations 1 & 3 for further explanation.

(b) At the end of the eighth year of LTC, when the new LTC cycle of a fresh recruit coincides with the beginning of a regular four year block, his entitlement in the regular block will be exercised as per the usual LTC Rules. Refer illustration 2.

Question 6. How will the LTC entitlement computed in case of a fresh recruit joining the service on 31st December of any year?

Answer: A fresh recruit who joins the Government service on 31st December of any year, will be eligible for LTC w.e.f. 31st December of next year. Since, 31st December is the last date of a calendar year, his first occasion of LTC ends with that year. Hence, he may avail his first Home Town LTC on the last day of that year. From next year onwards he would be eligible for the remaining seven LTCs. Refer illustration 3.

Question 7. How will the entitlements of a fresh recruit be computed who has joined the Govt. service before 01.09.2008?

Answer: A fresh recruit who has joined Government service before 01.09.2008 (i.e before the introduction of this scheme) and has not completed his first eight years of service as on 01.09.2008 will be eligible for this concession for the remaining time-period till the completion of first eight years of his/ her service. Refer illustration 4.

Question 8. Can a fresh recruit whose Home Town and Headquarters are same, avail LTC to Home Town?

Answer: No. A fresh recruit whose Home Town and Headquarters are same, cannot avail LTC to Home Town. He may avail LTC to any place in India on the fourth and eighth occasion only. As per Rule 8 of CCS (LTC) Rules, 1988, LTC to Home Town shall be admissible irrespective of the distance between the Headquarters of the Govt. servant and his Home Town which implies that Headquarters and Home Town should be at different places.

(B. Bandyopadhyay)
Under Secretary to the Govt. of India
Ph. (011) 23040341

Illustrations

Illustration 1:

An employee joins the Government service on 1st September, 2008. As per the CCS (LTC) Rules, he will become eligible for LTC with effect from 1st September, 2009 (i.e. after the completion of one year of regular service). His entitlement for Home Town / All India would be as under:

Year of LTC	Type of LTC	LTC Occasion	
01.09.2008 –31.08.2009	Nil	--	
01.09.2009 – 31.12.2009	Home Town	1st	First block of 4 yrs
01.01.2010 – 31.12.2010	Home Town	2nd	
01.01.2011 – 31.12.2011	Home Town	3rd	
01.01.2012 – 31.12.2012	Any Place in India	4th	
01.01.2013 – 31.12.2013	Home Town	5th	Second block of 4 yrs
01.01.2014 – 31.12.2014	Home Town	6th	
01.01.2015 – 31.12.2015	Home Town	7th	
01.01.2016 – 31.12.2016	Any Place in India	8th	
01.01.2017 – 31.12.2017	Nil	--	
01.01.2018 – 31.12.2021	New LTC Block		

Running Block

Explanations:

(i) After the completion of the first eight years, when the fresh recruit gets into the middle of the running regular block of four calendar years (ex. 2014-2017) where the new LTC cycle of fresh recruit coincides with the second year of the running two year block (ex. 2017 of 2016-2017), he will not be eligible for LTC in that year (i.e. 2017).

(ii) It can be seen from above that LTC entitlement for a fresh recruit is calculated calendar year wise with effect from the date of completion of one year of regular service.

From pre-page:

Illustration 2:

An employee joins the Government service on 1st January, 2009. As per the CCS (LTC) Rules, he will become eligible for LTC with effect from 1st January, 2010 (i.e. after the completion of one year of regular service). His entitlement for Home Town / All India LTC would be as under:

Year of LTC	Type of LTC	LTC Occasion
01.01.2009 – 31.12.2009	Nil	--
01.01.2010 – 31.12.2010	Home Town	1st
01.01.2011 – 31.12.2011	Home Town	2nd
01.01.2012 – 31.12.2012	Home Town	3rd
01.01.2013 – 31.12.2013	Any Place in India	4th
01.01.2014 – 31.12.2014	Home Town	5th
01.01.2015 – 31.12.2015	Home Town	6th
01.01.2016 – 31.12.2016	Home Town	7th
01.01.2017 – 31.12.2017	Any Place in India	8th
01.01.2018 – 31.12.2021	New LTC Block	--

Explanations:

(i) At the end of the eighth year of LTC, when the new LTC cycle of a fresh recruit coincides with the beginning of a regular four year block, his entitlement in the regular block will be exercised as per the usual LTC Rules.

From pre-page:

Illustration 3:

An employee joins the Government service on 31st December, 2011. As per the CCS (LTC) Rules, he will become eligible for LTC with effect from 31st December, 2012 (i.e. after completion of one year of regular service). His entitlement for Home Town / All India LTC would be as under:

Year of LTC	Type of LTC	LTC Occasion	
31.01.2011 - 30.12.2012	Nil	--	
31.12.2012	Home Town	1st	
01.01.2013 - 31.12.2013	Home Town	2nd	
01.01.2014 - 31.12.2014	Home Town	3rd	
01.01.2015 - 31.12.2015	Any Place in India	4th	
01.01.2016 - 31.12.2016	Home Town	5th	
01.01.2017 - 31.12.2017	Home Town	6th	
01.01.2018 - 31.12.2018	Home Town	7th	Running Block (2018-2021)
01.01.2019 - 31.12.2019	Any Place in India	8th	
01.01.2020 - 31.12.2021	Home Town	--	
01.01.2022 - 31.12.2025	New LTC Block	--	

Explanations:

(i) A fresh recruit who joins on 31st December of any year, will be eligible for LTC w.e.f. 31st December of next year. Since, 31st December is the last date of that calendar year, his first occasion of LTC ends with that year. Hence, he may avail his first home town LTC on that day only (eg. 31st December, 2012). From next year onwards he will be eligible for the remaining seven LTCs.

(ii) After the completion of eight years of service, when the next LTC cycle of fresh recruit coincides with the beginning of the second two year block (eg. 2020-21) of the running four year block (2018-21), he will be eligible only for the 'Home Town' LTC in that block if he has availed of 'Any Place in India' LTC in the eighth year. In case, the fresh recruit forgoes his eighth year LTC, then he has a choice to avail either 'Any Place in India' or 'Home Town' LTC in the following two year block (i.e. in 2020-21).

From pre-page:

Illustration 4:

An employee joins the Government service on 10th May, 2006. As per the CCS (LTC) Rules, he will become eligible for LTC with effect from 10th May, 2007 (i.e. after the completion of one year of regular service). His entitlement for Home Town / All India LTC would be as under:

Year of LTC	Type of LTC	LTC Occasion
10.05.2006 – 09.05.2007	Nil	--
10.05.2007 – 31.12.2007	Home Town/ Any Place in India	1st
01.01.2008 – 31.12.2008	Home Town	2nd
01.01.2009 – 31.12.2009	Home Town	3rd
01.01.2010 – 31.12.2010	Any Place in India	4th
01.01.2011 – 31.12.2011	Home Town	5th
01.01.2012 – 31.12.2012	Home Town	6th
01.01.2013 – 31.12.2013	Home Town	7th
01.01.2014 – 31.12.2014	Any Place in India	8th
01.01.2015 – 31.12.2015	Nil	--
01.01.2016 – 31.12.2017	Home Town	--

Explanation

A fresh recruit who has joined the Government service before 01.09.2008 (i.e before the introduction of this scheme) and has not completed his first eight years of service as on 01.09.2008 will be eligible for this concession for the remaining time-period till the completion of first eight years of his/ her service.

F.No. 31011/4/2008- Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

.....

New Delhi, the 23rd September, 2008

OFFICE MEMORANDUM

Subject:- Sixth Central Pay Commission – Recommendations relating to LTC – Acceptance of.

...

Consequent upon the acceptance of the recommendations of Sixth Central Pay Commission, it has been decided to make necessary additions/changes in the CCS(LTC) Rules, 1988 as indicated below:-

Rule 4(d) Definition of Family:-

The parents and /or step parents (stepmother and stepfather)who are wholly dependent on the Government employees shall be included in the definition of family for the purpose of LTC, irrespective of whether they are residing with the Government employee or not.

The definition of dependency will be linked to the minimum family pension prescribed in Central Government and dearness relief thereon. The extant conditions in respect of other relations included in the family including married/divorced/abandoned/separated/widowed daughters shall continue without any change.

Rule 8 Types of LTC

Fresh recruits to Central Government may be are allowed to travel to their home town along with their families on three occasions in a block of four years and to any place in India on the fourth occasion. This facility shall be available to the Government officers only for the first two blocks of four years applicable after joining the Government for the first time. The blocks of 4 years shall apply with reference to the initial date of joining the Government even though the employee changes the job within Government subsequently. The existing blocks will remain the same but the entitlements of the new recruit will be different in the first eight years of service. All other provisions concerning frequency of travel under LTC are retained.

Rule 12 Entitlement

Travel entitlements, for the purpose of official tour/transfer or LTC, will be the same but no daily allowance shall be admissible for travel on LTC. Further, the facility shall be admissible only in respect of journeys performed in vehicles operated by the Government or any Corporation in the public sector run by the Central or State Government or a local body. Air Journey by Private Airlines will however, continue to be admissible as per Ministry of Finance O.M. No. 19024/1/E-IV/2005 dated the 24th March, 2006 and in terms of the orders of DOPT in this regard. .

-2/-

Click here for the Circular on Travelling Allowance Rules-Implementation of 6th CPC.

Encashment of Earned Leave alongwith LTC

Government officers are allowed to encash ten days earned leave at the time of availing of LTC to the extent of sixty days during the entire career. The leave encashed at the time of LTC will not be deducted from the maximum amount of earned leave encashable at the time of retirement. It is further clarified that where both husband and wife are Government servants, the present entitlement for availing LTC shall remain unchanged, and encashment of leave equal to 10 days at the time of availing of LTC will continue to be available to both, subject to a maximum of sixty days each during the career.

2. **These changes are effective from 1st September, 2008.**

3. The LTC claim pertaining to the period prior to 31st August, 2008 shall be regulated as per rules applicable on the date of journey and LTC claims already settled will not be re-opened.

4. In so far as persons working in the Indian Audit & Accounts Department are concerned, these orders are being issued in consultation with C & A.G. of India.

5. Hindi version will follow.

(P. Prabhakaran)
Deputy Secretary to the Govt. of India
Tel: 2309 3176

To

All Ministries/Departments of the Government of India (with usual number of copies)

Copy to:

1. President's Secretariat, Rashtrapathi Bhavan, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. Prime Minister's Office, South Block, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Comptroller and Auditor General of India, New Delhi.
6. Central Vigilance Commission, New Delhi
7. Union Public Service Commission, New Delhi.
8. Staff Selection Commission, New Delhi.
9. Central Bureau of Investigation, New Delhi.
10. All Union Territory Administrations.
11. Lok Sabha/Rajya Sabha Secretariat.
12. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pension.
13. All Officers and Sections of Ministry of Personnel, Public Grievances and Pensions.
14. Website Section, Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi.
15. Facilitation Centre, Ministry of Personnel, Public Grievances and Pensions, North Block, New Delhi – 25 spare copies.
16. 100 spare copies.

Click here for the Circular on Travelling Allowance Rules-Implementation of 6th CPC.

F.No. 31011/3/2006-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training

....

New Delhi, dated 7th February, 2007

OFFICE MEMORANDUM

Subject :- LTC (All India in block of 4 years) in combination with transfer/tour TA-Mode of Regularisation.

The undersigned is directed to say that as per instructions contained in Ministry of Home Affairs OM No. 43/15/59-Estt(A) dated 19.7.1960, LTC (Home Town) may be availed in combination with transfer/tour. The question of extending this facility to All India LTC (anywhere in the country in a block of 4 years) has been considered and it has been decided that the provisions of the aforesaid OM dated 19.7.1960 will also be applicable for All India LTC availed in combination with transfer/tour.

2. Tour T.A. and transfer T.A. shall be regulated in terms of relevant instructions of Ministry of Finance.

3. These orders will take effect from the date of issue but claims which were pending on the date of issue may be regulated under these orders. Past cases in which decisions have already been taken will not be re-opened.

4. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

(C.A. Subramaniam)
Director

To

All Ministries and Department of Government of India

Copy To:-
1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All Officers and Sections of Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

(C.A. Subramaniam)
Director

फाइल सं.31011/3/2006-स्थापना(क)

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

कार्मिक और प्रशिक्षण विभाग

नई दिल्ली, दिनांक: 7 फरवरी, 2007

कार्यालय ज्ञापन

विषय: स्थानांतरण/दौरान यात्रा भत्ता के साथ (4 वर्ष के ब्लॉक में अखिल भारत) एल.टी.सी. - नियमन का तरीका।

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि गृह मंत्रालय के दिनांक 19.07.1960 के कार्यालय ज्ञापन संख्या-43/15/59-स्था.(क) में निहित अनुदेशों के अनुसार एल.टी.सी. (गृह नगर) स्थानांतरण/दौरा के साथ लिया जा सकता है। इस सुविधा को अखिल भारत एल.टी.सी. (4 वर्ष के ब्लॉक में देश में कहीं पर भी) तक बढ़ाने के प्रश्न पर विचार किया गया है तथा यह निर्णय लिया गया है कि दिनांक 19.07.1960 के कार्यालय ज्ञापन में किए गए प्रावधान स्थानांतरण/दौरा के साथ लिए गए अखिल भारतीय एल.टी.सी. के लिए भी स्वीकार्य होंगे।

2. दौरा यात्रा भत्ता तथा स्थानांतरण यात्रा भत्ता वित्त मंत्रालय के संबंधित अनुदेशों के अनुसार विनियमित किए जाएंगे।

3. ये आदेश जारी होने की तिथि से लागू होंगे परंतु जो दावे इसके जारी होने की तिथि को लम्बित हैं, उन्हें भी इस आदेशों के अंतर्गत विनियमित किया जाएगा। ऐसे पिछले मामलों, जिनमें निर्णय पहले ही लिया जा चुका है, उन्हें पुन: नहीं खोला जाएगा।

4. जहां तक भारतीय लेखा परीक्षा तथा लेखा विभाग में कार्यरत कार्मिकों का प्रश्न है, ये आदेश नियंत्रक एवं महालेखा परीक्षक के साथ परामर्श करके जारी किए गए हैं।

(सी.ए. सुब्रमणियम)
निदेशक

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग।

प्रतिलिपि:

1. नियंत्रक एवम महालेखा परीक्षक, नई दिल्ली।
2. संघ लोक सेवा आयोग, नई दिल्ली।
3. केन्द्रीय सतर्कता आयोग, नई दिल्ली।
4. केन्द्रीय अन्वेषण ब्यूरो, नई दिल्ली।
5. सभी संघ शासित प्रदेशों के प्रशासन।
6. लोक सभा/राज्य सभा सचिवालय।
7. कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय तथा गृह मंत्रालय के सभी सम्बद्ध अधीनस्थ कार्यालय।
8. कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय तथा गृह मंत्रालय के सभी अधिकारी तथा अनुभाग।

(सी.ए.सुब्रमणियन)
निदेशक

No.31011/8/89-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

.....

New Delhi, the 8-5-1990

OFFICE MEMORANDUM

Subject:- Admissibility of LTC when both husband and wife are Government servants and are residing together.

.....

The undersigned is directed to say that according to the definition of family as given under SR 2(8), which is applicable, inter-alia, for the purpose of admissibility of LTC, the family of a Government servant includes wife or husband, as the case may, residing with the Government servant and children residing with and wholly dependent upon the Government servant. In addition, it includes the parents, sisters and minor brothers, if residing with and wholly dependent upon the Government servant.

2. According to the existing position where both husband and wife are Government servants and are residing together, they constitute one family unit for the purpose of LTC and only one of them can claim this concession and the other spouse travels as a member of his/her family. In such a case, the Government servants are required to make a joint declaration of a common home town, which can be the home town of either of the spouses or a third place. Therefore, the spouse who avails the LTC as member of family of the other could not claim the benefit separately for his/her own parents or dependent minor brothers and sisters even if they were residing with him/her. On the other hand, where a couple, both being Govt. servants, are residing separately can claim the benefit of L.T.C. individually for their dependent parents, minor brothers and sisters and also declare two separate places as their respective home towns. Therefore, the husband and wife when both are Government employees and are staying together suffer from certain disadvantages in as much as they have to declare common home town and only one of them can claim the benefit of LTC. The matter has been considered in consultation with Ministry of Finance(Department of Expenditure) and it has been decided that where husband and wife both are Government servants, they could, at their option, choose to declare separate home town and both of them may claim the concession separately under the normal provisions of CCS(LTC) Rules in respect of the members of their respective families subject to the condition that if husband or wife avails the facility as a member of the family of the other, he or she will not be entitled for claiming the concession for self independently. Similarly, the children shall be eligible for the benefit

...2/-

in one particular block as members of the family of one of the parents only. All other conditions for admissibility of the LTC shall continue to be applicable as per normal provisions of the scheme.

3. The above decision will be applicable to the journeys performed for availing the LTC against the block years 1990-1991 onwards.

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

(K. SARKAR)
Deputy Secretary to the Government of India

No. 31011/8/89-Estt.(A) New Delhi, the 6 May. 1990

Copy to:-

1. All Ministries/Departments of the Government of India (with usual number of spare copies).
2. Comptroller and Auditor General of India, New Delhi.
3. Union Public Service Commission, New Delhi.
4. Central Vigilance Commission, New Delhi.
5. Registrar, Supreme Court, New Delhi.
6. Commissioner for Linguistic Minorities, Allahabad.
7. Lok Sabha Sectt. and Rajya Sabha Sectt.
8. All Union Territories Administrations.
9. All attached and subordinate offices of the Ministry of Personnel, P. G. and Pensions.
10. All Officers and Sections of the Ministry of Personnel Public Grievances & Pensions.
11. Central Administrative Tribunal, Principal Bench, Faridkot House, Copernicus Marg, New Delhi.

(K. SARKAR)
Deputy Secretary to the Government of India

No.31011/1/88-Ests.(A)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi-110001, the 30 March, 1988

OFFICE MEMORANDUM

Subject:-Admissibility of leave travel concession to the Central Government employees while on 'Study Leave'- question regarding -

The undersigned is directed to say that a large number of references are being received in this Department raising the question whether the leave travel concession could be allowed to the Central Government employees while on study leave. It is clarified that the leave travel concession is admissible to the Central Government employees while on study leave. In such cases the claims are to be regulated as under:

a) For Self:

Government servant can avail leave travel concession from the place of study leave to any place in India/ home town, subject to the condition that the reimbursement of fare should be restricted to the fare admissible for travel between his headquarters station to any place in India/home town or actual expenditure, whichever is less;

b) For the Family Members:

i) When the family members are staying with the Government servant at the place of his study leave:

The reimbursement will be as indicated at (a) above;

ii) When not staying at the place of study leave:

The reimbursement will be as under the normal terms and conditions of the leave travel concession scheme.

2. Ministry of Agriculture etc. are requested to bring the above clarification to the notice of all their attached and subordinate offices etc.

(A.JAYARAMAN)
DIRECTOR (E)

...2/-

To

All the Ministries/Departments of the Government of India with usual number of spare copies.

No. 31011/1/88-Ests.(A) dated 30 March, 1988

Copy with usual number of spare copies forwarded to:-

1. C&AG of India, New Delhi.
2. U.P.S.C. New Delhi.
3. C.V.C.New Delhi.
4. Registrar, Supreme Court of India, New Delhi.
5. Commissioner for Linguistic Minorities, Allahabad.
6. Lok Sabha Secretariat, New Delhi.
7. Rajya Sabha Secretariat, New Delhi.
8. All Union Territories Administrations.
9. All Members of the National Council (JCM).
10. All Attached and Subordinate offices of the Ministry of Personnel, P.G. & Pensions.
11. All Officers/Sections in the Ministries of Home Affairs and Ministry of Personnel, P.G. & Pensions.

A Jayaraman

(A.JAYARAMAN)
DIRECTOR (E).

50 spare copies.

No.31011/14/86-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances
and Pensions
(Department of Personnel & Training)

North Block, New Delhi-110001,
dated the 8th May, 1987.

8-5-87

OFFICE MEMORANDUM

Subject:- Leave Travel Concession facilities to the family members not residing with Government servant - Clarification regarding.

The undersigned is directed to invite the attention to para(5) of this Department O.M. No.43/1/55-Estt.(A), Part II, dated the 11th October, 1956 wherein the definition of "family" as given in S.R.2(8)(as amended from time to time) has been adopted for the purpose of Leave Travel Concession. According to the existing definition contained therein, the term "family" includes a Government servant's wife or husband, as the case may be, residing with the Government servant and legitimate children and step children, parents, sisters and minor brothers, residing with and wholly dependent upon the Government servant. It is clear from the above that a person can not be taken as a member of the family of a Government servant for the purpose of the Leave Travel Concession, even if he is wholly dependent on him unless it is established that he resides with the Government servant. Special provisions have, however, been made to allow the Leave Travel Concession to families of the Government servants posted at non-family stations and also to the children who are prosecuting studies at stations other than the Headquarter of the Government servant. The Staff Side in the National Council(JCM) have suggested that in the case of members of family the condition of residence with the Government servant should be done away with for the purpose of allowing of Leave Travel Concession to them.

2. The suggestion has been considered in this Department and it has been decided that in cases where the Government servant has left his/her spouse and the dependent children at place other than his/her Headquarter, he may be allowed Leave Travel Concession in respect of them from the place of their residence to home town in a block of 2 years or any place in India in a block of 4 years, as the case maybe, but the reimbursement should in no case exceed the actual distance travelled by the family or the distance between the headquarters/place of posting of Government servant and the place visited/home town, whichever is less. In the case of other members falling with in the definition of "family" the existing conditions and restrictions will continue to be in force.

...2/-

3. The provisions of this Department's O.M. No.43/1/55-Estt.(A) part II, dated 11th October, 1956, O.M. No.31011/6/80-Estt.(A), dated 24th March, 1981 and O.M. No.31011/17/83-Estt.(A) dated the 27th December, 1983 shall stand modified accordingly in the light of the above decision which will take effect from the date of issue of this Office Memorandum.

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

5. Hindi version will follow.

A Jayaraman

(A.JAYARAMAN)
Director

To

All Ministries/Departments of the Government of India, with usual number of spare copies.

No.31011/14/86-Estt.(A), New Delhi, the 7th May, 1987.
8-5-87

Copy, with usual number of spare copies, forwarded for information to :-

1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Registrar, Supreme Court of India, New Delhi.
5. Commissioner for Linguistic Minorities, Allahabad.
6. Lok Sabha Sectt./Rajya Sabha Sectt., New Delhi.
7. Secretary, Staff Side, National Council(JCM), 13-C, Ferozshah Road, New Delhi.
8. All Union Territories Administrations.
9. All Attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions.
10. All Officers and Sections of the Ministry of Personnel, Public Grievances and Pensions.

A Jayaraman

(A. JAYARAMAN)
Director

S pare copies- 100.

No.S[illegible]/1/77-Estts.(A)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel & Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag)

....

New Delhi, dated the 1st Oct.,1977.

OFFICE MEMORANDUM

Subject:- Simplification and rationalisation of procedures relating to leave travel concession scheme - Recommendations of Task Force.

.....

The undersigned is directed to say that the Government of India have had under consideration the question of rationalising and simplifying the procedure regulating the claims of Central Government employees under the Leave Travel Concession Scheme. A Task Force was constituted to go into the matter and after considering their recommendations, Government have decided that the existing Leave Travel Concession Scheme for Central Government servants, as amended from time to time, shall be modified to the extent indicated below with immediate effect:-

(i) It is not necessary to have an elaborate check on the declaration of home town by an employee. The declaration made by the Government servant initially may be accepted and a detailed check may be applied only when he seeks a change.

(ii) Advance on account of Leave Travel Concession may be sanctioned by the Head of the Office instead of by the Controlling Officer.

(iii) Where the shortest route by which the journey is required to be performed is disrupted due to accidents or other causes, the power to grant re-imbursement by the actual route travelled may be exercised by the Controlling Authority, instead of by the Department of Personnel and Administrative Reforms, in consultation with the Ministry of Finance (Department of Expenditure) as at present.

(iv) The deduction to be made for the first 400 Kms. (160 Kms in the case of Group D employees) will be the amount A or B, to be worked out as shown below, whichever is less:

A: This will be the fare calculated for the first 400 Kms. from the Railway Fare Tables for the actual class by which this portion of the journey is undertaken.

B:This will be that proportion of the total actual fare which 400 Kms bears to the distance travelled.

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If, however, a portion of the initial 400Kms(160 Kms. for Group 'D' employees) is travelled by rail in a class higher than that to which he is entitled to, the excess fare by the unauthorised class shall be disregarded and the deduction to be made shall be calculated as indicated above as if journey had not been made by the unauthorised class.

Illustrations:-

Example I

Journey first 600 kms. by II class and rest 900 kms. by I Class:-

II Class fare for 600 kms.	- Rs. 27.00
I Class fare for 900kms.	- Rs.143.00
Total fare paid:-1500kms.	Rs. 170.00

A - Actual fare for Ist 400 kms. - Rs. 18.40(from Rly. fare table) by II class.

OR B - Proportionate fare for 400 kms.

$\frac{400 \times 170}{1500}$ Rs. 45.33

Govt. servant's share(A or 'B' whichever is less) Rs. 18.40

Example II

Journey first 600 kms. by I class and rest 900 kms by II Class:-

I class fare for 600 kms.	Rs. 107.00
II class fare for 900 kms.	Rs. 37.75
Total fare paid: 1500 kms.	Rs. 144.75

A - Actual fare for first 400 kms. Rs. 75.00(from Rly. fare table) by I class:

B - Proportionate fare for 400 kms.

$\frac{400 \times 144.75}{1500}$ Rs. 38.60

Govt. servant's share 'A' or 'B' whichever is less) Rs. 38.60

(v) The existing limitation that, when the journeys are performed in groups by the family of the Government Servant the last group has to commence the outward journey within six months of the commencement of the outward journey of the first group, is removed. There need be no stipulation of time limit except that the concession would be available for different groups during the currency of the block in respect of which the first group performed its journey. Carry forward of Leave Travel Concession would be permitted, even if one group has availed of it during the block period itself, by other groups who have not availed of the concession.

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(vi) L.T.C. to visit home-town in a block of two years and to any place in India once in four years will be allowed both ways during leave preparatory to retirement, provided the return journey is completed before the expiry of the leave preparatory to retirement.

(vii) The Leave Travel Concession at present admissible to to a Government servant and his family in respect of outward journey from headquarters to home-town during refused leave and terminal leave in terms of Ministry of Home Affairs O.M. No. 43/10/58-Estts. (A) dated the 11th December, 1958, will not, henceforth, be admissible.

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

(R.C. Gupta)
Deputy Secretary to the Government of India.

To

All Ministries/Departments of Government of India with usual number of spare copies.

No.31011/1/77-Estt.(A), dated the 1st Oct.,1977.
Copy, with usual number of spare copies to:-
1. Comptroller & Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Lok/Rajya Sabha Secretariat.
5. All Union Territories Administrations.
6. All Attached and Subordinate Office of Ministry of Home Affairs and Department of Personnel & A.R.
7. All Sections of Ministry of Home Affairs and Department of Personnel and Administrative Reforms.

(R.C. Gupta)
Deputy Secretary to the Government of India.

No. 43/8/65-Estt.(A)

~~No. 43/2/65-Estts(A)~~
~~Government of India~~
Ministry of Home Affairs

New Delhi, ~~the 2 April 1965~~ 2nd April 1965
~~Chaitra, 1887~~

OFFICE MEMORANDUM

Subject:- Travel Concession to Government Servants during regular leave - ~~further~~ clarification of orders regarding -

The undersigned is directed to refer to para. 1(a)(II)(i) of this Ministry's O.M.No. 43/10/58-Estts.(A) dated the 11th December, 1958, on the above subject, and to say that it has now been decided that when a female Government servant proceeds to her home town, availing of the Leave Travel Concession and gets married in the home town, L.T.C. may be allowed also to the husband of the female Government servant, for the journey performed by him (from the home) town to the Head-quarters of the female Government Servant.

2. These orders will take effect from the date of issue but claims which are pending on the date of issue may be dealt with under these orders. Past cases which have already been settled should not be reopened.

---p.t.o.

3. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with Comptroller and Auditor General.

(N. Raghunathan)
Under Secretary to the Govt. of India

To

*with usual number of spare copies.

*All Ministries etc.
All Union Territories.
All Zonal Council.
All Accountant Generals.
Ministry of Finance (E/IV/B) (with 20 spare copies)

No.F.43/15/59-Ests(A)
Government of India
Ministry of Home Affairs

New Delhi-11, the 19th July, 1960.
28th Asadha, 1882.

OFFICE MEMORANDUM

Subject:-Leave Travel Concession in combination with transfer/ tour T.A. - Mode of regulation -

The Government of India have had under consideration for some time past the question of the entitlement of a Government servant when he combines a journey on leave travel concession with one on transfer or tour.

Normally the following types of cases are likely to arise:-

(i) Leave Travel Concession in combination with transfer journey. An officer going to home-town on regular leave proceeds therefrom on transfer to the new headquarters;

(ii) Leave Travel Concession in combination with tour journey.

(a) an officer proceeding with proper prior permission to home-town on regular leave from a tour station and returns to headquarters direct from home-town; and

(b) an officer proceeding to a tour station from home-town with proper prior permission and returns to headquarters therefrom.

2. It has been decided that the combined claims in such cases should be regulated as indicated below:-

(A) In the cases of the category of para 1(i) above, the officer may be allowed as his minimum entitlement transfer travelling allowance under S.R. 124 or S.R. 126 as the case may be. He may be allowed, in addition, leave travel concession under the rules to the extent the distance from old headquarters to home town and from home-town to the new headquarters exceeds the distance for which transfer travelling allowance is admissible plus 500 miles.

In cases where the distance for which leave travel concession would be admissible as above, is negligible, it will, however, be open to the Government servant not to avail of the leave travel concession at all he being permitted to avail of it on some other occasion within the block period, subject to other conditions being fulfilled.

The option has to be exercised in respect of self and the members of the family at the time of preferring claim for transfer travelling allowance.

When leave travel concession is not availed of, the leave travel concession advance, if any, taken by the Government servant should be adjusted against his travelling allowance entitlement.

(B) In the cases of the category of para 1(iii(a) above, travelling allowance as on tour may be allowed for the journey from the head-quarters to the tour station from which the Government servant proceeds to home-town and leave travel

concession for the journey from tour station to home town and back to headquarters deeming the tour station as the starting point for the onward journey.

The limitation contained in para 1(3) of Ministry of Home Affairs Office Memorandum No.43/1/55-Ests(A) Part II, dated 11th October 1956 will be applicable in computing the amount of leave travel concession admissible.

(C) In the cases of the category of para 1(ii)(b) above, leave travel concession as admissible under the rules may be allowed from headquarters to home-town and travelling allowance as on tour for the journey from home-town to tour station and back to headquarters.

3. In cases falling under para 1(ii) the provisions of Ministry of Finance Office Memorandum No.F.5(44)-E.IV/48, dated 23rd April 1948 (c.f.Foot Note on p. 4 of Posts and Telegraphs Compilation of Fundamental and Supplementary Rules Volume II, Third Edition (Re-print)) will have to be complied with.

4. These orders will take effect from the date of issue but claims which were pending on the date of issue may be regulated under these orders. Past cases in which decisions have already been taken will not be reopened.

5. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

(B. Shukla)
Deputy Secretary to the Government of India.

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To

*with usual number of spare copies.

1. *All Ministries of the Government of India etc.
2. Attached and Subordinate Offices of M.H.A. (including Zonal Councils).
3. Administrations of Union Territories.
4. All State Governments.
5. All Accountant Generals/Comptroller, Kerala.
6. Ministry of Finance (E.IV(B))(with 20 spare copies).
7. All Sections/Officers in the M.H.A.

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Das/16/7/60.

No.43/5/57-Ests(A).
GOVERNMENT OF INDIA.
MINISTRY OF HOME AFFAIRS.

New Delhi-2, the 11th February, 1958.

OFFICE MEMORANDUM.

Subject:- Travel concession to Government servants during regular leave- Further clarification of order regarding -

....

The undersigned is directed to refer to this Ministry's Office Memorandum No.43/1/55-Ests(A)-Part.II, dated the 11th October, 1956 and subsequent clarificatory Office Memorandum No.43/5/57-Ests(A), dated the 4th September, 1957, on the subject noted above, and to communicate the following further clarifications and decisions for the information and guidance of all concerned:

1(a): Para 1(4) of Office Memorandum dated 11th October, 1956. An officer who is his own Controlling Officer for purposes of travelling allowance should make the initial or any subsequent declaration of his home town to his next superior administrative authority for acceptance. This procedure should also be followed in cases where declarations have already been sent direct to the Account Officers concerned by officers who are their own Controlling officers. The Comptroller & Auditor General and Secretaries to Government will, however, communicate the initial declaration of home towns as well as any subsequent declaration for a change therein direct to the Accounts Officers concerned.

Heads of Departments and Ministries are advised, for the purpose of administrative convenience, to forward to the respective Accounts officers a list of all concerned gazetted officers who are eligible for the concession together with their approved home towns.

(b) Para 1(7) of Office Memorandum dated the 11th October, 1956: A Government servant and/or his family-members will be entitled for the leave travel concession irrespective of the actual period of stay in his home town.

(c) Para 1(11) of the Office Memorandum dated 11th October, 1956: Where the Government servant and/or his family travel by road, between two points connected by rail, by private car, the cost of propulsion being borne by the Government servants himself, the extent of Government assistance admissible will be equivalent to what would have been admissible had the journey been performed by rail by the entitled class. In such cases, no scrutiny of actual expenses incurred for the journeys by car will be made. In the case of officers who are their own Controlling officers, a certificate by them to the effect that they and/or the members of their family travelled by private car may be accepted as adequate. In other cases reimbursement will be

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allowed provided the Controlling Officer is satisfied that the journeys were actually performed by private car.

(d): Para 1(11) of the Office Memorandum dated 11th October, 1956. There is no objection to Government servants (or their family members), normally entitled to travel by I or II class of railway accommodation, travelling also by III class and availing of the "sleeper" accommodation. In such cases, 90% of the extra cost incurred for sleeper accommodation will be borne by Government.

(e): Para 1(12) of Office Memorandum dated 11th October, 1956. A Government servant or his family members may travel by any route or halt anywhere on the way to or from home-town, but the Government assistance shall be limited to their share of the fare by the shortest route calculated on a 'through' ticket basis.

(f): Relaxation of minor nature viz., production of cash receipts for railway tickets, prior intimation to the Controlling Officer before the journeys are undertaken by the Government servants and/or their families under the leave Travel Concession Scheme etc. can be made by the Controlling Officer, if he is otherwise satisfied in regard to the genuineness of the claim and the bonafides of the journey having been performed. There is no objection to such relaxation being made by the Controlling Officers themselves purely on merits in really deserving cases and not as a general measure.

2, In so far as the personnel serving in the Indian Audit & Accounts Department are concerned, these orders have been issued after consultation with the Comptroller & Auditor General.

T. Sitaraman.

(P. Sitaraman)
Deputy Secretary to the Govt. of India.

To

No.43/10/58-Ests(A)
Government of India
Ministry of Home Affairs

New Delhi-1, the 11th December, 1958
20th Agrahayana, 1880

OFFICE MEMORANDUM

Subject:- Travel Concession to Government servants during regular leave - Further clarification of orders regarding.

-.-.-.-.-

The undersigned is directed to refer to this Ministry's Office Memorandum No.43/1/55-Ests(A)-Part II, dated the 11th October, 1956 and subsequent clarificatory Office Memoranda No.43/5/57-Ests(A), dated the 4th September 1957 and 11th February, 1958 and No.43/10/58-Ests(A), dated the 11th April, 1958, on the subject noted above, and to communicate the following further clarifications and decisions for the information and guidance of all concerned:

(a): Para.1(b) of Office Memorandum dated the 11th October, 1956:

Leave travel concession will be admissible to the members of a Government servant's family with reference to the facts existing at the time of forward and return journeys independently. The following types of cases are given by way of illustration:

I. Entitled to reimbursement in respect of the outward journey only:

(i) A dependent son/daughter getting employment or getting married after going to home-town or remaining there for prosecution of studies.

(ii) The family having performed the journey to home-town have no intention of completing the return journey from home-town, provided the Government servant foregoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

II. Entitled to re-imbursement in respect of the return journey only:

(i) A newly married wife coming from home-town to headquarters station or a wife who has been living long at home town and did not avail herself of the leave travel concession in respect of the outward journey.

(ii) A dependent son/daughter returning with parents or coming alone from home town where he/she has been prosecuting studies or living with grand parents etc.

(iii) A child who was previously below three/twelve years of age but has completed three/twelve years of age only at the time of the return-journey.

(iv) A child legally adopted by a Government servant while staying in the home-town.

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(b): Para.1(7) of Office Memorandum dated the 11th October, 1956:

The concession will also be admissible to a Government servant and his family in respect of only the outward journey from headquarters to home-town during 'refused leave' and 'terminal leave', provided the concession had not been availed of earlier during that particular block of two calendar years. In cases of leave preparatory to retirement, refused and terminal leave, the journey by both the Government servant and his family members should, however, commence within the period of leave.

(c): Para.1(d) of Office Memorandum dated the 4th September, 1957:

The words 'any time from that date' occurring in the 3rd line of the sub-para to this para should read as 'any time from the 11th October, 1956'.

(d): Para.2(g) (iii) of Office Memorandum dated the 4th September, 1957:

There is no objection to a Government servant or his family members availing themselves of concessional Circular Trip Ticket offered by the Railway authorites in conjunction with the leave travel concession.

It will also be permissible while utilising such a concessional ticket, to travel in any class, higher or lower than the entitled one.

In such cases, double the fares for [250 miles] should be calculated proportionately on the basis of the concessional fare charged by the railways for the entitled or the lower class actually used and this amount deducted from the fare for the shortest route between headquarters and the home town, calculated proportionately on the basis of the concessional fare charged. The amount reimbursable to the Government servant will then be 9/10th of the balance.

2. In so far as the personnel serving in the Indian Audit & Accounts Department are concerned, these orders have been issued after consultation with the Comptroller & Auditor General.

P. Sitaraman

(P. Sitaraman)
Deputy Secretary to the Govt. of India.
(Tele.No.32236)

To

All Ministries of the Government of India including Ministry of Finance (Defence) Department of Revenue, Expenditure and the Deptt. of Economic Affairs; C&I (Company Law Admn.); the Branch Secretariat of the Minister for Minority Affairs No.14, Theatre Road, Calcutta-16; Deptt. of Parliamentary Affairs; Cabinet Secretariat; Cabinet Secretariat (O&M Division) South Block; Prime Minister's Secretariat; Partition Secretariat, Lok Sabha Secretariat; Rajya Sabha Secretariat; Director, Intelligence Bureau; Directorate General Resettlement & Employment; Director General, Posts & Telegraphs; Director,

...3/-

Co-ordination (Police Wireless); Director, Secretariat Training School; Principal, Indian Administrative Service Training School Delhi/Grand Hotel, Simla; Commandant, Central Police Training College, Mount Abu; Inspector General Special Police Establishment; Registrar General, India; U.P.S.C.; Election Commission; Military Secretary/Secretary to the President; Establishment Officer to the Govt. of India; Comptroller and Auditor General of India; Planning Commission; Planning Commission (Programme Evaluation Orgn.); Supreme Court; Commissioner for Scheduled Castes/Tribes; Pay Commission; Deptt. of Atomic Energy, Appolo Pier Rd., Bombay-1; Commandant National Fire Service Training College, Nagpur; Commandant, Central Emergency Relief Training Institute Nagpur; I.G. Central Reserve Police, Delhi; Ministry of Rehabilitation (Branch Secty.S, Theatre Road, Calcutta; Commissioner for Linguistic Minorites, Allahabad; Social Welfare and Rehabilitation Directorate, 'P' Block, New Delhi.

All Administrations in Union Territories.
All Officers and Sections in the Ministry of Home Affairs.
All Accountants General (with 3 spare copies)
Est.IV/B Finance Ministry (with 20 spare copies).

Subhash" 12/12/58

Copy of Office Memorandum No.43/15/57-Ests(A), dated the 24th June, 1958 from Deputy Secretary to the Government of India, Ministry of Home Affairs, New Delhi to All Ministries of the Government of India and etc.

Subject:- Definition of the term "home-town" for the purpose of the Leave Travel Concession.

The undersigned is directed to refer to this Ministry's Office Memorandum No.43/1/55-Ests(A)-Part II, dated the 11th October, 1956, and to say that from time to time enquiries have been received as to how exactly the "home-town" should be determined. The conditions of ownership of property and permanent residence of relatives laid down in para.1(i) of this Ministry's Office Memorandum of 11th October, 1956 are only illustrative and not exhaustive for determining one's home town. The correct test to determine whether a place declared by a Government servant may be accepted as his home town or not is to check whether it is the place where the Government servant would normally reside but for his absence from such a station for service under Government. The criteria mentioned below may therefore, be applied to determine whether the Government servant's declaration may be accepted:

(i) Whether the place declared by the Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and, if so, whether after his entry into service, the Govt. servant had been visiting that place frequently.

(ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.

(iii) Whether his near relations are resident in that place.

(iv) Whether, prior to his entry into Government servi the Government servant had been living there for some years.

Note:- The criteria, one after the other, need be applied only in cases where the immediately preceding criterion is not satisfied.

Where the Government servant or the family of which he is a member owns residential or landed property in more than one place, it is left to the Government servant to make a choice giving reasons for the same, provided that the decision of the Controlling Officer whether or not to accept such a place as the home town of the Government servant shall be final.

Where the presence of near relations at a particular place is to be the determining criterion for the acceptance declaration of "home town", the presence of near relations should be of a more or less permanent nature.

2. It has been decided, in view of the comprehensive revised definiton of "home town", to give a further opportun to declare the home towns afresh within a time limit (finally the 31st October, 1958) to all those who might be affected by the revised definition (e.g. whose earlier declarations

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were rejected but who would now become eligible to declare particular places as their home towns, or who might like to have a change effected in the light of the revised criteria. Such fresh declaration after approval by the Controlling Officer will be treated as the "first declaration" and not as a change of declaration in terms of para.1(4) of the Ministry's Office Memorandum No.45/1/55-Est, Part II, dated the 11th October, 1956.

3. Those Government servants who because of the revised definition now become eligible for the leave travel concessions would, however, be eligible only for the concessions common from the one relating to the 1958-59 block.

4. The Controlling Officers are requested to circulate these instructions expeditiously and have the work relating to declarations of home towns completed by the 31st October 1958.

5. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller & Auditor General.

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ps.23.9.

Copy of Office Memorandum No.43/1/55-Ests.(A)-Part II dated the 11th October, 1956 from Government of India, Ministry of Home Affairs to all Ministries of the Government of India, etc. etc.

.....

Sub:- Travel concession to Government servants during regular leave.

...

A proposal to grant some travelling concession to Central Government servants serving at places distant from their homes for journeys to their home during leave has been under consideration of Government for some time. The President has been pleased to decide that assistance to the extent laid down below may be granted to the Government servant in question :-

(1) Except as provided in Sub Clause (2), the concession will be admissible to Central Government servants of all grades and members of All-India Services serving in connection with the affairs of the Central Government once in a period of two calendar years for visiting their homes. It will cover all Government servants and their families as defined in Clause (5) below. The families need not necessarily accompany the Government servants but may precede or follow them during the same calendar year. For purposes of deciding the number of occasions the qualifying journeys made by a Government servant and his family will be viewed as one.

(2) Persons whose "homes" are within a distance of 250 miles from their headquarters will not be allowed the concession.

(3) Those whose "homes" are beyond 250 miles from their headquarters shall themselves meet the entire cost of fares for the initial 250 miles on each of the outward and return journeys. For the remaining distance (over the initial 250 miles) the Government will meet 90 per cent of the actual fares, the balance of 10 per cent being borne by the Government servant. In every case the journey should be to the "home" and back, but it need not necessarily commence from or end at the headquarters of the Government servant either in his own case or in the case of the family. But the assistance admissible will be the amount admissible had the journey been performed between the headquarters and the "home" of the Government servant.

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(4) The term "home" referred to in this Office Memorandum shall be the permanent home town or village as entered in the Service Book or other appropriate official record of the Government servant concerned, or such other place as has been declared by him, duly supported by reasons, (such as ownership of immovable property, permanent residence of near relatives, for example, parents, brothers, etc.) as the place where he would normally reside but for his absence from such a station for service in Government. Persons "displaced" from territories now part of Pakistan or those who have recently acquired an Indian domicile or those who have not so far declared their homes for any purpose in correspondence with Government, for example, service records, applications for house-building advances, etc., should now make a formal declaration. In every case the declaration should be made to the authority who has been declared to be the Controlling Officer in respect of the Government servant for purposes of travelling allowance claims. It should reach that authority not later than six months from the date of this order or on a date prior to the availing of the concession under this Office Memorandum, whichever is earlier date. In the case of a Government servant on Foreign Service, the period of six months shall be reckoned from the date of his reversion to Government service unless the concession is extended to him during his Foreign Service, in which case a declaration shall be made within six months of the date on which it is decided to extend the concession to him.

Persons who enter Government service in future should make such a declaration before the expiry of six months from the date of entry into service.

The declaration will be subject in each case to the acceptance of the Controlling Officer who shall satisfy himself about the correspondence thereof after calling for such evidence as he may consider necessary.

In the case of non-gazetted staff, the declaration will be kept on the Service Book or other appropriate service record of the Government servant. In the case of gazetted officers the Controlling Officer shall forward the declarations after due verification to the accounts officer concerned who shall keep them with the officer's History of service.

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(11) The class of railway accommodation to which a Government servant and his family will be entitled will be the class to which he is entitled under the normal rules at the time the journeys are undertaken. It will be permissible for the Government servant and or his family to travel in a class higher or lower than that to which he is entitled; in the former case, the Government's liability for the distance in excess of 250 miles will be restricted to 90 per cent of the fare for the excess distance by the class to which he is entitled and in the latter case, 90 per cent of the fare for the excess distance by the class in which he or his family actually travelled. If on such journeys or parts of such journeys the Government servant or a member of his family travelled by air or by road or by steamer, the extent of Government assistance will be limited to what would have been admissible had he travelled by rail in the authorised class or the actual expenses, whichever is less.

(12) Government's liability for the cost of railway fare between the Government servant's headquarters and his home shall be limited to the share of the fare by the shortest route.

(13) For places which are not themselves connected with rail but which are connected with the railway system by road or steamer, unless the road transport or steamer services are owned by the Railway, the concession will be admissible for journeys from and up to the nearest railway station only.

(14) No road mileage will be admissible where only road facilities exist.

2. It is proposed to make arrangements with the Ministry of Railways for the issue of special warrants fc special ticket orders to enable the Government servants and their families to whom these concession are admissible to purchase railway tickets for the journeys at concessional rates. Details of the procedure for the purpose are under consideration separately and further instructions will issue. In the meanwhile, Government servants will be reimbursed 90 per cent of the railway fare they have paid for themselves and their families after paying the full fare for the first 250 miles of the journey on presentation of claims in T.A. bill forms on the usual certificate that they actually performed such journeys and travelled by the class of accommodation not lower than that for which reimbursement of fare is claimed. The Government servants should inform the

....5/-

A declaration of "home" once made shall ordinarily be treated as final, but in exceptional circumstances the Head of the Department or if the Government servant himself is the Head of the Department, the administrative Ministry may authorise a change in such declaration provided that such a change shall not be made more than once during the service of the Government servant.

(5) The term "family" shall have the same meaning as given in Supplementary Rule 2(8) (as amended from time to time) or other corresponding rule applicable to the Government servant for purposes of travelling allowance on transfer, where the wife is also a Government servant, the concession will be admissible to the family on the scale admissible to the husband or the wife and not both.

(6) The concession is not admissible to a Government servant who has not completed one year of continuous service on the date of journey performed by him or his family, as the case may be.

(7) The concession will be admissible only in the case of journeys performed by the Government servant during regular leave including medical leave, leave on average pay, earned leave, leave on half average pay or extraordinary leave and not in the case of journeys performed during casual leave. The period of the leave taken should not be less than 15 days. In the case of a Government servant serving in a vacation department, vacation will be treated as regular leave for the purpose of this concession.

(8) In the event of the return journey falling in the succeeding calendar year, the concession should be counted against the year in which the outward journey commenced.

(9) If the leave applied for by a Government servant is refused in writing by the authority competent to sanction the same in the interest of public service and if it is also certified by that authority that leave cannot be granted at any time during that calendar year, the concession may be granted in respect of the family of the Government servant during that year. In that case, the concession will be deemed to have lapsed for that [illegible] as far as the Government servant himself is concerned.

(10) The concession is restricted to journey by rail within India.

...4/-

Controlling Officer before journeys for which assistance under this scheme will be claimed are undertaken. They should also produce evidence of their having actually performed the journey, for example, serial numbers of railway tickets, cash receipts, etc.

3. A record of all assistance granted under these orders shall be suitably maintained. In the case of gazetted officers, the record shall be maintained by the accounts officer concerned. In the case of non-gazetted staff, the record should be in the form of entries in the service book or other appropriate service records and should indicate the date or dates on which the journey or journeys to the "home" commenced. The authority responsible for the maintenance of the service record shall ensure that on every occasion a Government servant proceeds on leave which is entered in that record, the fact whether or not he availed of the travel assistance under these orders is indicated.

4. These orders will not apply to persons who are :

i) not in the whole time employment of Government;

ii) paid from contingencies;

iii) borne on work-charged establishment;

iv) industrial employees;

v) employed in the Railways;

vi) members of the Armed Forces; or

vii) eligible for any other form of leave travel concession.

5. The orders contained in this Office Memorandum shall take effect from the date of their issue and will cover journeys commenced on or after that date.

6. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these orders have been issued after consultation with the Comptroller and Auditor General.

.....

18.7 Annexure – Declaration of Movable and Immovable property

F. No. 11013/7/2014-Estt.A-III
Government of India
Ministry of Personnel, Public Grievance and Pensions
Department of Personnel & Training
Establishment Division
*****

North Block, New Delhi – 110001
Dated 5th January, 2015

OFFICE MEMORANDUM

Subject: Central Civil Services (Conduct) Rules, 1964 – Submission of Declaration of Immovable Property Returns by the Government servants – regarding.

The undersigned is directed to refer to the Office Memorandum of even number dated the 26th October, 2015 on the above subject and to say that the Annual Property Returns required to be filed under the Central Civil Services (Conduct) Rules, 1964 for the year 2015 which is required to be filed by the 31st January, 2016, may be filed in the forms prescribed under the CCS (Conduct) Rules, 1964. It is reiterated that the returns are required to be filed by all the Government servants belonging to Group 'A', 'B', 'C' and erstwhile Group 'D', in terms of Rule 18(4) of the CCS (Conduct) Rules, 1964 which empowers the Government to require a Government servant to submit a statement of movable or immovable property as may be specified in the order.

(Mukesh Chaturvedi)
Director (Establishment)
Tel: 23093176

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. CVOs of all Ministries/Departments.
15. NIC, Department of Personnel & Training, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head OMs & Orders → Establishment → Conduct Rules).
16. Hindi Section, DoP&T

18.8 Annexure – probation

No.21011/2/80-Estt.(C)
Government of India
Ministry of Home Affairs
Department of Personnel & A.R.

New Delhi, the 6th Aug. 1990

OFFICE MEMORANDUM

Sub:-Probation in various Central Services.

The undersigned is directed to refer to Ministry of Home Affairs OM No.44/1/59-Estt.(A) dated the 15th April,1959 on the subject cited above. The matter has been under consideration for quite sometime past in consultation with the Ministry of Law, U.P.S.C, and the Comptroller and Auditor General of India with particular reference to the question whether any period of probation should be prescribed in respect of the persons recruited to the posts in pay-scales the minimum of which is Rs.2,000/- and above, as also in respect of the promotees from one grade to another. According to para 6 of the existing instructions contained in the aforesaid OM dated the 15th April, 1959, it is laid down that the period of probation should normally be two years so as to have uniformity with regard to the period of probation in different services. It is further provided that where there are any special reasons for prescribing a longer or shorter period, a suitable period may be fixed in consultation with the Ministry of Home Affairs.

2. Para 7 of the aforesaid OM stipulates that the fresh entrants as well as those promoted should be kept on probation for a period of two years to judge the potentialities of an officer for a higher service.

3. On review, it has now been decided that:-

i) Save as provided in clause (ii) below, direct recruites to a post/service shall be on probation for a period of 2 years.

ii) Direct recruits to posts carrying a pay scale the minimum of which is Rs.2000/- or above, or to posts for which the age of entry is 35 years or above and where no training is involved, shall be on probation for a period of 1 year only.

iii) Persons who are inducted into a new service through promotion shall also be placed on probation for two years; but there will be no probation for a person promoted from one grade to another within the same service, except

....2/-

where the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation shall be for 2 years.

iv) Wherever probation includes 'on the job' or 'institutional' training combined with actual performance on the job, probation for a period of two years should be prescribed in the recruitment rules.

v) In the case of those who are re-employed before the age of superannuation e.g., ex-Military personnel there will be a probation of two years on their appointment/re-employment to civil posts except in respect of cases covered by clause (ii) above.

vi) There will be no probation in the case of officers appointed to various posts on :

a) contract basis;

b) deputation;

c) tenure basis;

d) re-employment after super-annuation; and

e) permanent transfer

4. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer to:-

i) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or

ii) Extend the period of probation (in terms of para 1(8) of the OM dated 15.4.59) or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

5. The date from which confirmation should be given effect to is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be, should be communicated to the probationer normally within 6 to 8 weeks. Confirmation of the probationer after completion of the period of probation is not automatic but is to be followed by formal orders. As long as no specific orders of confirmation or satisfactory completion of probation are issued to a probationer/ shall be deemed to have continued on probation.

/such a probationer

....3/-

6. The instructions contained in the OM of 15th April, 1959 referred to in para 1 above may be treated as amended to the extent stated in the preceding paragraphs.

7. Wherever considered necessary, a corresponding change in the relevant service rules may be made in consultation with this Department in the light of the instructions contained in the foregoing paragraphs.

8. In so fa r as persons serving in the Indian Audit and Accounts Department are concerned, this issues with the concurrence of the Comptroller and Auditor General of India.

Sd/-
(Miss S. Trikha)
Deputy Secretary to the Government of India

To

i) All Ministries/Departments of Government of India as per standard list.

ii) Union Public Service Commission (with 9 spare copies).

(Taken from the Hand Book on Recruitment Rules, published in 1996)

DP&AR O.M. No.-14017/5/83-Estt. (RR) dated 7-5-1984.

Subject :—Recruitment Rules for organised Services—Provisions regarding Probation.

The undersigned is directed to say that with a view to ensuring some uniformity in the provision relating to probation that need be included in the recruitment rules for organised Services, a set of rules framed in consultation with the Union Public Service Commission is enclosed. All the Ministries/Departments are requested to keep these in view, while framing/amending rules for organised Services.

Model provisions of probation for inclusion in recruitment rules for organised Services.

PROBATION

1. Every officer on appointment to the Service, either by direct recruitment or by promotion in Junior Scale shall be on probation for a period of two years.

Provided that the Controlling Authority may extend the period of probation in accordance with the instructions issued by Government from time to time.

Provided further that any decision for extension of a probation period shall be taken ordinarily within eight weeks after the expiry of the previous probationary period and communicated in writing to the concerned officer together with the reasons for so doing within the said period.

2. On completion of the period of probation or any extension thereof, officers shall, if considered fit for permanent appointment, be retained in their appointments on regular basis and be confirmed in due course against the available substantive vacancies, as the case may be.

3. If, during the period of probation or any extension thereof, as the case may be, Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge or revert the officer to the post held by him prior to his appointment in the Service, as the case may be.

4. During the period of probation, or any extension thereof, candidates may be required by Government to undergo such courses of training and instructions and to pass examinations and tests (including examination in Hindi) as Government may deem fit, as a condition to satisfactory completion of the probation.

5. As regards other matters relating to probation, the members of the Service will be governed by the instructions issued by the Government in this regard from time to time.

18.9 Annexure – Grievance redressal officer

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पोत परिवहन मंत्रालय, भारत सरकार)
मुख्यालय : ए–13, सैक्टर–1, नौएडा–201 301, (उ० प्र०)
INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Shipping, Govt. of India)
Head Office : A-13, Sector-1, Noida-201 301 (U.P.)
Website : www.iwai.gov.in | www.iwai.nic.in
Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No.IWAI-12035/30/2022-ADMIN RECTT Dated: 30.08.2022

OFFICE MEMORANDUM

In accordance with the directive of Ministry of Shipping, Road Transport & Highways, Department of shipping letter no. I-34015/3/2003-O&M dated 21st October, 2005 regarding setting up of Internal Grievances Redressal Machinery in each Ministry / Department / Public Sector Undertaking / Autonomous organisation to make Administration more responsive to the needs of the citizens, Col. Harsh Vardhan, Secretary is hereby designated as Grievance Redressal Officer in IWAI in supersession of all earlier orders.

2. The job-chart for the Grievance Redressal Officer is mentioned below: -

i) The Grievance Redressal Officer will be actively involved in the process of dealing with grievances.

ii) The Grievance Redressal Officer will be vested with powers to call for files / papers connected with grievances pending for more than three months to take a decision thereon with the approval of the Chairman, IWAI. He may also communicate the final decision to the aggrieved party.

iii) In the interest of expeditious disposal of grievances, the Grievance Redressal Officer may exercise more frequently the powers vested with him to call for papers / documents of long-pending cases and take decision with the approval of the Chairman, IWAI. Further, the Grievance Redressal Officer may take measures to analyse the grievances received by him with a view to identifying major grievance-prone areas and devising corrective measures so as to reduce the recurrence of such grievances.

iv) The Grievance Redressal Officer will also look after the grievances relating to pensionary matters

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v) The Grievance Redressal Officer shall report directly to the Chairman, IWAI.

2. This issues with the approval of Chairman, IWAI.

Ajay Kumar

(Ajay Kumar)
Assistant Secretary (L&H)
Email Id <ajaykumar.iwai@nic.in>
Phone No: 0120-2474050

To
Col. Harsh Vardhan
Secretary,
IWAI, Noida

Copy to: - (By E-Mail)

1. CE & P.M (JMVP)/ Hydrographic Chief/ CAO/ Director (M)/ Director (NER)/ Director (Tr.&L) / Director (Tech.)/ Director (Hy.)/ Director (RE & IT)/ Dy. Secretary (P&C and NINI)/ Assistant Secretary (P&C)/ Assistant Secretary (A&E), IWAI, Noida.
2. Director/ I/c, IWAI, Kolkata/ Guwahati/ Kochi/ Bhubaneswar.
3. Director (I/c), IWAI, Patna/ NINI, Patna.
4. Officer-In-Charge of Sub Offices at Varanasi/ Prayagraj/ Sahibganj/ Farakka/ Swaroopganj/ Vijayawada/ Kollam/ Dhubri/ Dibrugarh.
5. IT Wing, IWAI, Noida – for uploading on IWAI website.
6. Office Copy / Master copy

Copy for kind information to: - (By E-Mail)

P.P.S./ P.S./ P.A. to Chairman / Vice Chairman / Member (Finance) / Member (Technical) / Member [Traffic & Logistics (I/c)] / Secretary, IWAI, Noida.

d/c

30/8/22

2

18.10 Annexure - CCS rules

As amended upto 31.12.2014

[1]CENTRAL CIVIL SERVICES (CONDUCT) RULES, 1964 (Updated)

S. No.	Rule	Title of the Rules
1.	1	Short title, commencement and application
2.	2	Definitions
3.	3	General
4.	3-A	Promptness and Courtesy
5.	3-B	Observance of Government's policies
6.	3-C	Prohibition of sexual harassment of working women
7.	4	Employment of near relatives of Government servant in companies or firms
8	5	Taking part in politics and elections
9	6	Joining of association by Government servants
10	7	Demonstration and Strikes
11	8	Connection with Press or other media
12	9	Criticism of Government
13	10	Evidence before Committee or any other authority
14	11	Communication of official information
15	12	Subscriptions
16	13	Gifts
17	13-A	Dowry
18	14	Public demonstration in honour of Government servants
19	15	Private trade or employment
20	15-A	Subletting and vacation of Government accommodation
21	16	Investments, lending and borrowing
22	17	Insolvency and habitual indebtedness
23	18	Movable, immovable and valuable property
24	18-A	Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.
25	19	Vindication of acts and character of Government servants
26	20	Canvassing of non-official or other outside influence
27	21	Restriction regarding marriage
28	22	Consumption of intoxicating drinks and drugs
29	22-A	Prohibition regarding employment of children below 14 years of age
30	23	Interpretation
31	24	Delegation of Powers
32	25	Repeal and Saving

1. Short title, commencement and application

(1) These rules may be called the Central Civil Services (Conduct) Rules, 1964.

(2) They shall come into force at once.

(3) Save as otherwise provided in these rules and subject to the provisions of the Indian Foreign Service (Conduct and Discipline) Rules, 1961, these rules shall apply to every person appointed to a civil service or post (including a civilian in Defence Service) in connection with the affairs of the Union:

Provided that nothing in these rules shall apply to any Government servant who is –

(a) (i) a railway servant as defined in Section 3 of the Indian Railways Act, 1890 (9 of 1890);
(ii) a person holding a post in the Railway Board and is subject to the Railway Services (Conduct) Rules;
(iii) holding any post under the administrative control of the Railway Board or of the Financial Commissioner of Railways;

(b) a member of an All India Service;

(c) a holder of any post in respect of which the President has, by a general or special order, directed that these rules shall not apply:

Provided further that Rules 4,6,7,12,14, sub-rule (3) of Rule 15, Rule 16, sub-rules (1), (2) and (3) of Rule 18, Rules 19, 20 and 21 shall not apply to any Government servant who draws a pay which does not exceed Rs.500 per mensem and holds a non-gazetted post in any of the following establishments, owned or managed by the Government, namely:-

(i) ports, docks, wharves or jetties;
(ii) defence installations except training establishments;
(iii) public works establishments, in so far as they relate to work-charged staff;
(iv) irrigation and electric power establishments;
(v) mines as defined in clause (j) of Section 2 of the Mines Act, 1952 (35 of 1952);
(vi) factories as defined in clause (m) of Section 2 of the Factories Act, 1948 (63 of 1948); and
(vii) field units of the Central Tractor Organisation employing workmen governed by labour laws:

Provided further that these rules shall apply to any person temporarily transferred to a service or post specified in clause (a) of the first proviso to whom but for such transfer these rules would have otherwise applied.

EXPLANATION- For the purposes of the second proviso, the expression 'establishment' shall not include any railway establishment or any office mainly concerned with administrative, managerial, supervisory, security or welfare functions.

2. Definitions

In these rules, unless the context otherwise requires,-

(a) "The Government" means the Central Government;
(b) "Government servant" means any person appointed by Government to any civil service or post in connection with the affairs of the Union and includes a civilian in a Defence Service;

EXPLANATION.–A Government servant whose services are placed at the disposal of a company, corporation, organisation or a local authority by the Government shall, for the purpose of these rules, be deemed to be a Government servant serving under the Government notwithstanding that his salary is drawn from sources other than the Consolidated Fund of India;

(c) "Members of family" in relation to a Government servant includes:-

(i) the wife or husband as the case may be, of the Government servant, whether residing with the Government servant or not but does not include a wife or husband, as the case may be, separated from the Government servant by a decree or order of a competent Court;
(ii) son or daughter or step-son or step-daughter of the Government servant and wholly dependent on him, but does not include a child or step-child who is no longer in any way dependent on the Government servant or of whose custody the Government servant has been deprived by or under any law;
(iii) any other person related, whether by blood or marriage to the Government servant or to the Government servant's wife or husband, and wholly dependent on the Government servant.

3. General

(1) Every Government servant shall at all times--

(i) maintain absolute integrity;
(ii) maintain devotion to duty; and
(iii) do nothing which is unbecoming of a Government servant.
[44](IV) commit himself to and uphold the supremacy of the Constitution and democratic values;
(v) defend and uphold the sovereignty and integrity of India, the security of the State, public order, decency and morality;
(vi) maintain high ethical standards and honesty;
(vii) maintain political neutrality;
(viii) promote the principles of merit, fairness and impartiality in the discharge of duties;
(ix) maintain accountability and transparency;
(x) maintain responsiveness to the public, particularly to the weaker section;
(xi) maintain courtesy and good behaviour with the public;
(xii) take decisions solely in public interest and use or cause to use public resources efficiently, effectively and economically;

(xiii) declare any private interests relating to his public duties and take steps to resolve any conflicts in a way that protects the public interest;

(xiv) not place himself under any financial or other obligations to any individual or organisation which may influence him in the performance of his official duties;

(xv) not misuse his position as civil servant and not take decisions in order to derive financial or material benefits for himself, his family or his friends;

(xvi) make choices, take decisions and make recommendations on merit alone;

(xvii) act with fairness and impartiality and not discriminate against anyone, particularly the poor and the under-privileged sections of society;

(xviii) refrain from doing anything which is or may be contrary to any law, rules, regulations and established practices;

(xix) maintain discipline in the discharge of his duties and be liable to implement the lawful orders duly communicated to him;

(xx) maintain confidentiality in the performance of his official duties as required by any laws for the time being in force, particularly with regard to information, disclosure of which may prejudicially affect the sovereignty and integrity of India, the security of the State, strategic, scientific or economic interests of the State, friendly relation with foreign countries or lead to incitement of an offence or illegal or unlawful gain to any person;

(xxi) perform and discharge his duties with the highest degree of professionalism and dedication to the best of his abilities.

(2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;

[23](ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

(iii) The direction of the official superior shall ordinarily be in writing. Oral direction to subordinates shall be avoided, as far as possible. Where the issue of oral direction becomes unavoidable, the official superior shall confirm it in writing immediately thereafter;

(iv) A Government servant who has received oral direction from his official superior shall seek confirmation of the same in writing as early as possible, whereupon it shall be the duty of the official superior to confirm the direction in writing.

[26]Explanation I.- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected to him shall be deemed to be lacking in devotion to duty within the meaning the cause (ii) of sub-rule (1).

Explanation II.- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such instructions are not necessary under the scheme of distribution of powers and responsibilities.

[34]3A. Promptness and Courtesy

No Government servant shall

(a) in the performance of his official duties, act in a discourteous manner;
(b) in his official dealings with the public or otherwise adopt dilatory tactics or wilfully cause delays in disposal of the work assigned to him.

[34]3B. Observance of Government's policies

Every Government servant shall, at all times-

(i) act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wildlife and cultural heritage;
(ii) observe the Government's policies regarding prevention of crime against women.

[36/43]3C. Prohibition of sexual harassment of working women

(1) No Government servant shall indulge in any act of sexual harassment of any woman at any work place.
(2) Every Government servant who is incharge of a work place shall take appropriate steps to prevent sexual harassment to any woman at the work place.

Explanation. - (I) For the purpose of this rule, -

(a) "sexual harassment" includes any one or more of the following acts or behaviour (whether directly or by implication) namely : -
  (i) physical contact and advances; or
  (ii) a demand or request for sexual favours; or
  (iii) making sexually coloured remarks; or
  (iv) showing pornography; or
  (i) any other unwelcome physical, verbal, non-verbal conduct of a sexual nature.

(b) the following circumstances, among other circumstances, if it occurs or is present in relation to or connected with any act or behaviour of sexual harassment may amount to sexual harassment : -
  (i) implied or explicit promise of preferential treatment in employment; or
  (ii) implied or explicit threat of detrimental treatment in employment; or
  (iii) implied or explicit threat about her present or future employment status; or
  (iv) interference with her work or creating an intimidating or offensive or hostile work environment for her; or
  (v) humiliating treatment likely to affect her health or safety.

(c) "workplace" includes,-
  (i) any department, organisation, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the Central Government;
  (ii) hospitals or nursing homes;

(iii) any sports institute, stadium, sports complex or competition or games venue, whether residential or not used for training, sports or other activities relating thereto;
(iv) any place visited by the employee arising out of or during the course of employment including transportation provided by the employer for undertaking such journey;
(v) a dwelling place or a house.'.

4. [17]Employment of near relatives of Government servant in Companies or firms-

(1) No Government servant shall use his position or influence directly or indirectly to secure employment for any member of his family in any [16]company or firm;

(2) (i) No Class I Officer shall, except with the previous sanction of the Government, permit his son, daughter or other dependant, to accept employment in any [16]company or firm with which he has official dealings or in any other [16]company or firm having official dealings with the Government:

Provided that where the acceptance of the employment cannot await prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government; and the employment may be accepted provisionally subject to the permission of the Government.

(ii) A Government servant shall, as soon as he becomes aware of the acceptance by a member of his family of an employment in any [16]company or firm, intimate such acceptance to the prescribed authority and shall also intimate whether he has or has had any official dealings with that [16]company or firm:

Provided that no such intimation shall be necessary in the case of a Class I officer if he has already obtained the sanction of, or sent a report to the Government under clause (i).

(3) No Government servant shall in the discharge of his official duties deal with any matter or give or sanction any contract to any [16]company or firm or any other person if any member of his family is employed in that [16]company or firm or under that person or if he or any member of his family is interested in such matter or contract in any other manner and the Government servant shall refer every such matter or contract to his official superior and the matter or contract shall thereafter be disposed of according to the instructions of the authority to whom the reference is made.

5. Taking part in politics and elections

(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organisation which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner, any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family from taking part in, subscribing in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established and where a Government servant is unable to prevent a member of his family from taking part in, or subscribing in aid of , or assisting in any other

manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether a party is a political party or whether any organisation takes part in politics or whether any movement or activity falls within the scope of sub-rule (2), the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere with, or use his influence in connection with or take part in an election to any legislature or local authority:

Provided that -

(i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he proposes to vote or has voted;

(ii) a Government servant shall not be deemed to have contravened the provisions of this sub-rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

EXPLANATION.- The display by a Government servant on his person, vehicle or residence of any electoral symbol shall amount to using his influence in connection with an election within the meaning of this sub-rule.

6. Joining of associations by Government servants

No Government servant shall join or continue to be a member of, an association the objects or activities of which are prejudicial to the interests of the sovereignty and integrity of India, or public order or morality.

7. Demonstration and strikes

No Government servant shall -

(i) engage himself or participate in any demonstration which is prejudicial to the interests of the sovereignty and integrity of India, the security of the state, friendly relations with foreign States, public order, decency or morality, or which involves contempt of court, defamation or incitement to an offence, or

(ii) resort to or in any way abet any form of strike [10]or coercion or physical duress in connection with any matter pertaining to his service or the service of any other Government servant.

[34]8. Connection with press or other media

(1) No Government servant shall, except with the previous sanction of the Government, own wholly or in part, or conduct or participate in the editing or management of, any newspaper or other periodical publication or electronic media.

(2) Nothing in sub-rule (1) shall apply in case a Government servant in the bonafide discharge of his official duties publishes a book or participates in a public media.

(3) A Government servant publishing a book or participating in a public media shall at all times make it clear that the views expressed by him are his own and not that of Government.

9. Criticism of Government

No Government servant shall, in [34]any radio broadcast, telecast through any electronic media or in any document published in his own name or anonymously, pseudonymously or in the name of any other person or in any communication to the press or in any public utterance, make any statement of fact or opinion -

(i) which has the effect of an adverse criticism of any current or recent policy or action of the Central Government or a State Government:

[34]Provided that in the case of any Government servant included in any category of Government servants specified in the second proviso to sub-rule (3) of rule 1, nothing contained in this clause shall apply to bonafide expression of views by him as an office-bearer of a trade union or association of Government servants for the purpose of safeguarding the conditions of service of such Government servants or for securing an improvement thereof; or

(ii) which is capable of embarrassing the relations between the Central Government and the Government of any State; or

(iii) which is capable of embarrassing the relations between the Central Government and the Government of any foreign State;

Provided that nothing in this rule shall apply to any statements made or views expressed by a Government servant in his official capacity or in the due performance of the duties assigned to him.

10. Evidence before Committee or any other authority

(1) Save as provided in sub-rule (3), no Government servant shall, except with the previous sanction of the Government, give evidence in connection with any enquiry conducted by any person, committee or authority.

(2) Where any sanction has been accorded under sub-rule (1), no Government servant giving such evidence shall criticise the policy or any action of the Central Government or of a State Government.

(3) Nothing in this rule shall apply to-

(a) evidence given at an enquiry before an authority appointed by the Government, Parliament or a State Legislature; or
(b) evidence given in any judicial enquiry; or
(c) evidence given at any departmental enquiry ordered by authorities subordinate to the Government.

[39]11. Communication of Official Information.-

Every Government servant shall, in performance of his duties in good faith, communicate information to a person in accordance with the Right to Information Act, 2005 (22 of 2005) and the rules made thereunder :

Provided that no Government servant shall, except in accordance with any general or special order of the Government or in performance in good faith of the duties assigned to him, communicate, directly or indirectly, any official document or any part thereof or classified information to any Government servant or any other person to whom he is no authorized to communicate such document or classified information.

12. Subscriptions

No Government servant shall, except with the previous sanction of the Government or of the prescribed authority, ask for or accept contributions to, or otherwise associate himself with the raising of, any funds or other collections in cash or in kind in pursuance of any object whatsoever.

[32]13. Gifts

(1) Save as provided in these rules, no Government servant shall accept, or permit any member of his family or any other person acting on his behalf to accept, any gift.

EXPLANATION.- The expression "gift" shall include free transport, boarding, lodging or other service or any other pecuniary advantage when provided by any person other than a near relative or personal friend having no official dealings with the Government servant.

NOTE (1) - A casual meal, lift or other social hospitality shall not be deemed to be a gift -

NOTE (2) - A Government servant shall avoid accepting lavish hospitality or frequent hospitality from any individual, industrial or commercial firms, organisations, etc., having official dealings with him.

[35][(2) On occasions such as weddings, anniversaries, funerals or religious functions, when the making of gift is in conformity with the prevailing religious and social practice, a Government servant may accept gifts from his near relatives or from his personal friends having no official dealings with him, but shall make a report to the Government, if the value of such gift exceeds;-

(i) [42]rupees twenty five thousand in the case of a Government servant holding any Group 'A' post;
(ii) rupees fifteen thousand in the case of a Government servant holding any Group 'B' post;
(iii) rupees seven thousand five hundred in the case of a Government servant holding any Group 'C' post; and

(3) In any other case of a Government servant shall not accept any gift without sanction of the Government if the value thereof exceeds.

(i) rupees one thousand five hundred in the case of a Government servant holding any Group 'A' or Group 'B' post; and
(ii) rupees five hundred in the case of a Government servant holding any Group 'C' or Group 'D' post.

(4) Notwithstanding anything contained in sub-rules (2), and (3) a Government servant, being a member of the Indian delegation or otherwise, may receive and retain gifts from foreign dignitaries if the market value of gifts received on one occasion does not exceed rupees one thousand. In all other cases, the acceptance and retention of such gifts shall be regulated by the instructions issued by the Government in this regard from time to time.

(5) A Government servant shall not accept any gifts from any foreign firm which is either contracting with the Government of India or is one with which the Government servant had, has or is likely to have official dealings. Acceptance of gifts by a Government servant from any other firm shall be subject to the provisions of sub-rule (3).]

[16]13-A. Dowry

No Government servant shall-

(i) give or take or abet the giving or taking of dowry; or
(ii) demand directly or indirectly, from the parent or guardian of a bride or bridegroom, as the case may be, any dowry.

Explanation:- For the purposes of this rule, 'dowry' has the same meaning as in the Dowry Prohibition Act, 1961(28 of 1961).

14. Public demonstrations in honour of Government servants

No Government servant shall, except with the previous sanction of the Government, receive any complimentary or valedictory address or accept any testimonial or attend any meeting or entertainment held in his honour; or in the honour of any other Government servant:

Provided that nothing in this rule shall apply to-

(i) a farewell entertainment of a substantially private and informal character held in honour of a Government servant or any other Government servant on the occasion of his retirement or transfer or any person who has recently quit the service of any Government; or
(ii) the acceptance of simple and inexpensive entertainments arranged by public bodies or institutions.

NOTE :- Exercise of pressure or influence of any sort on any Government servant to induce him to subscribe towards any farewell entertainment if it is of a substantially private or informal character and the collection of subscriptions from Class III or Class IV employees under any circumstances for the entertainment of any Government servant not belonging to Class III or Class IV, is forbidden.

[29]15. Private trade or employment

(1) Subject to the provisions of sub-rule (2), no Government servant shall, except with the previous sanction of the Government-

(a) engage directly or indirectly in any trade or business, or
(b) negotiate for, or undertake, any other employment, or
(c) hold an elective office, or canvass for a candidate or candidates for an elective office, in any body, whether incorporated or not, or
(d) canvass in support of any business of insurance agency, commission agency, etc., owned or managed by any member of his family, or
(e) take part except in the discharge of his official duties, in the registration, promotion or management of any bank or other company registered or required to be registered, under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force, or of any co-operative society for commercial purposes.

[35](f) participate in or associate himself in any manner in the making of-

(i) a sponsored media (radio or television) programme; or
(ii) a media programme commissioned by Government media but produced by a private agency; or
(iii) a privately produced media programme including video magazine:

Provided that no previous permission shall be necessary in case where the Government servant participates in a programme produced or commissioned by Government media in his official capacity.

(2) A Government servant may, without the previous sanction of the Government,-

(a) undertake honorary work of a social or charitable nature, or
(b) undertake occasional work of a literary, artistic or scientific character, or
(c) participate in sports activities as an amateur, or
(d) take part in the registration, promotion or management (not involving the holding of an elective office) of a literary, scientific or charitable society or of a club or similar organisation, the aims or objects of which relate to promotion of sports, cultural or recreational activities, registered under the Societies Registration Act, 1860 (21 of 1860), or any other law for the time being in force, or
(e) take part in the registration, promotion or management (not involving the holding of elective office) of a co-operative society substantially for the benefit of Government servants, registered under the Co-operative Societies Act, 1912 (2 of 1912), or any other law for the time being in force:

Provided that: -

(i) he shall discontinue taking part in such activities, if so directed by the Government; and
(ii) in a case falling under clause (d) or clause(e) of this sub-rule, his official duties shall not suffer thereby and he shall, within a period of one month of his taking part in such activity, report to the Government giving details of the nature of his participation.

(3) Every Government servant shall report to the Government if any member of his family is engaged in a trade or business or owns or manages an insurance agency or commission agency.

(4) Unless otherwise provided by general or special orders of the Government, no Government servant may accept any fee for any work done by him for any private or public body or any private person without the sanction of the prescribed authority.

EXPLANATION- The term 'fee' used here shall have the meaning assigned to it in Fundamental Rule 9 (6-A).

[35]15 A. Sub-letting and vacation of Government accommodation.

(1) Save as otherwise provided in any other law for the time being in force, no Government servant shall sub-let, lease or otherwise allow occupation by any other person of Government accommodation which has been allotted to him.

(2) A Government servant shall, after the cancellation of his allotment of Government accommodation vacate the same within the time-limit prescribed by the allotting authority.

16. Investment, lending and borrowing

[35](1) No Government servant shall speculate in any stock, share or other investment:

Provided that nothing in this sub-rule shall apply to occasional investments made through stock brokers or other persons duly authorised and licensed or who have obtained a certificate of registration under the relevant law.

Explanation - Frequent purchase or sale or both, of shares, securities or other investments shall be deemed to be speculation within the meaning of this sub-rule.

[40](2) (i) No Government servant shall make, or permit any member of his family or any person acting on his behalf to make, any investment which is likely to embarrass or influence him in the discharge of his official duties. For this purpose, any purchase of shares out of the quotas reserved for Directors of Companies or their friends and associates shall be deemed to be an investment which is likely to embarrass the Government servant.

(ii) No Government servant who is involved in the decision making process of fixation of price of an Initial Public Offering or Follow-up Public Offering of shares of a Central Public Sector Enterprise shall apply, either himself or through any member of his family or through any other person acting on his behalf, for allotment of shares in the Initial Public Offerings or Follow-up Public Offerings of such Central Public Sector Enterprise.

(3) If any question arises whether any transaction is of the nature referred to in sub-rule (1) or sub-rule(2), the decision of the Government thereon shall be final.

[9](4) (i) No Government servant shall, save in the ordinary course of business with a bank or a public limited company, either himself or through any member of his family or any other person acting on his behalf,-

(a) lend or borrow or deposit money, as a principal or an agent to, or from or with, any person or firm or private limited company within the local limits of his authority or with whom he is likely to have official dealings or otherwise place himself under any pecuniary obligation to such person or firm or private limited company; or

(b) lend money to any person at interest or in a manner whereby return in money or in kind is charged or paid;

Provided that a Government servant may, give to, or accept from a relative or a personal friend, a purely temporary loan of a small amount free of interest, or operate a credit account with a bona fide tradesman or make an advance of pay to his private employee;

Provided further that nothing in this sub-rule shall apply in respect of any transaction entered into by a Government servant with the previous sanction of the Government.

(ii) When a Government servant is appointed or transferred to a post of such nature as would involve him in the breach of any of the provisions of sub-rule (2) or sub-rule (4), he shall forthwith report the circumstances to the prescribed authority and shall thereafter act in accordance with such order as may be made by such authority.

17. Insolvency and habitual indebtedness

A Government servant shall so manage his private affairs as to avoid habitual indebtedness or insolvency. A Government servant against whom any legal proceeding is instituted for the recovery of any debt due from him or for adjudging him as an insolvent, shall forthwith report the full facts of the legal proceedings to the Government.

NOTE. - The burden of proving that the insolvency or indebtedness was the result of circumstances which, with the exercise of ordinary diligence, the Government servant could not have foreseen, or over which he had no control, and had not proceeded from extravagant or dissipated habits, shall be upon the Government servant.

18. Movable, immovable and valuable property

(1) (i) Every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding -

(a) the immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
(b) shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
(c) other movable property inherited by him or similarly owned, acquired or held by him; and
(d) debts and other liabilities incurred by him directly or indirectly.

NOTE I.- Sub-rule (1) shall not ordinarily apply to Group 'D' servants but the Government may direct that it shall apply to any such Government servant or class of such Government servants.

NOTE II.- In all returns, the values of items of movable property worth less than Rs.[33]10,000/- may be added and shown as a lump sum. The value of articles of daily use such as clothes, utensils, crockery, books, etc. need not be included in such return.

NOTE III.- [20]Where a Government servant already belonging to a service or holding a post in appointed to any other civil service or post, he shall not be required to submit a fresh return under this clause.

[18](ii) Every Government servant belonging to any service or holding any post included in Group 'A' and Group 'B' shall submit an annual return in such form as may be prescribed by the Government in this regard giving full particulars regarding the immovable property inherited by him or owned or acquired by him or held by him on lease or mortgage either in his own name or in the name of any member of his family or in the name of any other person.

(2) No Government servant shall, except with the previous knowledge of the prescribed authority, acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in his own name or in the name of any member of his family:

[27]Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealing with him.

[41](3) Where a Government servant enters into a transaction in respect of movable property either in his own name or in the name of the member of his family, he shall, within one month from the date of such transaction, report the same to the prescribed authority, if the value of such property exceeds two months' basic pay of the Government servant:

Provided that the previous sanction of the prescribed authority shall be obtained by the Government servant if any such transaction is with a person having official dealings with him.

(4) The Government or the prescribed authority may, at any time, by general or special order, require a Government servant to furnish, within a period specified in the order, a full and complete statement of such movable or immovable property held or acquired by him or on his behalf or by any member of his family as may be specified in the order. Such statement shall, if so required by the Government or by the prescribed authority, include the details of the means by which, or the source from which, such property was acquired.

(5) The Government may exempt any category of Government servants belonging to Group 'C' or Group 'D' from any of the provisions of this rule except sub-rule (4). No such exemption shall, however, be made without the concurrence of the [11]Cabinet Secretariat (Department of Personnel).

Explanation I. - For the purposes of this rule -

(1) the expression "movable property" includes-

(a) jewellery, insurance policies, the annual premia of which exceeds Rs. [42]'two months' basic pay of the Government servant , shares, securities and debentures;

[30](b) all loans, whether secured or not, advanced or taken by the Government servant;

(c) motor cars, motor cycles, horses or any other means of conveyance; and

(d) refrigerators, radios radiograms and television sets.

2. "Prescribed authority" means-

(a) (i) the Government, in the case of a Government servant holding any Group 'A' post, except where any lower authority is specifically specified by the Government for any purpose;

(ii) Head of Department, in the case of a Government servant holding any Group 'B' post;

(iii) Head of Office, in the case of a Government servant holding any Group 'C' or Group 'D' post;

(b) in respect of a Government servant on foreign service or on deputation to any other Ministry or any other Government, the parent department on the cadre of which such Government servant is borne or the Ministry to which he is administratively subordinate as member of that cadre.

[14]Explanation II.- For the purpose of this rule '*lease*' means, except where it is obtained from, or granted to, a person having official dealings with the Government servant, a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent.

[14]18-A. Restrictions in relation to acquisition and disposal of immovable property outside India and transactions with foreigners, etc.-

Notwithstanding anything contained in sub-rule (2) of Rule 18, no Government servant shall, except with the previous sanction of the prescribed authority, -

(a) acquire, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property situated outside India;

(b)dispose of, by sale, mortgage, gift or otherwise or grant any lease in respect of any immovable property situated outside India which was acquired or is held by him either in his own name or in the name of any member of his family;

(c) enter into any transaction with any foreigner, foreign Government , foreign organisation or concern,-

(i) for the acquisition, by purchase, mortgage, lease, gift or otherwise, either in his own name or in the name of any member of his family, any immovable property;

(ii) for the disposal of, by sale, mortgage, gift or otherwise, or the grant of any lease in respect of any immovable property which was acquired or is held by him either in his own name or in the name of any member of his family.

Explanation.- In this rule "prescribed authority" has the same meaning as in Rule 18.

19. Vindication of acts and character of Government servant

(1) No Government servant shall, except with the previous sanction of the Government, have recourse to any Court or to the Press for the vindication of any official act which has been the subject-matter of adverse criticism or an attack of a defamatory character.

[34]Provided that if no such sanction is received by the Government servant within a period of three months from the date of receipt of his request by the Government, he shall be free to assume that the permission as sought for has been granted to him.

(2) Nothing in this rule shall be deemed to prohibit a Government servant from vindicating his private character or any act done by him in his private capacity and where any action for vindicating his private character or any act done by him in private capacity is taken, the Government servant shall submit a report to the prescribed authority regarding such action.

20. Canvassing of non-official or other outside influence

No Government servant shall bring or attempt to bring any political or other outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to his service under the Government.

[5]21. [12]Restriction regarding marriage-

(1) No Government servant shall enter into, or contract, a marriage with a person having a spouse living; and

(2) No Government servant, having a spouse living, shall enter into, or contract, a marriage with any person:

Provided that the Central Government may permit a Government servant to enter into, or contract, any such marriage as is referred to in clause (1) or clause(2), if it is satisfied that-

(a) such marriage is permissible under the personal law applicable to such Government servant and the other party to the marriage; and
(b) there are other grounds for so doing.

[12](3) A Government servant who has married or marries a person other than of India Nationality shall forthwith intimate the fact to the Government.

22. Consumption of intoxicating drinks and drugs

A Government servant shall -

(a) strictly abide by any law relating to intoxicating drinks or drugs in force in any area in which he may happen to be for the time being;

(b) [8]not be under influence of any intoxicating drink or drug during the course of his duty and shall also take due care that the performance of his duties at any time is not affected in any way by the influence of such drink or drug;

[13](bb) refrain from consuming any intoxicating drink or drug in a public place;

(c) not appear in a public place in a state of intoxication;

(d) not [8]use any intoxicating drink or drug to excess.

[13]Explanation: For the purposes of this rule, 'public place' means any place or premises (including a conveyance) to which the public have, or are permitted to have, access, whether on payment or otherwise.

[37]22-A. Prohibition regarding employment of children below 14 years of age.

No Government servant shall employ to work any child below the age of 14 years.

23. Interpretation

If any question arises relating to the interpretation of these rules, it shall be referred to the Government whose decision thereon shall be final.

24. Delegation of Powers

The Government may, by general or special order, direct that any power exercisable by it or any Head of Department under these rules (except the powers under Rule 23 and this rule) shall, subject to such conditions, if any, as may be specified in the order, be exercisable also by such officer or authority as may be specified in the order.

25. Repeal and Saving

Any rules corresponding to these rules in force immediately before the commencement of these rules and applicable to the Government servants to whom these rules apply are hereby repealed:

Provided that any order made or action taken under the rules so repealed shall be deemed to have been made or taken under the corresponding provisions of these rules.

[6]Provided further that such repeal shall not affect the previous operation of the rules so repealed and a contravention of any of the said rules shall be punishable as if it were a contravention of these rules.

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Hyperlinks for all the Amendments

1. S.O. No. 4177 dated the 12th December, 1964
2. Notification No. 25/46/64-Ests(A) dated 22nd June, 1965
3. Notification No. 25/3/66-Ests (A) dated 3rd March, 1966
4. Notification No. 25/10/67-Ests(A) dated 23rd November, 1967
5. S.O. No. 3424 dated 28th September, 1968
6. S.O. No. 951 dated 15th March, 1969
7. S.O. No. 1511 dated 24th April, 1969
8. S.O. 482, dated the 14th February, 1970
9. S.O. 1207, dated the 4th April, 1970
10. S.O. 2683, dated the 15th August, 1970
11. S.O. 3129, dated the 26th September, 1970
12. S.O. 3943, dated the 19th December, 1970
13. S.O. 3643, dated the 4th November, 1972;
14. S.O. 83, dated the 13th January, 1973
15. S.O. 2099, dated the 4th August, 1973
16. S.O. 846, dated the 28th February, 1976;
17. S.O. 2563, dated the 17th July, 1976;
18. S.O. 2691, dated the 24th July, 1976
19. S.O. 3385, dated the 25th September, 1976
20. S.O. 4663, dated the 11th December, 1976
21. S.O. 2859, dated the 17th September, 1977
22. S.O. 2859, dated the 30th September, 1978
23. S.O. 3, dated the 6th January, 1979
24. S.O. 1270, dated the 10th May, 1980
25. S.O. 4812, dated the 19th October, 1985;
26. S.O. 935, dated the 8th March, 1986;
27. S.O. 1124, dated the 22nd March, 1986;
28. S.O. 3159, dated the 20th September, 1986;
29. S.O. 3280, dated the 27th September, 1986;
30. S.O. 1965, dated the 8th August, 1987;
31. S.O. 1454, dated the 14th May, 1988;
32. S.O. 2582, dated the 6th October, 1990;
33. S.O. 3132, dated the 26th December, 1992;
34. GSR 355, dated the 29th July, 1995;
35. GSR 367, dated the 31st August, 1996;
36. GSR 49, dated the 7th March, 1998;
37. GSR 342, dated the 23rd October, 1999;
38. GSR 458, dated the 27th December, 2003;
39. GSR 376, dated the 22nd October, 2005;
40. GSR 8, dated the 31st January, 2009;
41. GSR 370(E), dated the 9th May, 2011;
42. GSR 149(E), dated the 4th March, 2014 and
43. GSR 823(E), dated the 19th November, 2014
44. GSR 845(E), dated the 27th November, 2014

RULES IN THE CCS (CONDUCT) RULES, 1964 AND THEIR RESPECTIVE AMENDMENTS

S.No.	Rule No.	Amendments
1.	1	Nil
2.	2	Nil
3.	3	1. S.O. No. 3 dated 6th January, 1979 2. S.O. No. 935 dated 8th March, 1986 3. G.S.R No845(E)dated 27th November, 2014
4.	3-A	G.S.R. No. 355 dated 29th July, 1995
5.	3-B	G.S.R. No. 355 dated 29th July, 1995
6.	3-C	1. G.S.R. No.49 dated 7th March, 1998 2. G.S.R. 823(E) dated 19th November, 2014
7	4	1. S.O. No. 846 dated 28th February, 1976 2. S.O. No. 2563 dated 17th July, 1976
8	5	Nil
9.	6	Nil
10.	7	S.O. No. 2683 dated 15th August, 1970
11.	8	1. Notification No. 25/10/67-Ests(A) dated 23.11.1967 2. G.S.R. No. 355 dated 29th July, 1995
12.	9	G.S.R. No. 355 dated 29th July, 1995
13.	10	Nil
14.	11	1. Notification No. 25/3/66-Ests(A) dated 3.03.1966 2. G.S.R. 376 dated 22nd October, 2005
15.	12	Nil
16.	13	1. S.O. No. 846 dated 28th February, 1976 2. S.O. No. 4812 dated 19th October, 1985 3. S.O. No. 2582 dated 6th October, 1990 4. G.S.R. 367 dated 31st August, 1996 5. G.S.R. 458 dated 27th December, 2003 6. G.S.R. 149(E) dated 4th March, 2014
17.	13-A	S.O. No. 846 dated 28th February, 1976
18.	14	Nil
19.	15	1. S.O. No. 2099, dated 4th August, 1973 2. S.O. No. 2859 dated 30th September, 1978 3. S.O. No. 1270 dated 10th May, 1980 4. S.O. No. 3280 dated 27th September, 1986 5. G.S.R. 367 dated 31st August, 1996
20.	15-A	G.S.R. 367 dated 31st August, 1996
21	16	1. Notification No.25/46/64-Ests(A) dated 22.06.1965 2. S.O. 1207 dated 4th April, 1970 3. G.S.R. 367 dated 31st August, 1996

		4. G.S.R. 8 dated 31st January 2009
22	17	Nil
23.	18	1. Notification No.25/46/64-Ests(A) dated 22.06.1965 2. S.O. No. 3129 dated 26th September, 1970 3. S.O. No. 83 dated 13th January, 1973 4. S.O. No. 2099 dated 4th August, 1973 5. S.O. No. 2691 dated 24th July, 1976 6. S.O. No. 4663 dated 11th December, 1976 7. S.O. No. 1124 dated 22nd March, 1986 8. S.O. 3159 dated 20th September, 1986 9. S.O. No. 1965 dated 8th August, 1987 10. S.O. 1454 dated 14th May, 1988 11. S.O. 3132 dated 26th December, 1992 12. G.S.R. 367 dated 31st August, 1996 13. G.S.R. 458 dated 27th December, 2003 14. G.S.R. No. 370(E) dated 9th May, 2011
24.	18-A	S.O. No. 83 dated 13th January, 1973
25.	19	G.S.R. No. 355 dated 29th July, 1995
26.	20	Nil
27.	21	1. S.O. No. 3424 dated 28th September, 1968 2. S.O. No. 3943, dated 19th November, 1970
28.	21-A (deleted)	1. S.O. 3385, dated the 25th September, 1976 2. S.O. No. 2859 dated 17th September, 1977
29.	22	1. S.O. No. 482 dated 14th February, 1970 2. S.O. No. 3643 dated 4th November, 1972
30.	22-A	G.S.R. 342 dated 23rd October, 1999
31.	23	Nil
32.	24	Nil
33	25	1. S.O. No. 951 dated 15th March, 1969 2. S.O. No. 1511 dated 24th April, 1969

AMENDMENTS AND THEIR RESPECTIVE RULES

S.No.	Amendment	Rules
1.	S.O. No. 4177 dated 12th December, 1964 (**Principal Rules**)	1 to 25
2.	Notification No. 25/46/64-Ests(A) dated 22nd June, 1965	16, 18
3.	Notification No. 25/3/66-Ests (A) dated 3rd March, 1966	11
4.	Notification No. 25/10/67-Ests(A) dated 23rd November, 1967	8
5.	S.O. No. 3424 dated 28th September, 1968	21
6.	S.O. No. 951 dated 15th March, 1969	25
7.	S.O. No. 1511 dated 24th April, 1969	25
8.	S.O. 482 dated 14th February, 1970	22
9.	S.O. 1207, dated 4th April, 1970	16
10.	S.O. 2683, dated 15th August, 1970	7
11.	S.O. 3129, dated 26th September, 1970	18
12.	S.O. 3943, dated 19th November, 1970	21
13.	S.O. 3643, dated the 4th November, 1972	22
14.	S.O. 83, dated the 13th January, 1973	18, 18-A
15.	S.O. 2099, dated 4th August, 1973	15, 18
16.	S.O. 846, dated the 28th February, 1976	4, 13, 13-A
17.	S.O. 2563, dated the 17th July, 1976	4
18.	S.O. 2691, dated the 24th July, 1976	18
19.	S.O. 3385, dated the 25th September, 1976	21-A
20.	S.O. 4663, dated the 11th December, 1976	18
21.	S.O. 2859, dated the 17th September, 1977	21-A(deleted)
22.	S.O. 2859, dated the 30th September, 1978	15
23.	S.O. 3, dated the 6th January, 1979	3
24.	S.O. 1270, dated the 10th May, 1980	15
25.	S.O. 4812, dated the 19th October, 1985	13
26	S.O. 935, dated the 8th March, 1986	3
27.	S.O. 1124, dated the 22nd March, 1986	18
28	S.O. 3159, dated the 20th September, 1986	18
29.	S.O. 3280, dated the 27th September, 1986	15
30.	S.O. 1965, dated the 8th August, 1987	18
31	S.O. 1454, dated the 14th May, 1988	18
32	S.O. 2582, dated the 6th October, 1990	13
33.	S.O. 3132, dated the 26th December, 1992	18
34	GSR 355, dated the 29th July, 1995	3-A, 3-B, 8, 9, 19
35	GSR 367, dated the 31st August, 1996	13, 15, 15-A, 16, 18
36	GSR 49, dated the 7th March, 1998	3-C
37	GSR 342, dated the 23rd October, 1999	22-A
38	GSR 458, dated the 27th December, 2003	13, 18
39	GSR 376, dated the 22nd October, 2005	11
40	GSR 8, dated the 31st January, 2009	16
41	GSR 370(E), dated the 9th May, 2011	18
42	GSR 149(E), dated the 4th March, 2014	13
43	GSR 823(E), dated the 19th November, 2014	3-C
44	GSR 845(E), dated the 27th November, 2014	3

18.11 Annexure - Seniority Rules

(Updated on 16.09.2022)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment-D Section

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DETERMINATION OF 'SENIORITY' OF PERSONS APPOINTED TO SERVICES AND POSTS UNDER THE CENTRAL GOVERNMENT.

Note:-
(i) This document is a compilation of all relevant instructions on the subject of "determination of seniority in Central Civil Posts and Service" and therefore is intended to serve as the guide without the need, for anyone to refer to old OMs issued from time to time. The list of such OMs is given in Appendix to this document. In case any reference to the relevant OM is required, the same may be accessed from Archive Section of DOPT's Website.

(ii) While due care has been taken to compile this document, however, if any omissions or correction are noticed, the same may be brought to the notice of the Department of Personnel & Training.

1 Instructions for determination of seniority in Central Civil Posts/Services have been issued from time to time. These principles shall apply to the determination of seniority in Central Civil Services and Civil Posts except for such Services and Posts where separate principles have already been laid down or may be issued by the Government. The following paragraphs indicate the principles for determining seniority of persons appointed to services and posts under the Central Government:-

[*para 1 of Annexure to O.M. No. 9/11/55-RPS Dated 22.12.59*]

2 SENIORITY OF DIRECT RECRUITS AND PROMOTEES

2.1. SENIORITY OF DIRECT RECRUITS

2.1.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of subsequent selection. The relative seniority that used to be determined earlier according to the date of confirmation and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), in accordance with the general principles of seniority, has been

discontinued w.e.f. 4.11.1992. The general principles of seniority therefore stands modified to that extent.

[Para 2.1 of O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986 and para 3 of O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992]

2.1.2 **Inter-se seniority of candidates Appointment from the Reserve panel at a later date:**

The inter-se seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by Union Public Service Commission (UPSC)/Staff Selection Commission (SSC)/ Recruiting agency (RA). However, following instructions would apply in operating or requesting for nominations from the reserve panel:-

i. UPSC, wherever possible, maintains a reserve panel of candidates found suitable on the basis of selections made by them for appointment on direct recruitment basis and the reserve panel is operated by the UPSC on a request received from the requisitioning Ministry/Department concerned.

ii. Where a selection has been made through UPSC, a request for nomination from the reserve list, if any, may be made to the UPSC in the event of occurrence of a vacancy caused by non-joining of the candidate within the stipulated time allowed for joining the post or where a candidate joins but he resigns or dies within a period of one year from the date of his joining, if a fresh panel is not available by then. Such a vacancy should not be treated as a fresh vacancy.

iii. Where selections for posts under the Central Government are made through other recruiting agencies such as SSC or by the Ministries/Departments directly and the reserve panels are similarly prepared, the procedure for operation of reserve panels maintained by UPSC as described in Point (ii) above will also be applicable for the reserve panels maintained by the other recruiting agencies/authorities.

[*para 1, 2 & 3 of O.M. No. 41019/18/97-Estt.(B) Dated 13th June 2000*]

2.1.3. **Clarification in case more than one-selection panels is received from UPSC/SSC through letter of the same date.**

It has been encountered on a number of occasions that UPSC etc. in response to two separate requisitions from the Department on different point of time, sends two panels of direct recruits on the same date. Since the general principles on seniority envisages that the candidates appointed through an earlier selection shall stand senior to those appointed through a subsequent selection, it becomes difficult to fix the inter-se seniority of the candidates in such cases, drawn from two different panels of the same date. Accordingly, it has been decided that

effort would be made by the UPSC and other selecting authorities to avoid recommending the panels on the same date and strive to send the panel for earlier requisition first. However, in case of such an eventuality (i.e. sending different panels on the same date) following procedures may be followed for fixation of the inter se seniority of the candidates from the two panels:

i. Chronology of recommendation letter;

ii. Where the date of recommendation letter is same, chronology of interview board reports', and

iii. Where both (i) and (ii) are also same, then the chronology of requisition made by the respective Ministries/Departments.

It is also mentioned here that in case of recruitment through examination, the date of publication/announcement of the results shall remain the criteria.

[*Para 2.1.2 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010*]

2.2 SENIORITY OF PROMOTEES

2.2.1 Where promotions are made on the basis of recommendations of a Departmental Promotion Committee (DPC), either by 'selection' or 'non-selection' method as per due procedure, the seniority of an officer assessed as 'fit', in the promoted grade shall be same as in the feeder grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him/her. Persons appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection. The relative seniority of promotees which earlier used to be determined according to the date of confirmation in the promotion grade and not the original order of merit, (in case where confirmation was in an order different from the order of merit indicated at the time of their appointment), stands discontinued w.e.f. 4.11.1992.

[*para 5 (i) of O.M.No.9/11/55-RPS Dated 22.12.1959* and
Para 2.2 of O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986
and *para 2, 3 of O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992*
and *Para 2.2 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010*]

2.2.2 Where promotions to a grade are made from more than one feeder grade and quotas have been laid down for each feeder grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. The officers in each grade, assessed as fit by the DPC shall be interpolated in the ratio prescribed for each grade in the recruitment rules for the post.

[*para 5 (ii) of O.M.No.9/11/55-RPS Dated 22.12.1959*
and Para 2.2 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010]

When eligibility list is to be resorted to?

2.2.3 Where promotions to a grade/post are made from more than one grade and no quota has been fixed for various feeder grades owing to a small number of posts in the promotion grade, the aforesaid principle would not be viable. In such cases it would be required to prepare a combined eligibility list of candidates from various feeder grades, with due regard to the inter-se seniority of the candidates of various feeder grades. Separate instructions have been issued in this connection with regard to framing of recruitment rules in such a situation. Whereas specific criteria need to be issued/incorporated in the Recruitment Rules by the cadre controlling authorities for preparation of combined eligibility list of the candidates from various feeder grades, broad parameters as under may be kept in view while preparing such list:

i. Date of completion of the qualifying service prescribed in the relevant recruitment rules, in the feeder grade for promotion.

ii. If the aforesaid date is same, then date of completion of the qualifying service in the feeder-to-feeder grade.

iii. Inter-se seniority of the officers from each feeder grade will be maintained.

[*Para 2.2 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010*]

2.3 Seniority of SC/ST Government servants on their promotion by virtue of rule of reservation roster

SC/ST Government servants on their promotion by virtue of rule of reservation roster will be entitled to consequential seniority also. In other words, the candidates belonging to general/OBC category promoted through a later DPC will be placed junior to the SC/ST Government servants promoted through earlier DPC, even though by virtue of the rule of reservation.

[*Para 4 of O.M. No.20011/1/2001-Estt. (D) Dated 21st January 2002*]

2.3.1 Clarification on reservation roster vis-a-vis seniority

In case of promotion, vacancies meant and reserved for SC/ST are determined through the roster points in the reservation roster. It is clarified that the said reservation roster/points are meant only for identifying the vacancy that goes to a particular category of officer and in no way acts as a determinant for fixation of seniority of the officer in a panel recommended by the DPC. The DPC is to grade an officer as 'fit' or 'unfit and the feeder grade seniority of the officers assessed as fit would be maintained in the promoted grade.

[*Para 2.3 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010* and *O.M. No. 35014/7/97-Estt.(D) Dated 8th February 2002*]

2.4 RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEES

2.4.1 A vacancy Register in the format prescribed (Annexure-1) is to be maintained for the purpose of determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed in the Recruitment Rules, giving a running account of the vacancies arising and being filled from year to year basis. Thus, where the Recruitment Rules prescribe appointment to a grade say 50% by Promotion and 50% by Direct Recruitment then the rotation of quota between Promotion and Direct Recruitment would be in the ratio of 1:1.

[*Para 1 and 4 of O.M. No. 35014/2/80-Estt(D) Dated.07.02.1986*]

2.4.2 A new vacancy register will have to be started in the following cases:

(i) From the date the recruitment rules are notified in the gazette.

(ii) When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

[*para 3 of O.M. No. 28011/6/76-Estt.(D) Dated 24.06.1978*]

2.4.3 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between available direct recruits and promotes, which shall be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

[*Para 2.4.1 of O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986*]

2.4.4 If adequate number of direct recruits does not become available in any particular year, rotation of quotas for the purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number of vacancies for direct recruits and promotees as determined according to the quota for that year.

[*Para 3 of O.M. No. 35014/2/80-Estt(D) Dated.07.02.1986*]

2.4.5 With effect from 19.11.2019, the determination of *inter se* seniority of direct recruits and promotees, as laid down by the Hon'ble Supreme Court of India, in its Order dated 19.11.2019 in K. Meghachandra Singh case will be governed by the following principles:-

(i) The rotation of quota, based on the percentage of vacancies allocated to direct recruitment and promotion in the notified recruitment rules/service rules, shall continue to operate for determining vacancies to be filled by the respective quotas in a recruitment year. The term 'recruitment year' shall mean the year in which the vacancy arises. However, *inter se* seniority between direct recruits and promotees, who are appointed against the vacancies of respective quota, would be reckoned with reference to the year in which they are appointed i.e. year in which they are borne in the cadre or formal appointment order is issued.

(ii) The terms ‘recruitment' and ‘appointment' have to be read harmoniously and the determination of seniority for recruitees would depend on their actual appointment and not the initiation of recruitment process itself. It thus follows that the seniority of direct recruits and promotees henceforth stands delinked from the vacancy/year of vacancy.

(iii) The source of legitimacy of determination of seniority would be with reference to the date of joining of a person against a vacancy. irrespective of the fact that it may have arisen in the previous year(s) and not being a carried forward vacancy of any quota.

(iv) If adequate number of direct recruits (or promotees) do not become available, "rotation of quotas' for the purpose of determining seniority, would stop after the available direct recruits and promotees are assigned their slots on joining in a particular year. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number of vacancies for direct recruits and promotees as determined according to the quota for that year.

(v) The term 'available’, both in the case of direct recruits as well as promotees, for the purpose of rotation and fixation of seniority, shall be the actual year of appointment after declaration of results/selection and completion of pre-appointment formalities as prescribed.

(vi) Thus, appointees who join in the concerned recruitment year and those who join in subsequent year(s), would figure in the seniority list of the respective years of their being appointed. To that extent it may not be necessary to go into the question of quota meant for direct recruits and

promotees to find out as to the year in which the vacancy arose against which the recruitment is made.

[*Para 6 of O.M. No. 20011/2/2019-Estt(D) Dated 13.08.2021*]

2.4.6 For recruitments initiated on or after 19.11.2019 as well as for future recruitments, in addition to cases where the recruitment process has been initiated by the administrative Department/ Cadre Authority before 19.11.2019, but where all appointments, subsequent to the initiation of recruitment process, could be made only on or after 19.11.2019 i.e. date of order of Apex Court, the *inter se* seniority of direct recruits and promotes shall be determined in the following manner -

(a) The rotation of quota based on the percentage of vacancies allocated to direct recruitment and promotion in the notified recruitment rules/service rules, shall continue to operate for determination of vacancies to be filled by the respective quotas in a recruitment year.

(b) Determination of *inter se* seniority between direct recruits and promotees, who are appointed against the vacancies of respective quota, would, however, be reckoned with reference to the year in which they are appointed i.e. year in which they are borne in the cadre or formal appointment order is issued. In case, where the recruitment year is the same as the year of appointment, the appointees shall be given seniority of that year.

(c) Where in case of promotees or direct recruits, the year of appointment is the next year or any year subsequent to the recruitment year, the seniority of such promotees and direct recruits would be determined with reference to the year of their actual joining/appointment to the post. since they were not able to join in the said recruitment year in which the vacancy arose. Thus, they would get seniority of the year in which they actually join i.e. year in which formal appointment order is issued or they are borne in the service/cadre and that they shall not get seniority of any earlier year (viz. year of Vacancy/panel or year in which recruitment process is initiated).

(d) Rotation between promotees and direct recruits for the purpose of determination of *inter-se* seniority, would be undertaken only to the extent of available direct recruits and promotees in a particular year. The term ‘available direct recruits or promotees’ appearing in OMs dated 7.2.1986/3.7.1986, for the purpose of rotation of quota in fixation of *inter-se* seniority, shall mean the actual number of direct recruits and promotees appointed during the year after declaration of results/selection and completion of pre-appointment formalities as prescribed.

(e) As per (d) above, if adequate number of direct recruits (or promotees) do not become available in a particular year, the "rotation of quotas" for the purpose of determining *inter-se* seniority, would stop after the available direct recruits and promotes are assigned their slots on their appointment/joining in that year.

(f) If no direct recruit is available in a particular year, available promotees would be bunched together in accordance with their position in the panel approved for promotion. Similarly, if no promotee is available in that year, available direct recruits would be bunched together, as per their position obtained in the selection process.

(g) In case, where direct recruits or promotees, as the case may be, belonging to two more selections/panel approved for promotion, join in the same year, then those who have been appointed/joined as a result of earlier selection/panel would be placed senior in the seniority list to those been appointed/joined as a result of a subsequent selection.

[*Para 7 (v) of O.M. No. 20011/2/2019-Estt(D) Dated 13.08.2021*]

3 SENIORITY OF ABSORBEES

3.1 The method of recruitment 'Transfer' has been re-named as `Absorption' and Transfer on Deputation' as 'Deputation'.

[*Para 1 (vi) of O.M.No.AB.14017/2/97-Estt. (RR) Dated 25.5.1998*]

3.2 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

[*para 7(i) of O.M. No. 9/11/55-RPS Dated 22.12.59*]

3.3. Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such absorbees vis-à-vis direct recruits or promotees, subject of the provision of para 3.5 below, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and absorbees which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in Para 2.4 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

[*para 7(ii) of O.M. No. 9/11/55-RPS Dated 22.12.59* *and*
Para 3.2 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010]

3.3 The principle laid down in para 3.2 above will not present any difficulty where recruitment by absorption is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by absorption to indicate the interse order of merit of the selected persons in such cases.

[*para 7 (i) of O.M.No.9/11/55-RPS Dated 22.12.1959*
and Para 3 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010]

3.5 **Seniority of persons absorbed after being on deputation**

3.5.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "Deputation/Absorption), his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from –

- the date he/she has been holding the post on deputation,

(or)

- the date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department.,

Whichever is earlier.

[*Para 2 of O.M. No. 20011/1/2000-Estt(D) Dated 27.03.2001*]

3.5.2 The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

[*Para 2 of O.M. No. 20020/7/80-Estt(D) Dated 29.05.1986*]

3.5.3 It is also clarified that for the purpose of determining the equivalent grade in the parent department following criteria may be followed for determining analogous posts in so far as posts under the Central Government are concerned:-

(i) Though the scales of pay of the two posts which are being compared may not be identical, they should be such as to be an extension of or a segment of each other.

(ii) Both the posts should be falling in the same Group of posts. Classification of civil posts are as under:-

Sl.No.	Description of Posts	Classification of Posts
(1)	(2)	(3)
1	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.	Group A
2	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.	Group B
3	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.	Group C

(iii) The levels of the responsibility and the duties of the two posts should also be comparable.

(iv) (a) Where specific qualifications for transfer on deputation/ transfer have not been prescribed, the qualifications and experience of the officers to be selected should be comparable to those prescribed for direct recruits to the post where direct recruitment has also been prescribed as one of the methods of appointment in the recruitment rules.

(b) Where promotion is the method of filling up such posts, only those persons from other Departments may be brought on transfer on deputation whose qualifications and experience are comparable to those prescribed for direct recruitment for the feeder grade/post from which the promotion has been made.

[*Para 1 of O.M. No.14017/27/75-Estt.(D) Dated March 7, 1984 and Para 1 of O.M. No. 11012/10/2016-Estt.A-III dated 08.12.2017*]

3.5.4 As far as the posts under the State Governments/Public Undertakings, etc. are concerned, it is quite likely that even posts with identical designations may not have comparable scales of pay and they may also differ with reference to the extent and stage of merger of D.A. with pay. The levels in the hierarchy and the nature of duties, may not also be comparable. These posts may not also be classified into group A, B & C, as has been done under the Central Government. Taking these factors into consideration the selecting authorities may have to be guided more by the nature of duties performed by the candidates in their parent organization vis-a-vis those in the posts under selection, and qualifications and experience required for the post under the Central Government for making selection for appointments by transfer/deputation (including short-term contract) from outside the Central Government service. Since details of recruitment rules for the posts under State Government/Public Undertakings etc. may not be available, bio-data sheets, signed by the officers themselves and certified/ countersigned by their employer indicating

their qualifications, experience, assignments held in the past, contributions made by them in the field of research, publications to their credit and any other information which the officers might consider relevant for assessing their suitability for the posts in question may be obtained in the proforma (Annexure-II)

3.5.5. These guidelines may be kept in mind in examining the applications from officers holding analogous posts for making selection by the process of transfer on deputation/transfer (including short term contract).

[*Para 2 & 3 of O.M. No.14017/27/75-Estt.(D) Dated March 7, 1984*]

3.6 **Seniority of persons who are transferred and absorbed directly without being on deputation.**

For persons who are transferred and absorbed directly without being on deputation i.e. where the recruitment rules provide for recruitment through absorption, the provision as contained in the afore-said paras (para 3.5) would be applicable i.e. the date he has been holding the post on deputation or the date from which he has been appointed on the regular basis to the same or equivalent grade in his parent department, whichever is earlier.

[*Para 3.5 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010*]

3.6 **Seniority of officers holding posts/grades in grades merged in pursuance of recommendations of Sixth Central Pay Commission.**

3.6.1 Where all the posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/ grade pay/ pay scale, the suitability of the incumbents need not be assessed for granting them the higher replacement scale/ grade pay/pay scale, there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay.

[*Para 2.1 of O.M. No. AB-14017/66/2008-Estt. (RR) dated 09.03.2009*]

3.6.2 The recommendation of 6th CPC has been accepted on 29.08.2008 and the merger of pay scale(s) of the post has been made effective w.e.f. 01.01.2006. The seniority of officers holding post in grades which have been merged (except merged grades of MTS) in pursuance to recommendation of Sixth Central Pay Commission will be determined as follows:-

I. The status of a government servant as on 29.08.2008 including those who have earned promotion between 01.01.2006 to 29.08.2008 will be protected as appointment/promotions are made as per the provisions of statutory recruitment rules applicable to the post/grade.

II. The seniority of government servant which existed on 29.08.2008 (date of acceptance of recommendation of 6th CPC) will be maintained i.e. the

holder of post having higher pay scale or post which constituted promotion post for the posts in the feeder grade, will rank enbloc senior to those holding post having lower pay scale or the posts in feeder grade.

III. Where posts having different pay scales prior to 6th CPC recommendation and now after merger have come to lie in the same Pay Band with same Grade Pay, the inter-se seniority of all the employees will be fully maintained with employee in a higher pre-revised pay scale being placed higher vis-a-vis an employee in a lower pay scale. Within the same pre-revised pay scale, seniority which existed prior to revision would continue.

IV. Where recruitment for the posts in different pre-revised pay scale(s) was initiated separately for each posts, prior to acceptance of recommendation of 6th CPC i.e. prior to 29.08.2008 but selected individual joined duty on or after 30.08.2008 in the revised pay scale(s) against the posts which have been granted same Grade pay, such officers will be assigned seniority enbloc below those officers who were in position as on 29.08.2008.

V. The availability of officers nominated on the basis of panel of promotion given by DPC or selection list given by selecting Authority will be decided as on 29.08.2008. In ease a officer from the panel given by DPC or selection list given by selecting Authority has joined on or prior to 29.08.2008, then status of all the officers included in panel given by DPC or selection list will be protected and all officer will be considered available and their seniority determined by following the basic principle of seniority i.e. order of panel given by DPC or merit list given by selecting Authority. In case all the officers included in the panel given by DPC or selection list given by selecting Authority joins after 29.08.2008, then the seniority of such officers within a grade, will be determined by placing them below all available officers as on 29.08.2008 but maintaining their inter se seniority in order of panel of DPC or merit list given by selecting authority.

[*Para 2 of OM No. 20020/4/2010-Estt. (D) 13/09/2012*]

3.7 **Seniority of MTS officials of merged grades in pursuance of recommendations of Sixth Central Pay Commission.**

I. The posts in the erstwhile Group 'D' for the purpose of determination of seniority, can be grouped into five different categories as under:

S.No.	Pre-revised pay scale of the post	Category
1.	2750-70-3800-80-4590	I
2.	2650-65-3300-70-4000	II
3.	2610-60-2910-65-3300-70-4000	III
4.	2610-60-3150-65-3540	IV
5.	2550-55-2660-60-3200	V

II. The determination of seniority of merged grade will be regulated as per following guidelines:

a. As on 29.08.2008, holders of posts in Category-I will be enbloc senior to the holder of posts in Category-II, similarly holder of the posts in Category-II will be senior to holder of the posts in Category-III and so on.

b. While merging the different grade(s), the inter se seniority in a post which existed as on 29.08.2008 is to be maintained.

c. Within same category, where different stand alone posts have been merged, inter se seniority will be determined based on length of continuous officiation in the post.

d. Only the regular service in the grade is to be counted for determination of service and ad-hoc service, if any, is to be ignored.

e. Seniority is to be determined based on the substantive post held by the employee irrespective of the fact that such employee has been allowed financial upgradation to the next higher grade under ACP Scheme or any other scheme.

f. In case of employees who joined a erstwhile Group `D' post either by promotion or direct recruitment between 01.01.2006 to 29.08.2008, inter-se seniority will be determined as per guidelines laid down in para 3.6 above.

[*Para 3 & 4 of O.M. No. 20020/4/2010-Estt (D) dated 30th April, 2013*]

4 SENIORITY IN SPECIAL TYPES OF CASES

4.1 **In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy patients,** as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Pers. &Trg.

[*Para 4.1 of O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986*]

4.2.1 Seniority of an officer under suspension and of officers against whom enquiries are pending.

An officer under suspension who on conclusion of the departmental proceeding against him/her, is completely exonerated, the suspension being held to be wholly unjustified, should be promoted in the first vacancy that could be made

available for the purpose and his/her seniority in the next higher grade fixed as if he/she had been promoted in accordance with his/her position in the select list. In such a case, the period during which any officer junior to the suspended officer concerned was promoted to the higher grade should be reckoned towards the minimum period of service prescribed for purpose of eligibility for promotion to the higher grade.

[*Para 4.2.1 of O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010*]

4.2.2 **Seniority of officers who have been recommended for promotion by a DPC during the currency of a penalty.**

An officer who has been recommended for promotion by a DPC despite imposition of a minor penalty on him/her, will be promoted on the basis of the recommendation of the said DPC, only after expiry of the penalty and his/her seniority would be fixed according to his/her position in that panel.

[*Para 2 of O.M. No. 20011/2/92-Estt.(D) Dated 03.11.1995*]

4.2.3 **Fixation of seniority of a Government servant reverted to a lower post/grade/service as a measure of penalty and subsequently promoted to a higher post.**

4.2.4 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 Govt. servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.5 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Govt. 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 his/her reduction.

4.2.6 Where the reduction is for a specified period and is to operate postpone future increments, the seniority of the Govt. 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/her in the higher service, grade or post or higher time-scale.

[*Para 4.2.1 to 4.2.3 of O.M. No.22011/7/86-Estt.(D) Dated 03.07.1986*]

4.3. **Fixation of inter se seniority of the staff rendered surplus and redeployed on different occasions but in the same office.**

4.3.1 The surplus employees are not entitled for benefit of the past service rendered in the previous organisation for the purpose of their seniority in the new organisation. Such employees are to be treated as fresh entrants in the matter of their seniority, promotions etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their inter-se seniority in the latter office will be same as in their previous office provided that –

(i) no direct recruit has been selected for appointment to that grade in between these dates; and

(ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for re-deployment in another office in a grade, their inter-se seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previous office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the UPSC to posts/services recruitment to which is made through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

[*Para 1 and 2 of O.M.No.9/22/68-Estt.(D) Dated 6.2.69* and *Paras 4.3.1 to 4.3.4 of O.M. No. 22011/7/86-Estt.(D) dated 3.7.86*]

4.4 **Seniority in cases of delay in reporting for duty after selection**

(i) An offer of appointment issued by different Ministries/Departments should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period.

[*Para 1 (i) of O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978* and *Para 2 of O.M. No. 35015/2/93-Estt.(D) Dated 9.8.1995*

(ii) If, however, within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Departments but extension beyond three months should not be

granted and it may be granted only as an exception where facts and circumstances so warrant and in any case only up to a maximum of six months from the date of issue of the original offer of appointment. An offer on appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment. The candidates who join within the above period of six months will have their seniority fixed under the seniority rules applicable to the service/post concerned to which they are appointed, without any depression of seniority.

[*Para 1 (ii) of O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978 and Para 2 of O.M. No. 35015/2/93-Estt.(D) Dated 9.8.1995*]

(iii) If, even after the extension(s), if any, granted by the Ministries/Departments, a candidates does not within the stipulated time (which shall not exceed a period of six month), the offer of appointment should lapse.

[*Para 1 (iii) of O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978*]

(iv) An offer of appointment which has lapsed, should not ordinarily be revived later, except in exceptional circumstances and on grounds of public interest. The Commission (UPSC) should in all cases be consulted before such offers are revived.

[*Para 1 (iv) of O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978*]

(v) In a case where after the lapsing of the offer, the offer is revived in consultation with the commission as mentioned in sub-para (iv) above, the seniority of the candidates concerned would be fixed below those who have already joined the posts concerned within the prescribed period of six months; and if the candidates joins before the candidates of the next selection examination join, he/she should be placed below all others of his batch. If however, the candidates join after some or all the candidates of the next selection examination have joined he/she should be—

(a) In case of selection through interview, placed at the bottom of all the candidates of the next batch;

(b) In the case of examination, allotted to the next year's batch and placed at the bottom.

[*Para 1 (v) of O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978*]

(vi) Above instructions shall mutatis mutandis apply to all the Recruitment Agencies / Authorities working under the Ministries / Departments.

[*Para 4 of O.M. No. 1259494-Estt.(D) Dated 9.8.2017*]

4.5 **Determination of seniority of re-employed officers for promotion/confirmation**

1. The question of determination of seniority of re-employed officers should arise only in cases where the officers are re-employed before they attain the age of normal superannuation.

[*Para 3 of O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980*]

2. (1) Officers re-employed after they had retired/discharged, whether from Defence or Civil employment prior to the attainment of the age of superannuation under the civil rules, will, if appointed to civil posts under the provisions of the Recruitments applicable to direct recruits, be treated as direct recruits and their seniority in the grade fixed accordingly.

[*Para 4(1) of O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980*]

(2) However, where such officers are appointed to civil posts and the Recruitment Rules applicable thereto prescribed re-employment as a distinct mode of recruitment, their seniority will be determined as under—

(a) The inter se-seniority of persons so re-employed shall be determined in accordance with the order of their selection.
(b) The relative seniority of persons so re-employed in relation to direct recruits and promotes shall be determined—

(i) Where the Recruitments Rules prescribed specific quotas for each of the categories, on the basis of rotation of vacancies based on the said quota;

(ii) In other cases, on the basis of the chronology of selection.

[*Para 4 (2) of O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980*]

3. In the case of officers referred to in previous para., their confirmation and promotion to Higher posts would take place with reference to the seniority so fixed.

[*Para 5 of O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980*]

4. These instructions would apply subject to any special provisions that may be applicable to particular services/posts in terms of the Recruitment Rules applicable to those services/posts.

[*Para 6 of O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980*]

4.6 **Fixation of seniority of a person who has been transferred to a lower post under FR-15A**

When the Government employee is transferred to a lower post on his own request under FR 15(a)(2), it neither, identifies itself as a case of penal action on the employee nor as a case of transfer to a lower post in public interest. As the person already stood promoted to the next higher grade, in case of his/her reoccupying the lower post at the top of the seniority (original position), would affect adversely not only the existing officers in the grade, but would apparently nullify the very purpose of his /her transfer to the lower post. As such an officer seeking transfer to a lower post under FR-15, at his own request, would be placed below all officers appointed regularly to the lower grade on the date of transfer.

[*Para 4.6 of DOPT O.M. No. 20011/1/2008-Estt.D dated 11.11.2010*]

4.7 **Seniority of meritorious sportsmen appointed in relaxation of recruitment rules**

Where sportsmen are recruited through the Employment Exchange or by direct advertisement and are considered along with other general category candidates, they may be assigned seniority in the order in which they are placed in the panel for selection. Where recruitment to a post is through a selection made by the Staff Selection Commission, whether by a competitive examination or otherwise, the sportsmen recruited by the department themselves should be placed en bloc junior to those who have already been recommended by the Staff Selection Commission. The inter se-seniority of sportsperson will be in the order of selection.

[*Para 4 of O.M. No. 14015/1/76-Est. (D) Dated 4.8.1980*]

4.8 **Seniority of persons appointed on compassionate grounds**

The Scheme for Compassionate Appointment in Central Government interalia provide that:

(a) The inter-se seniority of persons appointed on compassionate grounds may be fixed with reference to their date of appointment. Their interpolation with the direct recruits/promotees may also be made with reference to their date of appointment without disturbing the inter-se seniority of direct recruits/promotees.

(b) Date of joining by a person appointed on compassionate grounds shall be treated as the date of his/her regular appointment.

The person appointed on compassionate ground in a particular year would be placed at the bottom of all the candidates recruited/appointed through direct recruitment, promotion etc. in that year, irrespective of the date of joining of the candidate on compassionate grounds.

[*Para 4.8 of DOPT O.M. No. 20011/1/2008-Estt.D dated 11.11.2010*]

4.9 **Determination of seniority of persons selected for appointment to different posts in the same grade requiring different qualifications.**

(i) According to general principles for determination of seniority in the Central Services, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendation of the UPSC or other selecting authority; persons appointed as a result of an earlier selection being senior to those, appointed as a result of a subsequent selection.

(ii) In cases where persons are selected either by the UPSC for appointment to different posts in the same grade with different qualification (e.g., posts of Assistant Lecturer in History, Economics, Physics & Chemistry, etc.), the UPSC should be requested to recommend candidates for such posts in a consolidated order of merit. Similarly, other selecting authorities should also be requested to indicate such an order of merit while making selections for recruitment such posts.

(iii) The seniority of persons appointed to posts indicated above will be determined in the order in which their names appear in the consolidated list.

[*Para 4.9 of DOPT O.M. No. 20011/1/2008-Estt.D dated 11.11.2010*]

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Appendix

Reference Office Memorandum on determination of Seniority

1. O.M. NO. 9/11/55-RPS Dated 22.12.59
2. O.M.No.9/22/68-Estt.(D) Dated 6.2.69.
3. O.M. No. 9/23/71-Estt.(D) Dated 6.6.1978
4. OM No. 28011/6/76-Estt, Dated 24th June, 1978
5. O.M No. 20011/3/80-Estt.(D) Dated 16.6.1980
6. O.M. No. 14015/1/76-Est. (D) Dated 4.8.1980
7. O.M. No.14017/27/75-Estt.(D) Dated March 7, 1984
8. O.M. No. 35014/2/80-Estt.(D) Dated 7.2.1986
9. O.M. No. 20020/7/80-Estt(D) Dated 29.05.1986
10. O.M. No. 22011/7/86-Estt.(D) Dated 03.07.1986
11. O.M. No. 20011/5/90-Estt (D) Dated 4.11.1992
12. O.M. No. 35015/2/93-Estt.(D) Dated 9.8.1995
13. O.M. No. 20011/2/92-Estt.(D) Dated 03.11.1995
14. O.M. No. 41019/18/97-Estt. (B) Dated 13th June 2000
15. O.M. No. 20011/1/2000-Estt(D) Dated 27.03.2001
16. O.M. No.20011/1/2001-Estt. (D) Dated 21st January 2002
17. O.M. No. 35014/7/97-Estt.(D) Dated 8th February 2002
18. O.M. No. AB-14017/66/2008-Estt. (RR) dated 09.03.2009
19. O.M. No. 20011/1/2008-Estt. (D) dated 11.11.2010
20. OM No. 20020/4/2010-Estt. (D) 13/09/2012
21. O.M. No. 20020/4/2010-Estt (D) dated 30th April, 2013
22. O.M. No. 1259494-Estt.(D) Dated 9.8.2017
23. O.M. No. 11012/10/2016-Estt. A-III dated 08.12.2017
24. O.M. No. 20011/2/2019-Estt(D) Dated 13.08.2021

Annexure I

VACANCY REGISTER

	1986	1987	1988	ETC.
1. Total number of vacancies arising during the year				

2. BY DIRECT RECRUITMENT

i. No. of vacancies to be filled –

(a)Vacancies of the year
(as per quota prescribed) –
(b) Vacancies of the previous
year(s) brought forward -
(c) Total -

ii. No. of vacancies actually filled –

iii. No. of vacancies carried forward -

3. BY PROMOTION

(i) No. of vacancies to be filled -
(a) Vacancies of the year
(as per quota prescribed) -
(b) Vacancies of previous year(s)
brought forward -
(c) Total -

(ii) No. of Vacancies actually filled –

(iii) No. of vacancies carried forward -

Note : 1. The methods of recruitment mentioned above are only illustrative; those prescribed in the relevant recruitment rules will be reflected in this Register.

2. In the cadres in which the yearly vacancies are sufficient in number to be amenable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster, as at present, to be clear about the method under which a particular vacancy has to be filled.

Annexure II

P R O F O R M A

1. Name

2. Date of birth

3. Date of retirement under Central/State Govt. Rules
4. Educational qualifications.
5. Whether Educational qualifications required for the post are satisfied. If any qualification has been treated as equivalent to the one prescribed in the rules, state the authority for the same.

Qualifications Required.	Qualifications possessed by the Officer.
Essential: (1)	
(2)	
(3)	
Desired:	
(1)	
(2)	

6. Present post held, date from which held and the scale of pay and pay therein.

7. Experience in the subject field of selection.

8. Details of Service.
   (1) Name of post & Employer
   (2) From to
   (3) Scale of pay
   (4) Nature of appointment, i.e. whether ad-hoc or regular.
   (5) Nature of duties performed

9. Whether belongs to SC/ST

10. Remarks

Countersigned

Signature of the Candidate

(Employer)

No. 20011/2/2019-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated: 13th August, 2021.

OFFICE MEMORANDUM

Subject: Judgement of the Hon'ble Supreme Court of India in Civil Appeal No. 8833-8835 of 2019 of K. Meghachandra Singh & Ors. Vs Ningam Siro & Ors – revised instructions relating to seniority of direct recruits and promotees and inter-se seniority thereof – reg.

The undersigned is directed to say that the fundamental principles of determining *inter se* seniority of direct recruits and promotees in Central Civil Services/posts were laid down in the Department of Personnel & Training (DOPT) O.M. No. 9/11/55-RPS dated 29.12.1959, which inter alia provided that, the *inter se* seniority of direct recruits and promotees shall be determined according to the rotation of vacancies between direct recruits and promotees, which shall be based on the quotas of vacancies, provided in the Recruitment Rules for direct recruitment and promotion respectively.

2. The carry forward of unfilled slots of a vacancy year, to be filled up by direct recruits of later years, was dispensed with through modified instructions contained in DoPT O.M. No. 35014/2/80-Estt.(D) dated 7.2.1986 which provides that rotation of quotas for purpose of determining seniority would take place only to the extent of available direct recruits and the promotees. The unfilled direct recruitment/promotion quota vacancies would be carried forward and added to the corresponding direct recruitment/promotion quota vacancies of the next year (and to subsequent years where necessary) for determining the total number of direct recruitment or promotion vacancies to filled up as per usual practice. For determining *inter-se* seniority between direct recruits and promotees, it would be done as per rotation of quota to the extent of number of vacancies for direct recruits and promotees, as determined according to the quota for that year and the additional direct recruits/promotees selected against the carried forward vacancies of the previous year, to be placed en-bloc below the last promotee/direct recruit, as the case may be, in the seniority list. All the existing instructions on seniority were consolidated by DoPT through a single O.M. No. 22011/7/86-Estt(D) dated 03.07.1986.

3. Subsequently, vide O.M. No. 20011/1/2006-Estt.(D) dated 3.3.2008, the term 'available' as provided in OMs dated 7.2.1986/3.7.1986 was sought to be clarified, wherein it was clarified that the actual year of appointment, both in the case of direct recruits and promotees, would be reckoned as the year of availability for the purpose of rotation and fixation of inter se seniority. This was, however, challenged before the Hon'ble Supreme Court of India in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar v/s Union of India & Others. In its judgement dated 27.11.2012 in the said case, the Hon'ble Apex Court held that the available direct recruits and promotees, for assignment of *inter se* seniority, would refer to the direct recruits and promotees who are appointed against the vacancies of a particular recruitment year, where the recruitment year shall be the year in which the recruitment process for either of the modes of recruitment (direct recruitment or promotion) for a

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particular vacancy year is initiated viz. initiation of recruitment process against a vacancy year would mean the date of sending of requisition for filling up of vacancies to the recruiting agency in the case of direct recruits or the date on which a proposal, complete in all respects, is sent to UPSC/Chairman-DPC for convening of DPC to fill up vacancies earmarked for promotion.

4. The law laid down in the N.R. Parmar case relating to determination of *inter se* seniority between direct recruits and promotees in a grade/post was reviewed by the Hon'ble Supreme Court of India in Civil Appeal No. 8833-8835 of 2019 [arising out of SLP(C) Nos.19565-19567 of 2019] in the matter of K. Meghachandra Singh & Ors. Vs Ningam Siro & Ors. In its Order dated 19.11.2019 in CA No. 8833-35/2019 of K. Meghachandra Singh &Ors. Vs Ningam Siro & Ors, the Hon'ble Supreme Court of India has overruled the decision of the Court in NR Parmar case.

5. In para 40 of the Order dated 19.11.2019, the Hon'ble Court *inter-alia* held that ***"the law on the issue is correctly declared in J.C. Patnaik (Supra). Consequently, we disapprove the norms on assessment of inter-se seniority, suggested in N. R. Parmar (Supra). Accordingly, the decision in N.R. Parmar is overruled. However, it is made clear that this decision will not affect the inter-se seniority already based on N.R. Parmar and the same is protected. This decision will apply prospectively except where seniority is to be fixed under the relevant Rules from the date of vacancy/the date of advertisement." Further, in para 38, the Hon'ble Court had held as under:***

> "38. *When we carefully read the judgment in N. R. Parmar (Supra), it appears to us that the referred OMs (dated 07.02.1986 and 03.07.1986) were not properly construed in the judgment. Contrary to the eventual finding, the said two OMs had made it clear that seniority of the direct recruits be declared only from the date of appointment and not from the date of initiation of recruitment process. But surprisingly, the judgment while referring to the illustration given in the OM in fact overlooks the effect of the said illustration. According to us, the illustration extracted in the N.R. Parmar (Supra) itself, makes it clear that the vacancies which were intended for direct recruitment in a particular year (1986) which were filled in the next year (1987) could be taken into consideration only in the subsequent year's seniority list but not in the seniority list of 1986. In fact, this was indicated in the two OMs dated 07.02.1986 and 03.07.1986 and that is why the Government issued the subsequent OM on 03.03.2008 by way of clarification of the two earlier OMs."*

6. The determination of *inter se* seniority of direct recruits and promotees, as laid down by the Hon'ble Supreme Court of India, in its Order dated 19.11.2019 in K. Meghachandra Singh case, has been carefully examined in consultation with the Department of Legal Affairs, and the following principles have emerged:-

(i) The rotation of quota, based on the percentage of vacancies allocated to direct recruitment and promotion in the notified recruitment rules/service rules, shall continue to operate for determining vacancies to be filled by the respective quotas in a recruitment year. The term 'recruitment year' shall mean the year in which the vacancy arises. However, *inter se* seniority between direct recruits and promotees, who are appointed against the vacancies of respective quota, would be reckoned with reference to the year in which they are appointed i.e. year in which they are borne in the cadre or formal appointment order is issued.

(ii) The terms 'recruitment' and appointment' have to be read harmoniously and the determination of seniority for recruitees would depend on their actual appointment and

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not the initiation of recruitment process itself. It thus follows that the seniority of direct recruits and promotees henceforth stands delinked from the vacancy/year of vacancy.

(iii) The source of legitimacy of determination of seniority would be with reference to the date of joining of a person against a vacancy, irrespective of the fact that it may have arisen in the previous year(s) and not being a carried forward vacancy of any quota.

(iv) If adequate number of direct recruits (or promotees) do not become available, "rotation of quotas" for the purpose of determining seniority, would stop after the available direct recruits and promotees are assigned their slots on joining in a particular year.

(v) The term 'available', both in the case of direct recruits as well as promotees, for the purpose of rotation and fixation of seniority, shall be the actual year of appointment after declaration of results/selection and completion of pre-appointment formalities as prescribed.

(vi) Thus, appointees who join in the concerned recruitment year and those who join in subsequent year(s), would figure in the seniority list of the respective years of their being appointed. To that extent it may not be necessary to go into the question of quota meant for direct recruits and promotees to find out as to the year in which the vacancy arose against which the recruitment is made.

7. Based on the above, it has been decided to modify the instructions relating to determination of *inter se* seniority between promotees and direct recruits as under:

(i) DoPT's O.M. No. 20011/1/2012-Estt.(D) dated 4.3.2014, issued in pursuance of Order dated 27.11.2012 in N.R. Parmar case, is treated as non-est/withdrawn w.e.f. 19.11.2019.

(ii) As the Order dated 19.11.2019 is prospective, cases of *inter se* seniority of direct recruits and promotees, already decided in terms of O.M. No. 20011/1/2012-Estt.(D) dated 4.3.2014, shall not be disturbed, i.e. old cases are not to be reopened.

(iii) In case of direct recruits and promotees appointed/joined during the period between 27.11.2012 and 18.11.2019 and in which case *inter se* seniority could not be finalised by 18.11.2019, shall also be governed by the provisions of O.Ms. dated 7.2.1986/3.7.1986 read with OM dated 4.3.2014, unless where a different formulation/manner of determination of seniority has been decided by any Tribunal or Court.

(iv) For cases where the recruitment process has been initiated by the administrative Department/Cadre Authority before 19.11.2019 and where some appointments have been made before 19.11.2019 and remaining on or after 19.11.2019, the *inter se* seniority of direct recruits and promotees, shall also be governed by the provisions of O.Ms. dated 7.2.1986/3.7.1986 read with OM dated 4.3.2014 to ensure equal treatment of such appointees.

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(v) For recruitments initiated on or after 19.11.2019 as well as for future recruitments, in addition to cases where the recruitment process has been initiated by the administrative Department/ Cadre Authority before 19.11.2019, but where all appointments, subsequent to the initiation of recruitment process, could be made only on or after 19.11.2019 i.e. date of order of Apex Court, the *inter se* seniority of direct recruits and promotes shall be determined in the following manner-

(a) The rotation of quota based on the percentage of vacancies allocated to direct recruitment and promotion in the notified recruitment rules/service rules, shall continue to operate for determination of vacancies to be filled by the respective quotas in a recruitment year.

(b) Determination of inter-se seniority between direct recruits and promotees, who are appointed against the vacancies of respective quota, would, however, be reckoned with reference to the year in which they are appointed i.e. year in which they are borne in the cadre or formal appointment order is issued. In case, where the recruitment year is the same as the year of appointment, the appointees shall be given seniority of that year.

(c) Where in case of promotees or direct recruits, the year of appointment is the next year or any year subsequent to the recruitment year, the seniority of such promotees and direct recruits would be determined with reference to the year of their actual joining/appointment to the post, since they were not able to join in the said recruitment year in which the vacancy arose. Thus, they would get seniority of the year in which they actually join i.e. year in which formal appointment order is issued or they are borne in the service/cadre and that they shall not get seniority of any earlier year (viz. year of Vacancy/panel or year in which recruitment process is initiated).

(d) In terms of OMs dated 7.2.1986/3.7.1986, rotation between promotees and direct recruits for the purpose of determination of inter-se seniority, would be undertaken only to the extent of available direct recruits and promotees in a particular year. The term 'available direct recruits or promotees' appearing in these OMs dated 7.2.1986/3.7.1986, for the purpose of rotation of quota in fixation of inter-se seniority, shall mean the actual number of direct recruits and promotees appointed during the year after declaration of results/selection and completion of pre-appointment formalities as prescribed.

(e) As per (d) above, if adequate number of direct recruits (or promotees) do not become available in a particular year, the "rotation of quotas" for the purpose of determining inter-se seniority, would stop after the available direct recruits and promotes are assigned their slots on their appointment/joining in that year.

(f) If no direct recruit is available in a particular year, available promotees would be bunched together in accordance with their position in the panel approved for promotion. Similarly, if no promotee is available in that year, available direct recruits would be bunched together, as per their position obtained in the selection process.

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(g) In case, where direct recruits or promotees, as the case may be, belonging to two more selections/panel approved for promotion, join in the same year, then those who have been appointed/joined as a result of earlier selection/panel would be placed senior in the seniority list to those been appointed/joined as a result of a subsequent selection/panel.

(h) Instructions contained in OMs dated 7.2.1986 and 3.7.1986, stand modified to the extent indicated in above paragraphs.

8. These provisions shall come into effect from 19.11.2019 onwards.

9. All Ministries/Departments are requested to bring these instructions to the notice of all concerned.

Pradeep Kumar

(Pradeep Kumar)
Under Secretary to the Govt of India

To

All Ministries/Departments of the Government of India

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat /UPSC/ CVC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (Seniority)].
9. Hindi Section, DoPT for Hindi Translation.

Pradeep Kumar

(Pradeep Kumar)
Under Secretary to the Government of India

F. No. 11012/10/2016-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Establishment A-III Desk
*****

North Block, New Delhi – 110001
Dated: 8th December, 2017

OFFICE MEMORANDUM

Subject: Classification of Posts under the CCS (CCA) Rules, 1965.

The undersigned is directed to refer to this Department's Order No. S.O. 3578 (E) dated 9.11.2017 regarding classification of civil posts under CCS (CCA) Rules, 1965. As per this order, all civil posts except person serving in the Indian Audit and Accounts Department under the Union are classified as follows: –

S.No.	Description of Posts	Classification of posts
(1)	(2)	(3)
1	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.	Group A
2.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.	Group B
3.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.	Group C

2. In some Ministries/ Departments, posts may exist which are not classified as per the norms laid down by this Department. If, for any specific reason, a Ministry/ Department proposes to classify the posts differently, it would be necessary for that Department to send a specific proposal to Department of Personnel and Training giving full justification in support of the proposal within three months of this O.M. so that the exception to the norms of classification laid down in S.O. 3578 (E) dated 9.11.2017 (copy enclosed) can be notified.

3. Hindi version will follow.

Gupta 8/12/17

(Nitin Gupta)
Under Secretary to the Government of India
Tel: 23040264

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. National Commission for Scheduled Castes, New Delhi.
11. National Commission for Scheduled Tribes, New Delhi.
12. National Commission for OBCs, New Delhi.
13. Secretary, National Council (JCM), 13, Feroze Shah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T
15. NIC, Department of Personnel & Training, North Block, New Delhi [for uploading the same on the website of this Ministry under the Head Notifications →OMs & Orders→ Establishment → CCS (CCA Rules) & What's New]
16. Hindi Section, DoP&T

8/11/17

(Nitin Gupta)
Under Secretary to the Govt of India
Tel: 23040264

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 9th November, 2017

S.O. 3578(E).—In exercise of the powers conferred by the proviso to article 309 of the Constitution read with rule 6 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 and in supersession of the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) number S.O. 2079(E), dated the 20th August, 2014, except as respects things done or omitted to be done before such supersession, the President hereby directs that with effect from the date of publication of this Order in the Official Gazette, all civil posts except persons serving in the Indian Audit and Accounts Department under the Union, shall be classified as follows:—

S.No.	Description of Posts	Classification of posts
(1)	(2)	(3)
1	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 10 to 18.	Group A
2.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 6 to 9.	Group B
3.	A Central Civil Post carrying the pay in the Pay Matrix at the Level from 1 to 5.	Group C

Explanation – For the purpose of this Order, 'Level' in relation to a post means, the Level specified in third row of Part A of the Schedule to the Central Civil Services (Revised Pay) Rules, 2016.

[F. No. 11012/10/2016-Estt.A-III]

GYANENDRA DEV TRIPATHI, Jt. Secy.

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ALOK KUMAR Digitally signed by ALOK KUMAR Date: 2017.11.11 11:35:20 +05'30'

No. 20020/4/2010-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block,
New Delhi
Dated the 30th April , 2013

OFFICE MEMORANDUM

Subject : Seniority of officers holding posts/grades in grades merged in pursuance of recommendations of Sixth Central Pay Commission.

The undersigned is directed to invite attention to this Department's O.M of even number dated 13.09.2012 which laid down guidelines to be followed in determination of seniority of grade(s) merged in pursuance to recommendation of 6th Central Pay Commission.

2. The erstwhile Group 'D' (now merged MTS Grade) having different designation as sanctioned in different Ministries/Departments had following pay scale(s):

S.No.	Pre-revised Pay scales (in Rs.)	Revised Pay Scales (in Rs.)
1.	2550-55-2660-60-3200	PB-I 5200-20200 1800
2.	2610-60-3150-65-3540	
3.	2610-60-2910-65-3300-70-4000	
4.	2650-65-3300-70-4000	
5.	2750-70-3800-80-4590	

3. The Issue of seniority of merged MTS Grade (erstwhile Group 'D' post) has been examined in consultation with UPSC. The post(s) in the erstwhile Group 'D' for the purpose of determination of seniority, can be grouped into five different categories as under:

S.No.	Pre-Revised Pay Scale of the Post	Category
1.	2750-70-3800-80-4590	Category-I
2.	2650-65-3300-70-4000	Category-II
3.	2610-60-2910-65-3300-70-4000	Category-III
4	2610-60-3150-65-3540	Category-IV
5.	2550-55-2660-60-3200	Category-V

4. The determination of seniority of merged grade will be regulated as per following guidelines:

I. As on 29.08.2008, holders of posts in Category-I will be enbloc senior to the holder of posts in Category-II, similarly holder of the posts in Category-II will be senior to holder of the posts in Category-III and so on.

II. While merging the different grade(s), the inter se seniority in a post which existed as on 29.08.2008 is to be maintained.

III. Within same category, where different stand alone posts have been merged, inter se seniority will be determined based on length of continuous officiation in the post.

IV. Only the regular service in the grade is to be counted for determination of service and ad-hoc service, if any, is to be ignored.

V. Seniority is to be determined based on the substantive post held by the employee irrespective of the fact that such employee has been allowed financial upgradation to the next higher grade under ACP Scheme or any other scheme.

VI. In case of employees who joined a erstwhile Group 'D' post either by promotion or direct recruitment between 01.01.2006 to 29.08.2008, inter-se seniority will be determined as per guidelines laid down in this Department's O.M. of even number dated 13.09.2012.

5. Hindi version will follow.

Virender Singh
30/05/2013

(Virender Singh)
Under Secretary to the Government of India
Tel.: 23093804

To

All Ministries/Departments of Government of India.

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.

7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (100 copies).

30/4/2013

(Virender Singh)
Under Secretary to the Government of India
Tel.: 23093804

No. 20020/4/2010-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block,
New Delhi
Dated the 13th September, 2012

OFFICE MEMORANDUM

Subject : Seniority of officers holding posts/grades in grades merged in pursuance of recommendations of Sixth Central Pay Commission.

The undersigned is directed to invite reference to para 2 (i) of this Department's O.M. No. AB-14017/66/2008-Estt. (RR) dated 9th March, 2009, which provides that *where all the posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/grade pay/pay scale, the suitability of the incumbents need not be assessed for granting them the higher replacement scale/grade pay/pay scale, there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. There will be no change in the inter se seniority of the incumbents in the merged scale which shall be decided based on the general instructions on the subject.*

2. The 6th CPC in its recommendation contained in sub para (vi) of Para 2.2.13 has stated that the seniority of government servant will depend on the grade pay drawn. This will invariably be more for a higher level post. References have been received from Ministry of Railways/Ministry of Defence etc. regarding fixation of seniority of officers after merger of pay scales in pursuance to recommendation of Sixth Central Pay Commission. The recommendation of 6th CPC has been accepted on 29.08.2008 and the merger of pay scale(s) of the post has been made effective w.e.f. 01.01.2006. The issue of seniority has been further examined and it has been decided in consultation with UPSC and Department of Legal Affair that seniority of officers holding post in grades which have been merged in pursuance to recommendation of Sixth Central Pay Commission will be determined as follows :-

I. The status of a government servant as on 29.08.2008 including those who have earned promotion between 01.01.2006 to 29.08.2008 will be protected as appointment/promotions are made as per the provisions of statutory recruitment rules applicable to the post/grade. The merger of the pay scale(s) of the post(s) as recommended by 6th CPC have been made effective w.e.f. 01.01.2006; the seniority of government servant which existed on 29.08.2008(date of acceptance of recommendation of 6th CPC) will be maintained i.e. the holder of post having higher pay scale or post which constituted promotion post for the posts in the

feeder grade, will rank enbloc senior to those holding post having lower pay scale or the posts in feeder grade.

II. Where posts having different pay scales prior to 6th CPC recommendation and now after merger have come to lie in the same Pay Band with same Grade Pay, the inter-se seniority of all the employees will be fully maintained with employee in a higher pre-revised pay scale being placed higher vis-à-vis an employee in a lower pay scale. Within the same pre-revised pay scale, seniority which existed prior to revision would continue.

III. Where recruitment for the posts in different pre-revised pay scale(s) was initiated separately for each posts, prior to acceptance of recommendation of 6th CPC i.e. prior to 29.08.2008 but selected individual joined duty on or after 30.08.2008 in the revised pay scale(s) against the posts which have been granted same Grade pay, such officers will be assigned seniority enbloc below those officers who were in position as on 29.08.2008.

IV. The availability of officers nominated on the basis of panel of promotion given by DPC or selection list given by selecting Authority will be decided as on 29.08.2008. In case a officer from the panel given by DPC or selection list given by selecting Authority has joined on or prior to 29.08.2008, then status of all the officers included in panel given by DPC or selection list will be protected and all officer will be considered available and their seniority determined by following the basic principle of seniority i.e. order of panel given by DPC or merit list given by selecting Authority. In case all the officers included in the panel given by DPC or selection list given by selecting Authority joins after 29.08.2008, then the seniority of such officers within a grade, will be determined by placing them below all available officers as on 29.08.2008 but maintaining their interse seniority in order of panel of DPC or merit list given by selecting authority.

3. All the cases of determination of seniority except merged MTS posts will be decided accordingly. The issue of determination of seniority of merged MTS (erstwhile Group D) posts would be taken up separately.

4. Hindi version will follow.

Virender Singh 13/9/2012

(Virender Singh)
Under Secretary to the Government of India
Tel.: 23093804

To

All Ministries/Departments of Government of India.

Copy to:

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (100 copies).

Virender Singh 13/9/2012

(Virender Singh)
Under Secretary to the Government of India
Tel.: 23093804

No. AB 14017/66/2008-Estt RR)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
New Delhi

Dated the 9th March, 2009

OFFICE MEMORANDUM

Subject: - Criteria for assessing suitability of officers where there is revision/upgradation/merger of pay scales.

The undersigned is directed to invite reference to the Department of Personnel & Training OM No. 22011/10/84 – Estt.(D) dated 04.02.1992 wherein the criteria to be adopted for assessing the suitability of incumbents of posts and the date of appointment to the upgraded post, wherever there is a revision of pay scale/upgradation of post, have been laid down.

2. There has been merger of a number of pre-revised scales without any pre-condition for possession of higher qualifications for placement of incumbents in the higher/upgraded scale, in the revised pay structure recommended by the 6th CPC and accepted by the Government. In this context, the instructions of 4.2.92 have been reviewed and it has been decided in consultation with Ministry of Finance (Department of Expenditure) who have issued certain instructions in this regard under OM No. 1/1/2008-IC dated 13.09.2008, and the UPSC that the procedure for assessment of suitability in such cases may be as follows for placement in the upgraded/merged grade:

(i) Where all posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/grade pay /pay scale, , the suitability of the incumbents need not be assessed for granting them the higher replacement scale/grade pay/pay scale; there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. There will be no change in the inter se seniority of the incumbents in the merged grade which shall be decided based on the general instructions on the subject; and

(ii) Where all posts in a particular grade have been granted a higher replacement pay scale/grade pay, as per upgradation recommended by the 6TH CPC, suitability of the incumbents need not be assessed for granting them the higher replacement scale/grade pay. Here also, there is no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay; and

(iii) Where there is a change in the Group (that is classification of the post) consequent upon the merger or upgradation and where there is no higher responsibility or higher qualification involved, assessment of the suitability will not be necessary before the revised grade is allowed. There will also be no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. However, suitability of the officer who has been placed in a upgraded / replacement pay scale which fall in Group ' A ' by recommendation / award of the Pay Commission will continue to be assessed.

3. Assessment of suitability will continue to be necessary in the following situations arising out of cadre reviews, restructuring etc., not covered in the recommendations of the 6th CPC:

(i) where the upgradation involves higher responsibilities and higher eligibility service;

(ii) Where the upgradation or merger is part; where the upgraded post will be the promotion grade for the posts left in the lower grade and the normal DPC procedure will apply.

4. Hindi version will follow.

(S.J.Kumar)
Deputy Secretary to the Government of India
Tel. 2309 4504

To

1. All Ministries/Departments of Government of India
2. Chief Secretaries of All State Governments
3. The President's Secretariat, New Delhi.
4. The Prime Minister's Office, New Delhi.
5. The Cabinet Secretariat, New Delhi.
6. The Rajya Sabha Secretariat, New Delhi.
7. The Lok Sabha Secretariat, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Union Public Service Commission, New Delhi.

Copy to :-

1. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
2. Establishment Officer and Secretary, ACC (10 copies).
3. All Officers and Sections in the Department of Personnel & Training
4. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
5. All Staff Members of National Council (JCM)
6. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
7. Establishment (RR Division) (200 copies)

(S.J.Kumar)
Deputy Secretary to the Government of India

F.No.20011/1/2000-Estt(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi 110001
March 27, 2001

OFFICE MEMORANDUM

Subject: Seniority of persons absorbed after being on deputation.

The undersigned is directed to say that according to our O.M.No.20020/7/80-Estt(D) dated May 29, 1986 (copy enclosed) in the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "transfer on deputation/transfer"), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from

- the date he has been holding the post on deputation,

or

- the date from which he has been appointed on a regular basis to same or equivalent grade in his parent department,

whichever is later.

2. The Supreme Court has in its judgement dated December 14, 1999 in the case of ***Shri S.I. Rooplal & Others Vs. Lt. Governor through Chief Secretary, Delhi, JT 1999 (9) SC 597*** has held that the words "whichever is later" occurring in the Office Memorandum dated May 29, 1986 and mentioned above are violative of Articles 14 and 16 of the Constitution and, hence, those words have been quashed from that Memorandum. The implications of the above ruling of the Supreme Court have been examined and it has been decided to substitute the term "whichever is later" occurring in the Office Memorandum dated May 29, 1986 by the term "whichever is earlier".

3. It is also clarified that for the purpose of determining the equivalent grade in the parent department mentioned in the Office Memorandum dated May 29, 1986, the criteria contained in this Department Office Memorandum No.14017/27/75-Estt(D)(pt) dated March 7, 1984 (copy enclosed), which lays down the criteria for determining analogous posts, may be followed.

...2/-

4. These instructions shall take effect from the December 14, 1999 which is the date of the judgement of the Supreme Court referred to above.

5. In so far as personnel serving in Indian Audit and Accounts Departments are concerned, these instructions are issued in consultation with the Comptroller and Auditor General of India. However, these orders (in keeping with paragraph 4 of the Office Memorandum dated May 29, 1986 as referred to above) will not be applicable to transfers within the Indian Audit and Accounts Department which are governed by orders issued by the C&AG from time to time.

6. The above instructions may be brought to the notice of all concerned for information, guidance and necessary action.

(K.K. JHA)
DIRECTOR(Establishment)

To

All Ministries/Departments of the Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Rajya Sabha Secretariat, New Delhi.
4. The Lok Sabha Secretariat, New Delhi.
5. The Registrar General, The Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi
7. The Comptroller and Auditor General of India, New Delhi with reference to their letter No.248/Audit(Rules)Gr.IV 16-98 dated 5.10.2000.
8. The Secretary, Union Public Service Commission, New Delhi with reference to their letter No.F.2/7/2000-S.II dated 28.2.2001.
9. Ministry of Home Affairs (UTP), New Delhi with reference to their D.O. letter No.14040/32/99-UTP dated 7.1.2000.
10. The Staff Selection Commission, New Delhi.
11. National Commission for SCs/STs, New Delhi.
12. National Commission for OBCs, New Delhi.
13. All State Governments/Union Territory Administrations.
14. All attached/subordinate offices under the Ministry of Personnel, Public Grievances and Pensions/Ministry of Home Affairs.
15. All Sections in the Ministry of Personnel, Public Grievances and Pensions.
16. The Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
17. Facilitation Center, DoP&T (**20 copies**)
18. NIC (DoP&T) for placing this Office Memorandum on the website of DoP&T.
19. Establishment(D) Section, DOP&T (**500 copies**)

संख्या 20011/1/2000-स्थापना(घ)

भारत-सरकार

कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय

(कार्मिक और प्रशिक्षण-विभाग)

नई दिल्ली, दिनांक मार्च 27, 2001

कार्यालय-ज्ञापन

विषयः प्रतिनियुक्ति पर रहने के पश्चात् संविलियत कर्मचारियों की वरिष्ठता ।

अधोहस्ताक्षरी को यह कहने का निदेश हुआ है कि इस विभाग के मई 29, 1986 के का.ज्ञा.संख्या 20020/7/80-स्था.(घ)(प्रति संलग्न) के अनुसार, ऐसे व्यक्ति के मामले में जो किसी कार्यालय में आरंभ में प्रतिनियुक्ति पर लिया जाता है और बाद में वहीं पर संविलियत कर लिया जाता है (अर्थात् जहां पर संगत भर्ती नियमों में "प्रतिनियुक्ति पर स्थानांतरण/स्थानांतरण" का प्रावधान है), तो जिस ग्रेड में वह संविलियत किया गया है उस ग्रेड में उसकी वरिष्ठता की गणना, सामान्यतः उस ग्रेड में संविलियत किए जाने की तारीख़ से की जाएगी । तथापि, यदि उसने अपने मूल विभाग में (संविलियन की तारीख़ को) उसी समान अथवा समकक्ष ग्रेड में नियमित आधार पर पहले से ही पद धारित किया हुआ है, तो ग्रेड में की गई ऐसी नियमित सेवा को भी वरिष्ठता निर्धारित करते समय ध्यान में रखा जाएगा बशर्ते कि उसे उस तारीख़ से वरिष्ठता दी जाएगीः-

- जिस तारीख़ से वह प्रतिनियुक्ति पर पद धारित किए हुए है,

अथवा

- जिस तारीख़ से उसे अपने मूल विभाग में नियमित आधार पर समान अथवा समकक्ष ग्रेड में नियुक्त किया गया है,

इनमें से जो भी बाद में हो :-

2. उच्चतम न्यायालय ने **श्री एस.आई. रूपलाल तथा अन्य बनाम उप राज्यपाल, मुख्य सचिव, दिल्ली के माध्यम से,** जे.टी., 1999 (9) एस.सी. 597 के मामले में यह माना है कि मई 29, 1986 के का.ज्ञा. में आए और ऊपर उल्लिखित शब्द **"इनमें से जो भी बाद में हो"** संविधान के अनुच्छेद 14 और 16 का उल्लंघन करते हैं और अतः ये शब्द उस का.ज्ञा. से हटा दिए जाते हैं । उच्चतम न्यायालय के उपर्युक्त निर्णय के निहितार्थ की जांच-पड़ताल की गई है और मई 29, 1986 के का.ज्ञा. में आए शब्दों **"इनमें से जो भी बाद में हो"** के स्थान पर **"इनमें से जो भी पहले हो"** शब्दों को प्रतिस्थापित करने का निर्णय लिया गया है ।

.....2/-

3. यह भी स्पष्ट किया जाता है कि मई 29, 1986 के का.ज्ञा. में उल्लिखित मूल विभाग में समकक्ष ग्रेड का निर्धारण करने के लिए इस विभाग के मार्च 7, 1984 के का.ज्ञा.संख्या 14017/27/75-स्था.(घ)(पार्ट) (प्रति संलग्न) में दिए गए सदृश पदों को निर्धारित किए जाने वाले मानदंडों का अनुसरण किया जाए ।

4. ये अनुदेश उच्चतम न्यायालय के उपर्युक्त निर्णय की तारीख़ अर्थात् दिसम्बर 14, 1999 से प्रभावी होंगे ।

5. जहां तक भारतीय लेखा परीक्षा और लेखा विभागों में कार्यरत कार्मिकों का संबंध है, ये अनुदेश भारत के नियंत्रक तथा महालेखा परीक्षक के परामर्श से जारी किए जाते हैं । तथापि, ये आदेश (ऊपर उल्लिखित मई 29, 1986 के का.ज्ञा. के पैरा 4 के मद्देनज़र) भारतीय लेखा परीक्षा और लेखा विभाग के आंतरिक स्थानांतरण पर लागू नहीं होंगे जो कि नियंत्रक तथा महालेखा परीक्षक द्वारा समय-समय पर जारी आदेशों द्वारा अधिशासित होते हैं ।

6. उपर्युक्त अनुदेशों को जानकारी, मार्गदर्शन तथा आवश्यक कार्रवाई के लिए कृपया सभी संबंधितों के ध्यान में ला दिया जाए ।

(के.के. झा)
निदेशक (स्थापना)

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग ।

5

No.41019/18/97-Estt(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
******

New Delhi, dated 13th June, 2000.

OFFICE MEMORANDUM

Sub: Operation of reserve panels prepared on the basis of selections made by UPSC, Staff Selection Commission, other recruiting agencies and where selections are made by Ministries /Department etc. – acceptance of recommendations of Fifth Central Pay Commission - regarding.

.....

O.M. No. 39021/18/84 -Estt.(B) dt. 20.11.85

O.M. No. 39021/18/84 -Estt.(B) dt. 14.5.87

O.M. No. 39036/6/88-Estt.(B) dt. 18.1.90

The undersigned is directed to invite attention to this Department's Office Memorandum quoted in the margin and to say that in terms of these Office Memorandum, it was informed that the Union Public Service Commission, wherever possible, maintains a reserve panel of candidates found suitable on the basis of selections made by them for appointment on direct recruitment, transfer on deputation, transfer basis and the reserve panel is operated by the UPSC on a request received from the Ministry/Department concerned when the candidate recommended by the UPSC either does not join, thereby causing a replacement vacancy or he joins but resigns or dies **within six months** of his joining. Ministries/Departments were advised that whenever such a contingency arises, they should first approach the UPSC for nomination of a candidate from the reserve panel, if any. The recruitment process be treated as completed only after hearing from the UPSC and the Ministry/Department concerned may resort to any alternative method of recruitment to fill up the vacancy thereafter.

2. The Fifth Central Pay Commission, in para 17.11 of its Report, has recommended that with a view to reduce delay in filling up of the posts, vacancies resulting from resignation or death of an incumbent **within one year** of his appointment should be filled immediately by the candidate from the reserve panel , if a fresh panel is not available by then. Such a vacancy should not be treated as a fresh vacancy. This recommendation has been examined in consultation with the UPSC and it has been decided that in future, where a selection has been made through UPSC , a request for nomination from the reserve list, if any, may be made to the UPSC in the event of occurrence of a vacancy caused by non-joining of the candidate within the stipulated time allowed for joining the post or where a candidate joins but he resigns or dies **within a period of one year** from the date of his joining, if a fresh panel is not available by then. Such a vacancy should not be treated as fresh vacancy.

10

3. It has also been decided that where selections for posts under the Central Government are made through other recruiting agencies such as Staff Selection Commission or by the Ministries/Departments directly and the reserve panels are similarly prepared, the procedure for operation of reserve panels maintained by UPSC as described in para 2 above will also be applicable for the reserve panels maintained by the other recruiting agencies/authorities.

Harinder Singh

(Harinder Singh)
Joint Secretary to the Government of India

To

All Ministries/Departments of the Government of India.

No. 41019/18/97-Estt (B) New Delhi, dated the 13th June, 2000.

1. Comptroller and Auditor General of India
2. Rajya Sabha/Lok Sabha Secretariat
3. All Union Territory Administrations
4. UPSC
5. SSC
6. All attached and subordinate offices under the Department of Personnel and Training
7. CBEC/CBDT
8. Commissioner for SC/ST

MOST IMMEDIATE

No.AB-14017/2/97-Estt(RR)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
May 25, 1998

OFFICE MEMORANDUM

Subject:-*Fifth Central Pay Commission's recommendations – Revision of pay-scales – Amendment of Service Rules/Recruitment Rules*.

The undersigned is directed to invite attention to the Central Civil Services (Revised Pay) Rules, 1997 notified by the Ministry of Finance (Department of Expenditure) on the 30th September, 1997 containing the decision of the Government in regard to the revised scales of pay, etc. The Government has decided that Ministries/ Departments etc. are required to take the following consequential steps to amend the existing Service Rules/Recruitment Rules on a priority basis:-

(i) ***Substituting the existing scales by revised scales***

The existing pay-scales may be substituted by the equated revised pay-scales now prescribed, straightaway, without making a reference to the Department of Personnel and Training (DOP&T)/the Union Public Service Commission (UPSC). In cases where deputation is also one of the methods of recruitment, the field of deputation which includes various posts should also reflect the revised scales of pay, in case there is no change in the eligibility service as per the revised guidelines. In cases where there is change in the eligibility service/field of deputation, amendment to the rules should be undertaken .

(ii) ***Merger of pay-scales***

From Part 'A' of the first Schedule to the CCS (Revised Pay) Rules, 1997, notified by the Ministry of Finance on the 30th September, 1997, it may be seen that pre-revised scales have been merged into a single revised scale in respect of Grades S-5, S-6, S-7, S-8, S-9, S-12, S-13, S-15, S-19, S-21, S-24, S-26, S-29 and S-32. In such cases the recruitment rules will have to be amended so as to provide for promotion from the feeder grade to the merged grade according to the revised qualifying service as per *ANNEXURE-'A'*.

(iii) ***Where there is an upgradation of posts***

In some cases the Fifth Pay Commission has recommended a higher pay-scale and not equated revised scale. Further, in certain cases the recommendations of the Pay Commission are subject to fulfillment of specific conditions e.g. changes in Recruitment Rules, restructuring of cadres, redistribution of posts, etc. As per guidelines issued by the DOP&T, whenever it has been decided to upgrade any post action should be taken by the Administrative Ministry/Department concerned to reframe the Recruitment Rules therefor. As the eligibility criteria for direct recruitment or promotion or

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deputation, etc to the higher post will be different from those prescribed for a post on a comparatively lower scale, it will be necessary to review the relevant columns of the existing Recruitment Rules for the post for which an upgraded revised scale has been approved and to prescribe age limits, qualifications, experience and eligibility service for promotion/deputation appropriate to the higher level. Such revision should, however, be undertaken in respect of only those pay-scales which have already been approved by the Government and notified or the eligibility as prescribed has undergone a change. Pending revision of the Recruitment Rules with reference to the pay-scales as approved by the Government, the existing rules for the lower pay-scale may not be operated.

(iv) ***Consequential Changes***

It will be necessary to make consequential changes in the Recruitment Rules/Service Rules so as to prescribe eligibility conditions with reference to the revised pay-scales. It will also be necessary to review other columns of the Recruitment Rules/Service Rules where some minimum service in a particular pay-scale is prescribed for consideration on deputation etc.

(v) ***Departmental Promotion*** **Committees (DPC)**

It has also been decided that where the scales have been merged, the existing DPC for the higher grade will be the DPC for the integrated merged grade.

(vi) The method of recruitment of 'transfer' indicated in para 3.12.1 of the DOP&T guidelines dated the 18th March, 1988 may be substituted to read as '**ABSORPTION**' instead of 'transfer'. Accordingly, the word 'transfer', wherever it occurs in the various instructions, guidelines etc on Recruitment Rules, may be replaced by the word 'absorption'. The method of deputation may also be referred to as '**DEPUTATION**' only and not as 'transfer on deputation'.

(vii) In the DOP&T Office Memorandum (O.M.) dated the 18th March, 1988, Column 5 of Annexure-1 reads as "Whether Selection posts or Non-Selection posts". However, in terms of the DOP&T O.M.No.22011/5/91-Estt(D) dated the 27th March, 1997 the method of 'Selection' in the aforesaid column has now to be shown as "Selection-cum-Seniority or Selection by merit". Necessary changes to this effect may be incorporated in the Recruitment Rules/Service Rules.

2. The Supreme Court in its judgement in ***R.K. Sabharwal's*** case has ruled in favour of a change-over from the existing "vacancy" based reservation roster to "post"-based roster. Under the existing policy the determination of different quotas for recruitment is vacancy-based. In order to comply with the aforesaid Supreme Court judgement, which has been implemented vide the DOP&T O.M.No.36012/2/96-Estt (Res) dated the 2nd July, 1997, it will be necessary to amend the existing Service Rules/Recruitment Rules under Column 11 of Annexure-1 in the DOP&T guidelines dated the 18th March, 1988 to replace the words "percentage of the 'vacancies' to be filled by various methods" by "percentage of the 'posts' to be filled by various methods".

3. The DOP&T vide its Office Memorandum of even number dated the 10th February, 1997 had imposed a temporary ban on framing/amendment/relaxation/ modification/notification of Recruitment Rules/Service Rules in respect of Group 'A', 'B', 'C', 'D' posts/services/cadres till necessary orders to this effect are issued by the Government. The Revised Pay Rules, 1997 have since been notified by Ministry of Finance vide their notification dated the 30th September, 1997. As a sequel to this, Government have decided to lift the aforesaid temporary ban on framing/amendment/ relaxation/modification/notification of Recruitment Rules/Service Rules in respect of Group 'A', 'B', 'C', 'D' posts/services/cadres with immediate effect.

4. The Recruitment Rules/Service Rules are of statutory nature. Therefore, the changes brought out by other relevant instructions have to be incorporated in the Recruitment Rules/Service Rules by suitable amendments so that necessary steps like holding of DPC etc. are taken to fill the posts carrying the revised scales, particularly merged scales, on regular basis. All the Ministries/Departments are, therefore, requested to effect necessary amendments to the Recruitment Rules/Service Rules notified by them after following the normal procedure of furnishing proposals to the Department of Personnel and Training and the UPSC in the format (Annexure-III) prescribed in the general guidelines on recruitment rules circulated vide the DOP&T O.M. No.14017/12/87-Estt(RR) dated the 18th March, 1988 and also in consultation with the Legislative Department.

5. In view of the urgency for amending the Recruitment Rules/Service Rules on the above lines, it is expected that Ministries/Departments would complete the review in this regard and furnish necessary amendment proposals to the Department of Personnel and Training/the Union Public Service Commission in the case of Group 'A' and 'B' posts within two months from the date of issue of this Office Memorandum. Simultaneously, they will, no doubt, be taking similar action for amending the recruitment rules for Group 'C' and 'D' posts, which is within their competence under the delegated powers.

6. Hindi version will follow.

(HARINDER SINGH)
Joint Secretary to the Government of India

To

All Ministries/Departments of the Government of India

Copy to:-

1. The Secretary, Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi 110011 with reference to their communication No.F.2/14/97-RR dated April 17, 1998.

2. The Comptroller and Auditor General of India, 10 Bahadur Shah Zafar Marg, New Delhi 110002.

3. The Manager, Government of India, Press, Mayapuri, Ring Road, New Delhi.

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ANNEXURE - A

S.No.	FROM	TO	FIXED QUALIFYING SERVICE
1.	2550-3200	2610-3540	2 years
2.	2610-3540	2650-4000	2 years
3.	2650-4000	2750-4400	2 years
4.	2650-4000	3050-4590	4 years
5.	2750-4400	3050-4590	3 years
6.	3050-4590	3200-4900	3 years
7.	3200-4900	4000-6000	5 years
8.	3050-4590	4000-6000	8 years
9.	4000-6000	4500-7000	5 years
10.	4000-6000	5500-9000	10 years
11.	4500-7000	5000-8000	3 years
12.	4500-7000	5500-9000	6 years
13.	4500-7000	6500-10500	8 years
14.	5000-8000	5500-9000	3 years
15.	5000-8000	6500-10500	6 years
16.	5500-9000	6500-6900	2 years
17.	5500-9000	6500-10500	3 years
18.	5500-9000	7500-12000	7 years
19.	5500-9000	8000-13500	8 years
20.	6500-6900	6500-10500	2 years
21.	6500-10500	7450-11500	2 years
22.	6500-10500	7500-12000	3 years
23.	6500-10500	8000-13500	5 years
24.	6500-10500	10000-15200	8 years
25.	7450-11500	7500-12000	2 years
26.	7450-11500	8000-13500	3 years
27.	7450-11500	10000-15200	7 years
28.	7500-12000	8000-13500	2 years
29.	7500-12000	10000-15200	6 years
30.	8000-13500	10000-15200	5 years

31.	9000 (FIXED)	9000-9550	Nil
32.	9000-9550	10325-10975	Nil
33.	10000-15200	12000-16500	5 years
34.	10000-15200	12000-18000	5 years
35.	10000-15200	14300-18300	10 years
36.	12000-16500	14300-18300	5 years
37.	12000-18000	16400-20000	6 years
38.	12000-18000	16400-20900	6 years
39.	12000-18000	14300-22400	5 years
40.	14300-18300	18400-22400	3 years
41.	14300-18300	16400-20000	2 years
42.	16400-20000	18400-22400	2 years
43.	18400-22400	22400-24500	3 years
44.	22400-24500	22400-26000	Nil
45.	22400-26000	24050-26000	Nil
46.	22400-26000	26000 (FIXED)	2 years
47.	24050-26000	26000 (FIXED)	2 years
48.	22400-24500	26000 (FIXED)	2 years
49.	26000 (FIXED)	30000 (FIXED)	3 years

No.35015/2/93-Estt(D)
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

New Delhi, the 7-8-95

OFFICE MEMORANDUM

Subject:-Candidates recommended by the UPSE/SSC for appointment to Central Civil Services and the post-delay in joining revival of offers of appointment after their cancellation determination of seniority.

.....

The undersigned is directed to say that according to DP & T OM No.9/23/71-Estt(D) dated 6.6.78(copy enclosed) an offer of appointment issued by different Ministries/Departments, should clearly indicate that the offer would lapse if the candidate did not join within the specified period which shall not exceed two or three months. If, however, within the period stipulated, a request is received from candidate for extension of time, it may be considered by the Ministries/Departments and if they are satisfied, an extension for a limited period may be granted but the total period granted including the extension during which the offer of appointment will be kept open, should not exceed a period of nine months.

2. The Staff Side of the Departmental Council (JCM) of DOP&T have demanded that direct recruits may be allowed a maximum of three months for joining instead of ninemmnths provided for in the OM under reference so as to avoid delay in preparation and issue of select/seniority list. The matter has been examined in consultation with the UPSC and it has been decided to reduce from nine months to six months the maximum time upto which an offer of appointment can be kept to open. In other words an offer of appointment should clearly specify the period (which shall not normally exceed one or two months) after which the offer would lapse automatically if the candidate did not join within the specified period. If however within the specified period, a request is received from the candidate for extension of time, it may be considered by the Ministries/Deptts. but extension beyond three months should not be granted liberally and it may be granted only as an exception where facts and circumstances so warrant and in any case only upto a maximum of six months from the date of issue of the original offer of a appointment. An offer of appointment would lapse automatically after the expiry of six months from the date of issue of the original offer of appointment.

3. Subject to the above modifications the other provisions contained in the OM dated 6.6.78 should be followed scrupucusly.

4. These instructions are not applicable to cases of persons who have been granted exemption under rule 4 of Civil Services Examination Rules.

5. The Ministry of Finance etc. are requested to bring the above instructions to the notice of all concerned.

(S. THYAGARAJAN)
Director

To

1. All Ministries/Departments of the Govt. of India, including all Attached & Subordinate Offices of Deptt. of Personnel.
2. Union Public Service Commission, with reference to their letter No.2/39/93-S.II dated 19.4.95 .
3. Secretary, Staff Side, Departmental Council, DOP&T.
4. Secretary, National Council, JCM.
5. CS-IV with reference to their file No.2/26/93-CS.IV.
6. AIS-I Section.
7. All Sections in DOP&T.
8. 300 spare copies for Estt.(D).

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No. 20011/5/90-Estt(D)

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

.....

New Delhi, the 4 November, 1992.

OFFICE MEMORANDUM

Subject:- Delinking seniority from confirmation.

...

The seniority of Government servants is determined in accordance with the general principles of seniority contained in MHA OM No. 9/11/55-RPS dated 22.12.59 (copy enclosed). One of the basic principles enunciated in the said OM is that seniority follows confirmation and consequently permanent officers in each grade shall rank senior to those who are officiating in that grade.

2. This principle has been coming under judicial scrutiny in a number of cases in the past, the last important judgement being the one delivered by the Supreme Court on 2.5.90(JT-1990(2)SC-264) in the case of Class II Direct Recruits Engineering Officers Association vs. State of Maharashtra. In para 47(A) of the said judgement the Supreme Court has held that once an incumbent is appointed to a post according to rule, his seniority has to be counted from the date of his appointment and not according to the date of his confirmation.

3. The general principle of seniority mentioned above has been examined in the light of the judicial pronouncement referred to above and it has been decided that seniority may be delinked from confirmation as per the directive of the Supreme Court in para 47(A) of its judgement dated 2.5.90. Accordingly in modification of the general principle 3, proviso to general principle 4 and proviso to general principle 5(i) contained in MHA (now DOPT) O.M.No.9/11/55-RPS dated 22.12.59 and para 2.3. of this Department O.M. dt.3.7.86 (copy enclosed) it has been decided that seniority of a person regularly appointed to a post according to rule would be determined by the order of merit indicated at the time of initial appointment and not according to the date of his confirmation.

4. These orders shall take effect from the date of issue of this Office Memorandum. Seniority already determined according to the existing principles on the date of issue of these orders will not be reopened even if in some cases seniority has already been challenged or is in dispute and it will continue to be determined on the basis of the principles already existing prior to the date of issue of these orders.

5. All Ministries/ Departments are requested to bring these instructions to the notice of all concerned for guidance and compliance.

.....

Y.G. PARANDE)
DIRECTOR

To

All Ministries/ Departments etc.

Copy to:-

1. Comptroller and Auditor General of India.
2. Rajya Sabha Sectt./Lok Sabha Sectt.
3. UPSC (with 10 spare copies),
4. All Union Territory Administrations.
5. All attached/subordinate offices under the DOPT.
6. Commissioner for SC/ST, New Delhi.
7. Secretary, Staff Side, National Council (JCM), 9 Ashoka Road, New Delhi .
8. All Sections.
9. 200 spare copies for Estt.(D).

संख्या 20011/5/90-स्था0(घ)

भारत सरकार

कार्मिक,लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक 4-11-92

कार्यालय ज्ञापन

विषय:- वरिष्ठता को स्थायीकरण से पृथक किया जाना ।

सरकारी कर्मचारी की वरिष्ठता का निर्धारण गृह मंत्रालय के दिनांक 22.12.1959 (प्रति संलग्न) के कार्यालय ज्ञापन संख्या 9/11/55-आर0पी0एस0 में दिए गए वरिष्ठता संबंधी सामान्य सिद्धान्तों के अनुसार किया जाता है । उक्त कार्यालय ज्ञापन में प्रतिपादित वरिष्ठता का एक मूल सिद्धान्त यह है कि किसी कर्मचारी का स्थायीकरण होने के पश्चात् उसे वरिष्ठता दी जाती है और परिणामस्वरूप प्रत्येक ग्रेड में स्थायी किए गए अधिकारी को उन व्यक्तियों से वरिष्ठ रैंक में रखा जाएगा, जो उस ग्रेड में स्थानापन्न रूप से कार्य कर रहे है ।

2. विगत में इस सिद्धान्त की कुछ मामलों में न्यायिक जांच की गई है, अन्तिम महत्वपूर्ण निर्णय उच्चतम न्यायालय ने दिनांक 2.5.90 (जे0टी0 1990)(2)एस0सी0-264)(को श्रेणी-।। सीधी भर्ती के इंजीनियरिंग अधिकारी एसोसिएशन बनाम महाराष्ट्र सरकार के मामले में दिया था । उपर्युक्त निर्णय के पैरा 47(क) में उच्चतम न्यायालय ने यह स्थापित किया कि जब कोई पदधारी किसी पद पर नियमानुसार नियुक्त किया जाता है तो उसकी वरिष्ठता उसके स्थायीकरण की तारीख से नहीं बल्कि उसकी नियुक्ति की तारीख से गिनी जानी चाहिए ।

3. उपर्युक्त वरिष्ठता के सामान्य सिद्धान्त की उपर्युक्त न्यायिक निर्णय के परिप्रेक्ष्य में जांच की गई है और यह निर्णय लिया गया है कि उच्चतम न्यायालय के दिनांक 2.5.90 के निर्णय के पैरा 47(क) में दिए गए निर्देश के अनुसार वरिष्ठता को स्थायीकरण से पृथक कर दिया जाए । तदनुसार, गृह मंत्रालय (अब कार्मिक और प्रशिक्षण विभाग) के दिनांक 22.12.1959 तथा इस विभाग के दिनांक 3.7.1986 के कार्यालय ज्ञापन (प्रति संलग्न) के पैरा 2.3 में दिए गए सामान्य सिद्धान्त 3, सामान्य सिद्धान्त 4 तथा सामान्य सिद्धान्त 5(।) के परन्तुकों के संशोधन में यह निर्णय लिया गया है कि किसी पद पर नियमानुसार नियमित रूप से नियुक्त एक व्यक्ति की वरिष्ठता का निर्धारण उसकी प्रारम्भिक नियुक्ति के क्रम में दर्शाए गए गुणता क्रम द्वारा निर्धारित किया जाएगा न कि उसके स्थायीकरण की तारीख के अनुसार ।

4. ये आदेश इस कार्यालय ज्ञापन के जारी होने की तारीख से प्रभावी होंगे । इन आदेशों के जारी होने की तारीख को विद्यमान सिद्धांतों के अनुसार पहले से ही निर्धारित वरिष्ठता के मामलों पर पुन: विचार नहीं किया जाएगा यहां तक कि यदि कुछ मामलों में वरिष्ठता के संबंध में पहले ही चुनौती दी गई है अथवा इन पर विवाद चल रहा है, तो इनका निर्धारण भी इन आदेशों के जारी होने से पूर्व पहले से ही विद्यमान सिद्धांतों के अनुसार ही किया जाएगा ।

5. सभी मंत्रालयों/विभागों इत्यादि से अनुरोध है कि वे इन आदेशों को दिशा-निर्देश तथा अनुपालन के लिए सभी संबंधितों के ध्यान में लाएं ।

(य0गो0 पराडे)
निदेशक

सेवा में,

सभी मंत्रालय/विभाग आदि ।

No.22011/7/86-Estt(D)
Government of India
Ministry of Personnel, Public Grievances
and Pensions
(Department of Personnel & Training)

dated 3-7-86

OFFICE MEMORANDUM

Subject: SENIORITY- Consolidated orders on

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government. For facility of reference, the important orders on the subject have been consolidated in this Office Memorandum. The number and date of the original communication has been quoted in the margin so that the users may refer to it to understand fully the context in which the order in question was issued.

SENIORITY OF DIRECT RECRUITS AND PROMOTEES

MHA OM No.9/11/55-RPS dt.22.12.59

2.1 The relative seniority of all direct recruits is determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C or other selecting authority, persons appointed as a result of an earlier selection being senior to those appointed as a result of a subsequent selection.

2.2 Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority, subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior such persons shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

2.3 Where persons recruited or promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

2.4.1 The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quota of vacancies reserved for directrecruitment and promotion respectively in the Recruitment Rules.

DPT OM No.25014/ 2/86-EsttD dt.7.2.86

2.4.2 If adequate number of direct recruits do not become available in any particular year, rotation of quotas for the purpose of determining seriority would take place only to the extent of the available direct recruits and the promotees.

In other words, to the extent direct recruits are not available the promotees will be bunched together at the bottom of the seniority list below the last position upto which it is possible to determine seniority, on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year(and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional, direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee(or direct recruit as the case may be), in the seniority list based on the rotation of vacancies for that year. The same principle holds good for determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies(as the case may be) in the subsequent year.

ILLUSTRATION: Where the Recruitment Rules provide 50% of the vacancies of a grade to be filled by promotion and the remaining 50% by direct recruitment, and a assuming there are ten vacancies in the grade arising in each of the year 1986 and 1987 and that two vacancies intended for direct recruitment remain unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under:

	1986		1987
1.	P1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

.....3/-

2.4.3 In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Register giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

2.4.4 With a view to curbing any tendency of under-reporting/suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if nay, exceeding the share failing to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

MHA OM No. 9/11/55-RPS dt. 22.12.1959

SENIORITY OF TRANSFEREES

3.1 The relative seniority of persons appointed by transfer to a Central service from the subordinate offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such transfer.

3.2 Where such transfers are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such transferees vis-a-vis direct recruits or promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the Recruitment Rules. Where the vacancies in any quota or quotas are carried forward, the principles stated in para 2.4.2 will apply, mutatis mutandis in determining inter-se seniority of the appointees.

3.3 Where a person is appointed by transfer in accordance with the provisions in the Recruitment Rules providing for such transfer in the event of non-availability of suitable candidate by direct recruitment or promotion, such transferee shall be grouped with direct recruits or promotees, as the case may be. He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occassion.

DP&T OM No 20020/7/80-Estt(D) dated 29.5.1986.

3.4.1 In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "Transfer on deputation/Transfer"), his seniority in the grade in which he is absorbed will normally be counted from the date of absorption. If he has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he will be given seniority from-

- the date he has been holding the post on deputation,

(or)

- the date from which he has been appointed on a regular basis to the same or equivalent grade in his parent department.,

whichever is later.

3.4.2 The fixation of seniority of a transferee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

3.5 In cases in which transfers are not strictly in public interest, the transferred officers will be placed below all officers appointed regularly to the grade on the date of absorption.

SENIORITY IN SPECIAL TYPES OF CASES

MHA OM No.37/1/52-DGS dated 10.7.54, OM No. 13/4/56-RPS dt. 29.9.56 & No.13/4/57-RPS dt. 14.7.58

4.1 In the case of such ex-T.B. or ex-Pleurisy ex-Leprosy patients, as have been declared non-infective and medically fit for Government service, on re-employment in the same posts from which they were discharged the actual previous service rendered by them should be counted for seniority. The seniority of such persons re-employed in other posts will be fixed in consultation with the Department of Pers. & Trg.

MHA OM No. 9/13/62-Estt.D dt.10.10.62 & OM No. 9/30/63-Estt(D) dt.7.2.64.

4.2.1 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 intension is that the reduction should be permanent or for an indefinite period;

(ii) Whether on such repromotion, the Govt. servant will regain his original seniority in the higher service, grade or post or higher time-scale which had been assigned to him prior to the imposition of the penalty.

4.2.2 In cases where the reduction is for a specified period and is not to operate to postpone future increments, the seniority of the Govt. 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 his reduction.

4.2.3 Where the reduction is for a specified period amd is to operate to postpone future increments, the seniority of the Govt. servant on repromotion 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.

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MHA OM No.3/27/65-Estt.II dt.25.2.66 & OM No. 9/22/68-Estt(D) dt. 6.2.69.

4.3.1. The surplus employees are not entitled for benefit of the past service rendered in the previous organisation for the purpose of their seniority in the new organisation. Such employees are to be treated a s fresh entrants in the matter of their seniority, promotions etc.

4.3.2 When two or more surplus employees of a particular grade in an office are selected on different dates for absorption in a grade in another office, their inter-se seniority in the latter office will be same as in their previous office provided that-

(i) no direct recruit has been selected for appointment to that grade in between these dates; and

(ii) if there are no fixed quotas for direct recruitment and promotion to the grade in question in the new office no promotee has been approved for appointment to that grade in between these dates.

4.3.3 When two or more surplus employees of a particular grade in an office are simultaneously selected for redeployment in another office in a grade, their inter-se seniority in the particular grade, on redeployment in the latter office, would be the same as it was in their previou office.

4.3.4 The above orders would not be applicable in respect of personnel who are appointed on the recommendations of the U.P.S.C. to posts/services recruitment to which is mad through the Commission. Seniority of surplus officers appointed on the recommendations of the Commission will be decided on merits in consultation with the Commission.

5. It is requested that these instructions may be brought to the notice of all administrative authorities for information, guidance and compliance.

(Hindi version will follow soon).

Sd/-

(K. S. R. KRISHNA RAO)
DEPUTY SECRETARY TO THE GOVT. OF IND.
TELE: 301 12 25

To

1. All Ministries/Departments of the Govt. of India. etc. etc.

No.35014/2/86-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Karmik, Lok Shikayat Tatha Pensions Mantralaya)
DEPARTMENT OF PERSONNEL AND TRAINING

North Block, New Delhi-1
the 7 February, 1986.

OFFICE MEMORANDUM

Subject:- General Principles for determining the seniority of various categories of persons employed in Central Services.

As the Ministry of Finance etc. are aware, the General Principles for determination of seniority in the Central Services are contained in the Annexure to Ministry of Home Affairs O.M. No.9/11/55-RPS dated 22nd December, 1959. According to Paragraph-6 of the said Annexure, the relative seniority of direct recruits and promotees shall be determined according to rotation of vacancies between the direct recruits and the promotees, which will be based on the quota of vacancies reserved for direct recruitment and promotion respectively in the recruitment rules. In the Explanatory Memorandum to these Principles, it has been stated that a roster is required to be maintained based on the reservation of vacancies for direct recruitment and promotion in the recruitment rules. Thus where appointment to a grade is to be made 50% by direct recruitment and 50% by promotion from a lower grade, the inter-se seniority of direct recruits and promotees is determined on 1:1 basis.

2. While the above mentioned principle was working satisfactorily in cases where direct recruitment and promotion kept pace with each other and recruitment could also be made to the full extent of the quotas as prescribed, in cases where there was delay in direct recruitment or promotion, or where enough number of direct recruits or promotees did not become available, there was difficulty in determining seniority. In such cases, the practice followed at present is that the slots meant for direct recruits or promotees, which could not be filled up, were left vacant, and when direct recruits or promotees became available through later examinations or selections, such persons occupied the vacant slots, thereby became senior to persons who were already working in the grade on regular basis In some cases, where there was short-fall in direct recruitmen in two or more consecutive years, this resulted in direct recruits of later years taking seniority over some of the promotees with fairly long years of regular service already to their credit. This matter had also come up for consideration in various Court cases both before the High Courts and the Supreme Court and in several cases the relevant judgement had brought out the inappropriateness of direct recruits

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of later years becoming senior to prorotees with long years of service.

3. This matter, which was also discussed in the National Council has been engaging the attention of the Government for quite some time and it has been decided that in future, while the principle of rotation of quotas will still be followed for determining the inter-se seniority of direct recruits and promotees, the present practice of keeping vacant slots for being filled up by direct recruits of later years, thereby giving them unintended seniority over promotees who are already in position, would be dispensed with. Thus, if adequate number of direct recruits do not become available in any particular year, rotation of quotas for purpose of determining seniority would take place only to the extent of the available direct recruits and the promotees. In other words, to the extent direct recruits are not available, the promotees will be bunched together at the bottom of the seniority list, below the last position upto which it is possible to determine seniority on the basis of rotation of quotas with reference to the actual number of direct recruits who become available. The unfilled direct recruitment quota vacancies would, however, be carried forward and added to the corresponding direct recruitment vacancies of the next year (and to subsequent years where necessary) for taking action for direct recruitment for the total number according to the usual practice. Thereafter, in that year while seniority will be determined between direct recruits and promotees, to the extent of the number of vacancies for direct recruits and promotees as determined according to the quota for that year, the additional direct recruits selected against the carried forward vacancies of the previous year would be placed en-bloc below the last promotee (or direct recruit as the case may be) in the seniority list based on the rotation of vacancies for that year. The same principle holds good in determining seniority in the event of carry forward, if any, of direct recruitment or promotion quota vacancies (as the case may be) in the subsequent years.

Illustration:

Where the Recruitment Rules provide 50% of the vacancies in a grade to be filled by promotion and the remaining 50% by direct recruitment, and assuming there are 10 vacancies in the grade arising in each of the years 1986 and 1987 and that 2 vacancies intended for direct recruitment remained unfilled during 1986 and they could be filled during 1987, the seniority position of the promotees and direct recruits of these two years will be as under :

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1986		1987	
1.	P1	9.	P1
2.	D1	10.	D1
3.	P2	11.	P2
4.	D2	12.	D2
5.	P3	13.	P3
6.	D3	14.	D3
7.	P4	15.	P4
8.	P5	16.	D4
		17.	P5
		18.	D5
		19.	D6
		20.	D7

4. In order to help the appointing authorities in determining the number of vacancies to be filled during a year under each of the methods of recruitment prescribed, a Vacancy Registe giving a running account of the vacancies arising and being filled from year to year may be maintained in the proforma enclosed.

5. With a view to curbing any tendency of under-reporting/ suppressing the vacancies to be notified to the concerned authorities for direct recruitment, it is clarified that promotees will be treated as regular only to the extent to which direct recruitment vacancies are reported to the recruiting authorities on the basis of the quotas prescribed in the relevant recruitment rules. Excess promotees, if any, exceeding the share falling to the promotion quota based on the corresponding figure, notified for direct recruitment would be treated only as ad-hoc promotees.

6. The General Principles of seniority issued on 22nd December, 1959 referred to above, may be deemed to have been modified to that extent.

7. These orders shall take effect from 1st March, 1986. Seniority already determined in accordance with the existing principles on the date of issue of these orders will not be reopened. In respect of vacancies for which recruitment action has already been taken, on the date of issue of these orders either by way of direct recruitment or promotion, seniority will continue to be determined in accordance with the principl in force prior to the issue of this O.M.

8. Ministry of Finance etc. are requested to bring these instructions to the notice of all the Attached/Subordinate Offices under them to whom the General Principles of Seniority contained in O.M. dated 22.12.1959 are applicable within 2 wee as these orders will be effective from the next month.

Sd/-
(Aarti Khosla)
Joint Secy. to the Govt. of India

To

All Ministries/Departments of the Govt. of India....4/
etc. etc.

VACANCY REGISTER

	1986	1987	1988	ETC.
1. Total number of vacancies arising during the year ...				
2. BY DIRECT RECRUITMENT				
(i) No. of vacancies to be filled:				
(a) Vacancies of the year (as per quota prescribed) ...				
(b) Vacancies of the previous year(s) brought forward ...				
(c) Total ...				
(ii) No. of vacancies actually filled ...				
(iii) No. of vacancies carried forward ...				
3. BY PROMOTION				
(i) No. of vacancies to be filled				
(a) Vacancies of the year(as per quota prescribed) ...				
(b) Vacancies of previous year(s) brought forward ...				
(c) Total ...				
(ii) No. of vacancies actually filled ...				
(iii) No. of vacancies carried forward ...				

NOTE: 1. The methods of recruitment mentioned above are onl illustrative; those prescribed in the relevant recruitment rules will be reflected in this Regis

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NOTE 2: In the cadres in which the yearly vacancies are sufficient in number to be amenable for division as per the prescribed quotas, it is considered that maintenance of this Register alone will be adequate. In smaller cadres, however, where the number of the vacancies arising is somewhat occasional and one or two in a year, the appointing authorities may have to maintain the recruitment roster, as at present, to be clear about the method under which a particular vacancy has to be filled.

No. 2/11/6/76-Estt.(D)
Government of India
Ministry of Home Affairs
Department of Personnel & Adm. Reforms

North Block, New Delhi, the 16th June, 1978

OFFICE MEMORANDUM

Subject: Starting point in the recruitment roster for the purpose of seniority - procedure regarding

....

The undersigned is directed to say that from the reference received in the Department and the representations made by the affected individuals, it has been noticed that there is no uniform practice in regard to the starting point in the recruitment roster when recruitment is made by more than one method, namely, direct recruitment/promotion/transfer on deputation etc.

The following are the among the diverse methods being adopted by various departments in regard to the starting point of the roster:

(a) the mode of recruitment for which action has been initiated first;

(b) the mode of recruitment through which first appointment was made after the notification of the recruitment rules;

(c) the mode of recruitment mentioned first in the recruitment rules for the post concerned;

(d) the mode of recruitment which is the most predominant.

In some other cases, the roster has been maintained according to the illustation given in "General principle (6)" in the annexure to M.H.A. O.M. No. 9/11/55-RPS dated 22.12.1959.

2. This question has been examined in detail by this Department in consultation with the UPSC and it has now been decided that the starting point in the roster should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of the completion of the selection process will be

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determined as follows:-

Direct Recruitment	Date of completion of selection process.
(a) Through examination conducted by UPSC or any other authorities.	Date of publication/announcement of results.
(b) Through interviews conducted by UPSC or any other authorities.	Date of Commission's letter containing their recommendations.
Promotion	
(a) Where UPSC is associated.	Date of UPSC's letter containing their recommendations ratifying the promotio
(b) Where UPSC is not associated or its formal concurrence is not required.	Last date of DPC meeting.
(c) Limited Departmental Examination.	Date of announcement of results.

3. A new roster will have to be started in the following cases:

(i) From the date the recruitment rules are notified in the gazette.

(ii) When there is an amendment to the Re itment Rules which changes the percentage a tted for the various modes of recruitment

4. These instructions shall come into force effect from the date of issue of this Office Mem dum and recruitment rosters already maintained/start eed not be reviewed on the basis of the above instru ns. However, where the persons concerned havebeen a d— for appointment but the Recruitment roster has en started this may be started in the light of the instructions.

(N. Rangara
Deputy Secre

To

All Ministries/Departments

UPSC with 10 spare copies with reference t letter No. F.2/47/ S.II.

No.9/11/55-RPS
Government of India
Ministry of Home Affairs

-.-.-

New Delhi, the 22nd December, 1959.
1st Pusa. 1981

OFFICE MEMORANDUM

Subject:-GENERAL PRINCIPLES FOR DETERMINING SENIORITY OF VARIOUS CATEGORIES OF PERSONS EMPLOYED IN CENTRAL SERVICES.

1 1 1

As the Ministries of the Government are aware, instructions have been issued from time to time regarding the principles to be observed in and the method of determining seniority vide Office Memoranda cited below-

(i) Office Memorandum No.30/44/48-Apptts., dated the 22nd June, 1949;

(ii) Office Memorandum No.55/28/49-DGS(Apptts.) dated the 3rd February, 1950 and other subsequent Office Memoranda regarding fixation of seniority of ex-employees of the Government of Burma;

(iii) Office Memorandum No.31/223/50-DGS, dated the 27th April, 1951 and other subsequent Office Memoranda regarding fixation of seniority of displace Government Servants ;

(iv) Office Memorandum No.9/59/56-RPS dated 4th August, 1956 ;

The instructions contained in this Ministry's Office Memorandum No. 30/44/48-Apptts., dated the 22nd June, 1949, were issued in order to safeguard the interests of displaced Government servants appointed to the Central Services after partition. As it was not possible to regulate the seniority of only displaced Government servants by giving them credit for previous service, the instructions were made applicable to all categories of persons appointed to Central Services. The principles contained in the 22nd June, 1949 orders were extended to.

(I) ex-Government servants of Burma appointed to Central Services ; and

(II) the employees of former Part 'B' States taken over to the Centre as a result of Federal Financial Integration.

The instructions contained in this Ministry's Office Memorandum No. 32/10/49-CS, dated the 31st March, 1950 and No. 32/49/CS(C) dated the 20th September 1952 similarly regulate Central Service.

2. The question has been raised whether it is necessary to continue to apply the instructions contained in the Office Memoranda cited above. Displaced Government servants have by and large been absorbed in the various Central Services and their seniority has been fixed with reference to the previous service rendered by them. Similarly, the seniority of ex-employees of the Government of Burma and Part 'B' States as well as of candidates with war service has already been determined in accordance with the instructions cited above. As the specific objects underlying the instructions cited above have been achieved, their is no longer any reason to apply these instructions in preference to the normal principles for determination of seniority. It has, therefore, been decided in consultation with the UPSC. that hereafter the seniority of all persons appointed to the various Central Services after the date of these instructions should be determined in accordance with the General Principles annexed hereto.

3. The instructions contained in the various Office Memorandum cited in para 1 above are hereby cancelled, except in regard to determination of seniority of persons appointed to the various Central Services prior to the date of this Office Memorandum. The revised General Principles embodied in the Annexure will not apply with retrospective effect, but will come into force with effect from the date of issue of these orders, unless a different date in respect of any particular service/grade from which these revised principles are to be adopted for purposes of determining seniority has already been or is hereafter agreed to by this Ministry.

Sd/-
(V.VISWANATHAN)
Special Secretary to the Government of India.

To

All Ministries of the Government of India etc. etc.

ANNEXURE

GENERAL PRINCIPLES FOR DETERMINATION OF SENIORITY IN THE CENTRAL SERVICES

1. (i) These principle shallapply to the determination of seniority in Central Civil Services and Civil posts except such services and posts for which separate principles have already been issued for may be issued hereafter by Government.

Ministries or Departments which have made separate rules or issued instructions on the basis of instructions contained in the Ministry of Home Affairs, O.M.No.30/44/48-Apptts. dated the 22nd June, 1949, are requested to consider modification of those rules or instructions on the basis of those general principles. However, whenever, it is considered necessary to follow principles different from those laid down in this Memorandum, a specific reference should be made to the Ministry of Home Affairs will consult the UPSC. As regards indivdual cases, the Ministry of Home Affairs.

Will decide the cases on which the advice of the Commission should be obtained.

(ii) Not withstanding anything contained in these General Principles, the seniority of persons belonging to the following categories will, on their appointment to a Central Civil Service, or a Civil posts, continue to be determined by the instructions noted against each such category:-

(a)	Ex-Government servants penalised for their patriotic activities	M.H.A.OM.No. 6/4/52-S&NG dated 29.5.57.
(b)	Central Government employees discharged on account of affliction with T.B., Pleurisy or Leprosy.	OM No.37/1/52-DGS, dated 10.7.54 (subsequently extended to ex-Pleurisy/Leprosy patitents vide OM.NO. 13/4/56-RPS dated 29.9.56 and 13.4.57-RPS dt. 14.7.58.
(c)	Permanent displaced Government servants nominated by the Transfer Bureau to purely temporary Organisations, who consequent on their retrenchment, were absorbed in other offices.	OM.mo.30/44/48-Apptts. dated 22.6.49.

2. Subject to the provision of para 3 below, persons appointed in a substantive or officiating capacity to a grade prior to the issue of these general principles shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall en-bloc be senior to all others in that grade.

Explantion:-For the purpose of these principles (a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these general principles; substantively vacant in a grade prior to the issue of these general principles, shall be considered to be permanent officers of the grade.

3. Subject to the provisions of para 4 below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

4. Direct Recruits:

Notwithstanding the provisions of para 3 above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the U.P.S.C. or other selecting authority, persons appointed as a result of subsequent selection;

5. Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, seniority shall follow the order of confirmation and not the original order of merit.

5. Promotees:

(i) The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion;

Provide that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

(ii) Where promotions to a grade are made from more than one grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. hereafter, the Departmental Promotion Committee shall select persons for promotion from each list upto the prescribed quota and arrange all the candidates selected from different lists in a consolidated order of merit which will determine the seniority of the persons on promotion to the higher grade.

NOTE:- Separate quotas for promotion have not already been prescribe in the relevant recruitment rules, the Ministries/Departments may do so now, in consultation with the Commission wherever necessary.

6. Relative seniority of Direct Recruits and Promotees.

The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in the Recruitment Rules.

7. Transferees:-

(i)- The relative seniority of persons appointed by transfer to a Central Service from the Subordinate Offices of the Central Government or other Departments of the Central or State Governments shall be determined in accordance with the order of their selection for such transfer.

(ii) Where such transfers are effected against specific quotas prescribed in the recruitment rules therefore, the relative seniority of such transferees vis-a-vis direct recruits and promotees shall be determined according to the rotation of vacancies which shall be based on the quotas reserved for transfer, direct recruitment and promotion respectively in the recruitment rules.

(iii) Where a person is appointed by transfer in accordance with a provision in the recruitment rules providing for such transfer in the event of non-availability of a suitable candidate by direct recruitment or promotees, as the case may be, for the purpose of para 6 above, He shall be ranked below all direct recruits or promotees, as the case may be, selected on the same occasion.

8. Persons appointed on adhoc basis to a grade without consultation with the UPSC under Regulation 4 of the U.P.S.C. (Exemption from Consultation) Regulations, 1958, are to be replaced by persons approved for regular appointment by direct recruitment, promotion or transfer, as the case may be. Until they are replaced, such persons will be shown in the order of their adhoc appointments and below all persons regularly appointed to the grade.

EXPLANATORY MEMORANDUM

General Principle 4 : The Union Public Service Commission invariably indicate the order of preference at the time of selection and it will not, therefore, be difficult to determine the relative seniority of persons recruited through the Commission. In order to obviate difficulties in determining the relative seniority of direct recruits recruited otherwise than through the U.P.S.C., the selecting authority should indicate the order of merit at the time of selection.

General Principle 5(i): Where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees shall be in the order in which they are recommended for such promotion by the Committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

General Principle 5(ii): Illustration: Where 75% of the vacancies in the grade of Head Clerk are reserved for promotion from the grade of Upper Division Clerk and 25% from the grade of Store-Keeper, the eligible Upper Division Clerks and Store-Keepers shall be arranged in separate lists with reference to their relative seniority in those grades. The DPC will make selection of three candidates from the list of U.D.C. and 1 from the list of Store-Keepers. Thereafter the selected persons from each list shall be arranged in a single list in a consolidated order of merit assessed by the D.P.C. which will determine the seniority of the persons on promotion to the higher grade.

General Principle 6: A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Where the reservation for each method is 50% the roster will run as follows:-

(1) Promotion, (2) Direct recruitment, (3) Promotion, (4) Direct Recruitment and so on. Appointment should be made in accordance with this roster and seniority determined accordingly.

Illustration: Where 75% of the vacancies are reserved for promotion and 25% for direct recruitment, each direct recruit shall be ranked in seniority below 3 promotees. Where the quotas are 50% each, every direct recruit shall be ranked below a promotee. If for any reason, a direct recruit or a promotee ceases to hold the appointment in the grade, the seniority list shall not be re-arranged merely for the purpose of ensuring the promotion referred to above.

....

General Principle 7 (i): The principle laid down in para 7(i) will not present any difficulty where recruitment by transfer is made signly and at intervals but it will be from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by transfer to indicate the inter se order of merit of the selected persons in such cases.

General Principle 8: While the seniority of persons appointed on an ad-hoc basis will be determined as indicated in para 8 of the Annexure, the seniority list should clearly show that such persons are not eligible for promotion or confirmation.

found wanting in cases ~~where two~~ or more persons are selected

18.12 Annexure – promotions

No.28020/3/2018-Estt.(C)
Government of India
Ministry of Personnel, PG & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated: 11th March, 2019

OFFICE MEMORANDUM

Subject: Master Circular on Probation/Confirmation in Central Services- reg.

The undersigned is directed to refer to this Department's O.M.No.28020/1/2010-Estt.(C) dated 21.07.2014 wherein consolidated instructions on Probation/Confirmation were issued.

It has been decided to further consolidate/modify the instructions/ guidelines in relation to probation and confirmation as a Master Circular to provide clarity and ease of reference. The Master Circular issued vide O.M. dated 21.07.2014 has been suitably updated as on date and the same is enclosed. The list of O.M.s which have been referred for consolidation of instructions for this Master Circular is at Appendix.

11/3/2019

(Umesh Kumar Bhatia)
Deputy Secretary to the Government of India
Telefax: 23094471

Copy to:
All Ministries/Departments of Government of India.

Copy to:

(I) The President's Secretariat, New Delhi.
(II) The Vice-President's Secretariat, New Delhi.
(III) The Prime Minister's Office, New Delhi.
(IV) The Cabinet Secretariat, New Delhi.
(V) The Rajya Sabha Secretariat, New Delhi.
(VI) The Lok Sabha Secretariat, New Delhi.
(VII) The Controller and Auditor General of India, New Delhi.
(VIII) The Secretary, Union Public Service Commission.
(IX) The Secretary, Staff Selection Commission.
(X) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
(XI) All Officers and Sections in the Department of Personnel & Training.

MASTER CIRCULAR ON PROBATION AND CONFIRMATION IN CENTRAL SERVICES

PROBATION

1. A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. No formal declaration shall be necessary in respect of appointment on probation. The appointing authority may declare successful completion or extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance.

2. Probation is prescribed when there is direct recruitment, promotion from one Group to another or for officers re-employed before the age of superannuation. The probation shall stand successfully completed upon issue of orders in writing. It is, however, not desirable that a Government servant should be kept on probation for long periods.

3. Instead of treating probation as a formality, the existing powers to discharge probationers should be systematically and vigorously used so that the necessity of dispensing with the services of employees at later stages may arise only rarely.

4. Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.

5. A probationer should be given an opportunity to work under more than one officer during this period and reports of his work may be obtained from each one of those officers. The probation reports for the whole period may then be considered by a Board of senior officers for determining whether the probationer concerned is fit to be confirmed in service. For this purpose, separate forms of report should be used, which are distinct from the usual Annual Performance Appraisal Report (APAR) forms. The probation period reports, unlike APAR, are written to help the supervising officer to concentrate on the special needs of probation and to decide whether the work and conduct of the officer during the period of probation or the extended period of probation are satisfactory enough to warrant his further retention in service or post. The probation period reports thus do not serve the purpose for which the APARs are written and vice versa. Therefore, in the case of all probationers or officers on probation, separate probation period reports should be written in addition to the usual APARs for the period of probation.

6. Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.

7. A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he shows substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.

8. During the period of probation, or any extension thereof, candidates may be required by the Government to undergo such courses of training and instructions and to pass examinations, and tests (including examination in Hindi) as the Government may deem fit, as a condition for the satisfactory completion of probation.

MANDATORY INDUCTION TRAINING

9. In all cases of direct recruitment there should be a mandatory induction training of at least two weeks duration. Successful completion of the training may be made a pre-requisite for completion of probation. The syllabus for the training may be prescribed by the Cadre authorities in consultation with the Training Division of DOPT. The recruitment rules for all posts, wherever such a provision does not already exist, may be amended to provide for such mandatory training. Till such time as the Recruitment Rules are amended, a clause on the above lines may be included in the offer of appointment.

PERIOD OF PROBATION

10. The period of probation is prescribed for different posts/services in Central Government on the following lines:

S.No.	Method of appointment	Period of Probation
PROMOTION		
1.	Promotion from one grade to another but within the same group of posts e.g. from Group 'C' to Group 'C'	No probation.
2.	Promotion from one Group to another e.g. Group 'B' to Group 'A'	The period of probation prescribed for the direct recruitment to the higher post. If no period is prescribed then it should be 2 years.

DIRECT RECRUITMENT		
3.	(i) For direct recruitment to posts except clause (ii) below (ii) For direct recruitment to posts carrying a Grade Pay of Rs. 7600 or above or to the posts to which the maximum age limit is 35 years or above and where no training is involved Note: Training includes 'on the job' or 'Institution training'	2 years 1 year
4.	Officers re-employed before the age of superannuation	2 years
5.	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation.

(A) DIRECT RECRUITMENT TO ANOTHER POST IN SAME OR DIFFERENT DEPARTMENT

If a Government servant is appointed to another post by direct recruitment either in the same department or a different department, it may be necessary to consider him for confirmation in the new post in which he has been appointed by direct recruitment irrespective of the fact that the officer was holding the earlier post on a substantive basis. Further confirmation in the new entry grade becomes necessary because the new post may not be in the same line or discipline as the old post in which he has been confirmed and the fact that he was considered suitable for continuance in the old post (which was the basis for his confirmation in that post) would not automatically make him suitable for continuance or confirmation in the new post,, the job requirements of which may be quite different from those of the old post.

(B) PROMOTION

(i) Persons who are inducted into a new service through promotion shall also be placed on probation. There shall be no probation on promotion from one grade to another but within the same group of posts, except when the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation would be for the prescribed period.

(ii) Consequent upon the decision of delinking confirmation from the availability of permanent posts it was also decided that if the recruitment rules do not prescribe any probation, an officer appointed/promoted on regular basis (after following the prescribed DPC procedure, etc.) will have all the benefits that a person confirmed in that grade would have.

LEAVE TO PROBATIONER, A PERSON ON PROBATION

11. A probationer shall be entitled to leave under the provisions of the Rule 33 of the CCS (Leave) Rules,1972. If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend;

I. beyond the date on which the probationary period as already sanctioned or extended, expires, or

II. beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

12. A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post; Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

13. As far as the matter of Child Care Leave to probationers is concerned, CCL should not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is fully satisfied regarding the need of Child Care Leave to the probationer. It may also be ensured that the period for which this leave is sanctioned during probation is minimal. Further the other provisions contained in Rule 43-C of the CCS (Leave) Rules, 1972 will also apply.

14. Joining Time is granted to Government servants on transfer in public interest. The period of joining time availed by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.

EXTENSION OF PROBATION PERIOD

15. If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations prescribed (proficiency in Hindi, etc.), if any, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.

16. If the Appointing Authority thinks it fit, they may extend the period of probation of a Government servant by a specified period but the total period of probation should not exceed double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at a time.

17. Where a probationer who has completed the period of probation to the satisfaction of the Central Government is required to be confirmed, he shall be confirmed in the Service/ Post at the end of his period of probation, having completed the probation satisfactorily.

18. Some employees are not able to complete the probation on account of availing leave for long duration during probation period. In such cases if an employee does not complete 75% of the total duration prescribed for probation on account of availing any kind of leave as permissible to a probationer under the Rules, his/ her probation period may be extended by the length of the leave availed, but not exceeding double the prescribed period of probation.

TERMINATION OF PROBATION

19. The decision whether an employee should be confirmed or his probation be extended should be taken soon after the expiry of the initial probationary period that is within six to eight weeks, and communicated in writing to the employee together with reasons, in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.

20. On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer so as to: -

(i) Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or

(ii) Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

21. In order to ensure that delays do not occur in confirmation, timely action must be initiated in advance so that the time limit is adhered to.

22. If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government servant has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

23. A Probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

CONFIRMATION

24. Confirmation is de- linked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation. Consequent upon the above decision of delinking confirmation from the availability of permanent posts, it emerges that confirmation will be done only once in the service of an officer which will be in the entry grade post/service/cadre provided further confirmation shall be necessary when there is fresh entry subsequently in any other post/service/cadre by way of direct recruitment or otherwise. A specific order of confirmation should be issued when the case is cleared from all angles.

25. If, during the period of probation or any extension thereof, as the case may be, the Government is of the opinion that an officer is not fit for permanent appointment, the Government may either discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.

26. Where probation on promotion 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/service/cadre from which he was promoted, or extend the period of probation, as the case may be. 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.

27. The date from which confirmation should be given effect is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be should be communicated to the probationer normally within 6 to 8 weeks. Probation should not be extended for more than a year and, in no circumstance, an employee should be kept on probation for more than double the normal prescribed period of probation. The officer will be deemed to have successfully completed the probation period if no order confirming, discharging or reverting the officer is issued within eight weeks after expiry of double the normal period of prescribed probation.

28. A Government servant appointed by transfer would duly have been confirmed in the earlier post. In such a case further confirmation in the new post would not be necessary and he could be treated as permanent in the new post. However, where a Government servant who has not already been confirmed in the old post is appointed by transfer, it would be necessary to confirm him in the new post. In such cases, he may be considered for confirmation after watching him for two years. During that period of two years, the officer would earn two reports in the new grade and the DPC may consider his case for confirmation on the basis of these APARs.

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APPENDIX

Sl. No.	O.M. No.	Subject
1.	28020/1/2017-Estt(C) dt. 09.10.17	Extension of Probation on account of availing Leave during Probation period.
2.	28020/1/2010-Estt(C) dt. 30.10.14	Introduction of Mandatory Induction Training for Probation Clearance
3.	28020/1/2010-Estt(C) dt. 21.07.14	Consolidated Instructions on Probation/ Confirmation in Central Services
4.	18011/1/2010-Estt(C) dt. 30.08.10	Timely confirmation in various Central Civil Services
5.	18011/2/98-Estt(C) dt. 28.08.98	Timely confirmation in various Central Civil Services
6.	21011/1/94-Estt(C) dt. 20.04.95	Probation in various Central Services
7.	20011/5/90-Estt(C) dt. 04.11.92	Delinking seniority from confirmation
8.	18011/3/88-Estt(D) dt. 24.09.92	Confirmation of persons appointed on transfer basis in the light of revised confirmation procedure
9.	21011/2/89-Estt(C) dt. 26.04.89	Probation in the case of direct recruits appointed to posts where upper age limit is 35 years and above
10.	18011/1/86-Estt(D) dt. 28.03.88	Simplification of confirmation procedure- Delinking seniority from confirmation.
11.	21011/3/83-Estt(C) dt. 05.12.84	Probation in various Central Services
12.	21011/3/83-Estt(C) dt. 24.02.84	Probation in various Central Services
13.	21011/2/80-Estt(C) dt. 19.05.83	Probation in various Central Services
14.	44/1/59-Ests(A) dt.15.04.59	Paper on Probation in various all India and Central Services- Circulation of recommendations to Ministries etc.
15.	S.O. No. 940 dated 08.04.1972	CCS(Leave) Rules, 1972

No. 43012/1/2015-Estt.(A-II)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
North Block, New Delhi
Dated the 21st April, 2020

Office Memorandum

Subject: Disclosure of below benchmark grading in ACRs prior to the reporting period 2008-09 and objective consideration of representation by the competent authority against remarks in the ACR or for upgradation of the final grading.

The Department of Personnel & Training had vide OM No. 21011/1/2005-Estt (A) (Pt-II) dated 14.05.2009, issued instructions regarding maintenance and preparation of Annual Performance Appraisal Reports. It was inter-alia stated therein that full APAR, including the overall grading and assessment of integrity, shall be communicated to the concerned officer. The new system of communicating entries in the APAR was made applicable prospectively with effect from the reporting period 2008-09.

2. Subsequently, this Department vide O.M. No.21011/1/2010-Estt.A dated 13.04.2010 issued instructions regarding disclosure of below benchmark gradings in ACRs of the period prior to 2008-09, providing that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09, which would be reckonable for assessment of his fitness in such future DPCs, contain final grading which are below benchmark, for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It was clearly stated therein that only below benchmark ACR for the period relevant to promotion need be sent to the officer reported upon and there is no need to send below benchmark ACRs of other years.

3. References are being received in this Department from various Ministries/Departments seeking comments/views on disclosure of below benchmark ACRs of the period prior to 2008-09, which have already been considered by DPC prior to 13.04.2010, for promotion to a post/grade, for a representation and holding review DPC after due consideration of such representation.

4. The matter has been considered in this Department and it is felt that acceding to the request for disclosure of below benchmark gradings in ACRs for the period prior to 2008-09 will open flood gates and a large number of employees, both serving and retired, may come up with a request for disclosure of their ACRs of old periods,

resulting into administrative difficulties and chaos. It is, therefore, reiterated that only such below benchmark ACRs prior to the reporting period 2008-09 need to be disclosed to the officer reported upon for his representation, as are reckonable for assessment of fitness in future DPCs. In other words, below benchmark grading in the ACRs for the period prior to 2008-09 need not be disclosed to the officer reported upon, if the same are not reckonable for future DPCs.

5. This Department may be consulted in case of any deviation from the aforesaid instructions.

(Kabindra Joshi)
Director (E-II)

To
All Ministries/Departments of Government of India

No.36012/16/2019-Esttt. (Res.)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
North Block, New Delhi-110 001
Date: 12th April 2022

Office Memorandum

Subject : Reservation in promotions – procedure to be followed prior to effecting reservations in the matter of promotions by all departments of the Central Government.

The undersigned is directed to bring to your notice the judgement dated 28.01.2022 of the Supreme Court of India in the case of ***Jarnail Singh and Ors. V. Lachhmi Narain Gupta and Ors.*** (Civil Appeal No. 629 of 2022 arising out of SLP (C) No. 30621 of 2011) and other connected matters. Pursuant to this judgement, the Ld. Attorney General for India has rendered his considered opinion in the matter.

2. In the judgement dated 28.1.2022, the Supreme Court has set out the conditions that are to be satisfied by the Government for the purpose of implementing the policy of reservation in promotions. These conditions are :

(i) Collection of quantifiable data regarding inadequacy of representation of Scheduled Castes and Scheduled Tribes;

(ii) Application of this data to each cadre separately; and

(iii) If a roster exists, the unit for operation of the roster would be the cadre for which the quantifiable data would have to be collected and applied in regard to the filling up of the vacancies in the roster.

This judgement currently holds the field.

3. All the Ministries/Departments are required to ensure that the above conditions are complied with before implementing the policy of reservation in promotions and carrying out any promotions based thereon.

4. For this purpose, all Ministries/Departments are also required to ensure the following:

(a) In terms of DoPT OM No.43011/153/2010-Estt (Res.) dated 4.1.2013, the Liaison Officer shall ensure that the reservation rosters are strictly maintained as per the instructions/guidelines, laid down in DoPT OM No. 36012/2/96-Estt (Res.), dated 2.7.1997.

(b) In order to ensure maintenance of efficiency of administration, the DPC shall carefully assess the suitability of the officers, being considered for promotion.

(c) The Appointing Authority shall issue the appointment/promotion orders only after satisfying itself that the conditions mentioned in paragraph 2 and sub-para (a) & (b) of this paragraph have been fully complied with.

5. Since the ***Jarnail Singh*** batch of cases is pending in the Supreme Court of India, any promotion order issued shall be subject to further orders that may be passed by the Supreme Court in the said batch of cases.

6. All Ministries/Departments are requested to urgently bring these instructions to the notice of all their attached/subordinate offices as also the Public Sector Undertakings and Statutory Bodies etc. for adherence and strict compliance.

(Sandeep Saxena)
Deputy Secretary to the Govt. of India

To

1. The Secretaries of all the Ministries/Departments of the Govt. of India for ensuring strict compliance of the above instructions.
2. The Secretary, Department of Financial Services, New Delhi.
3. The Secretary, Department of Public Enterprises, New Delhi.
4. The Secretary, Railway Board, Ministry of Railways, Rail Bhawan, New Delhi.
5. The Secretary, Union Public Service Commission
6. The Secretary, Staff Selection Commission
7. Office of Comptroller and Auditor General of India, 10, Bahadurshah Zafar Marg, New Delhi.
8. Supreme Court of India/Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/ Cabinet Secretariat/ Central Vigilance Commission/ President's Secretariat/ Vice President's Secretariat/ Prime Minister's Office/ Niti Ayog
9. National Commission for Scheduled Castes, Lok Nayak Bhawan, New Delhi
10. National Commission for Scheduled Tribes, Lok Nayak Bhawan, New Delhi
11. National Commission for Backward Classes, Trikoot-1, Bhikaji Cama Place, R. K. Puram, New Delhi
12. The Director, ISTM.
13. NIC, DoPT with the request to upload the same on the website of the Department.

F. No. 22011/3/2013-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

North Block, New Delhi
Dated 15th November, 2018

OFFICE MEMORANDUM

Sub: Promotion of Government servants found fit by review DPC after retirement – procedure and guidelines to be followed

The undersigned is directed to invite reference to this Department's OM of even number dated 25.1.2016 which deals with the grant of *notional* promotion to a Government servant exonerated in a disciplinary proceedings after retirement. However, the cases of Government servants who are found fit by review DPC after their retirement on account of revision of seniority list of the feeder cadre, upgradation of below benchmark APARs etc. are not covered under the said OM. These cases have now been examined and it has been decided to lay down procedure as narrated in subsequent paragraphs for dealing with such cases.

2. A Government servant who is not recommended in the panel by the original / supplementary DPC but later on is recommended in the panel by a review DPC but has since retired may be given the benefit of *notional* promotion *w.e.f.* the date of promotion of his immediate junior in the reviewed panel and fixation of *notional* pay subject to the fulfillment of the following conditions:

(i) That the officer who is immediate junior to the retired Government servant assumed charge of the higher post on or before the date of superannuation of the retired Government servant.

(ii) That the said retired Government servant was clear from vigilance angle on the date of promotion of his immediate junior.

(iii) A retired Government servant who is considered for *notional* promotion from the date of promotion of his immediate junior on the recommendation of a review DPC would also be entitled to fixation of pension on the basis of such *notional* pay.

(iv) The *notional* promotion, *notional* pay fixation and revision of pension shall be further subject to extant rules on promotion, pay fixation and CCS (Pension) Rules, 1972. Actual increase in pension shall be given only from the date of approval of reviewed panel by the competent authority. No arrears shall be paid.

3. The provisions contained in this Office Memorandum shall become operational from the date of issue of this Office Memorandum. Past cases settled in accordance with the earlier provision shall not be reopened.

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

5. Hindi version will follow.

G. Jayanthi.
(G. Jayanthi)
Joint Secretary (E.I)

To

All Ministries and Departments of Government of India.

OM No. 22011/3/2013-Estt.(D) dated 15th November, 2018

Copy to:-

1. President's Secretariat, New Delhi
2. Vice-President's Secretariat, New Delhi
3. The Prime Minister's Office, New Delhi
4. Cabinet Secretariat, New Delhi
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Chairman, Staff Selection Commission, New Delhi
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
12. National Commission for Scheduled Castes / National Commission for Scheduled Tribes, National Commission for OBCs, New Delhi
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Centre, DOP&T (20 copies) / Establishment Section (10 copies).
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.

(Rajesh Sharma)
Under Secretary to the Government of India

No. 22011/4/2013–Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi,
8th May, 2017

OFFICE MEMORANDUM

Sub: Procedure to be observed by the Departmental Promotion Committees (DPCs) – Model Calendar for DPCs – Relevant year up to which APARs are to be considered and Model Calendar for conducting DPCs – regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training OM of even number dated 8th September, 1998 prescribing a 'Model Calendar' for DPCs in order to ensure that DPCs are convened in advance and approved select panels are ready on the date of commencement of the relevant vacancy year and that the last date for sending complete proposal to the UPSC is 15 July (in ACC cases) and 31 July (in non-ACC cases) of the year preceding the vacancy year.

2. Reference is further invited to the Department of Personnel and Training OM of even number dated 16th June, 2000 wherein it was prescribed/clarified that only such ACRs (now APARs) should be considered which became available during the year immediately preceding the vacancy/panel year irrespective of the date of convening of the DPC. In other words, for the vacancy/panel year 2000-01, it was prescribed that ACRs (now APARs) up to the year 1998-99 (five years preceding T – 1st year) are required to be considered. Accordingly, for the vacancy year 2017-18, APARs up to the year 2015-16 are required to be considered.

3. Reference is also invited to the Department of Personnel and Training OM No. 22011/1/2005- Estt(A)-(Pt-II) dated 23rd July, 2009 on the subject 'Preparation and Maintenance of APARs' wherein a time schedule for preparation/completion of APAR has been prescribed. As per this schedule, entire APAR process is to be completed by 30th November of the year following the completion of time period of APAR year.

4. As per the extant instructions, say for vacancy year 2017-18, complete proposal to the UPSC has to be sent by 15 July, 2016 (in ACC cases) and 31 July, 2016 (in non-ACC cases) with APARs up to the year 2015-16. However, the entire process of recording APAR for the year 2015-16 is complete by 30th November, 2016 only. After the issue of guidelines regarding time schedule for completion of APAR, the time lines make it practically impossible to make the last APAR (the APAR of the year immediately preceding T-1th year) available for DPCs, i.e., the APAR for the year 2015-16 does not attain finality and thus may not be available before sending proposal for DPC for vacancy year 2017-18. In this background, the instructions regarding the procedure for convening DPCs have been reviewed in consultation with UPSC.

5. In order to streamline the process of timely convening of DPCs, it has been now decided that henceforth, the following changes may be effected in the DPC procedure in partial modification of this Department OM No. 22011/5/86-Estt.(D) dated 10.4.89, OM No. 22011/9/98-Estt.(D) dated 16.6.2000, OM No. 22011/9/98-Estt.(D) dated 8.9.98 and OM No. 22011/6/2013- Estt.(D) dated 28.5.2014(crucial date of eligibility):-

(i) The vacancy year may be shifted to Calendar Year from the year 2018 onwards, wherever the financial year based vacancy year being followed now.

(ii) The crucial date of eligibility will be 1st of January of the Vacancy year w.e.f 2019.

(iii) The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December, 2019), the reckoning APARs shall be 2016-17, 2015-16, 2014-15, 2013-14 and 2012-13.

(iv) The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-16, 2014-15, 2013-14, 2012-13 and 2011-12. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.

6. Ministries/Departments are requested to give wide circulation to these instructions for guidance in the matter and also to ensure strict adherence to the time-schedule prescribed as per the 'Model Calendar' for DPCs.

Encl: as above

G. Jayanthi

(Jayanthi. G)
Director(E-I)

To

All Ministries/Departments of the Government of India

Copy to:

(i) The President's Secretariat, New Delhi
(ii) The Vice- President's Secretariat, New Delhi
(iii) The Prime Minister's Office, New Delhi
(iv) The Cabinet Secretariat, New Delhi
(v) The Rajya Sabha Secretariat, New Delhi
(vi) The Lok Sabha Secretariat, New Delhi
(vii) The Controller and Auditor General of India, New Delhi
(viii) The Secretary, Union Public Service Commission
(ix) The Secretary, Staff Selection Commission
(x) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions
(xi) All Officers and Section in the Department of Personnel & Training
(xii) NIC for uploading on the website under
OM's / Orders —*Establishment —*Promotion; and

Annexure

MODEL CALENDAR FOR CONDUCTING DEPARTMENTAL PROMOTION COMMITTEES(DPCs)

A. ACC cases:

S. No.	Events	Transitional year (01.04.2018 to 31.12.2018)	Calendar-year based	2019
1.	Vacancy year	2018-19	2018	2019
2.	Crucial date for determining eligibility	01 April, 2018	01 January, 2018	01 January, 2019
3.	Compilation of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc., and forwarding DPC proposal to UPSC	April - 15 July 2017	January – 15 April, 2017	January – 15 April, 2018
4.	Last date for sending complete proposal along with relevant Recruitment/Service Rules to the UPSC. (Effort should be made to send the proposal to the UPSC as soon as possible without waiting for the last date)	15 July 2017	15 April 2017	15 April 2018
5.	DPC to be held	15 July – November, 2017	15 April – August, 2017	15 April – August, 2018
6.	On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/Department.	December, 2017	September, 2017	September, 2018
7.	Approval of the ACC including communication of its approval to the administrative Ministry/ Department.	January – March, 2018	October – December, 2017	October – December, 2018
8.	Last date for getting ready the approved select panel by the	31 March, 2018	31 December, 2017	31 December, 2018

	administrative Ministry/Department.			

Note: Dates/periods suggested in the Model Calendar for DPCs put no bar on earlier completion of various pre-post DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.

B. Non-ACC cases:

S. No.	Events	Transitional year (01.04.2018 to 31.12.2018)	Calendar-year based	2019
1.	Vacancy year	2018-19	2018	2019
2.	Crucial date for determining eligibility	01 April, 2018	01 January, 2018	01 January, 2019
3.	Compilation of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc., and forwarding DPC proposal	April - July 2017	January – April, 2017	January – April, 2018
4.	Last date for sending complete proposal along with relevant Recruitment/Service Rules to the DPC. (Effort should be made to send the proposal to the DPC as soon as possible without waiting for the last date)	31 July 2017	30 April 2017	30 April 2018
5.	DPC to be held	August, 2017 – January, 2018	May – October, 2017	May – October, 2018
6.	On receipt of DPC minutes, post-DPC follow-up action(including approval of the Competent Authority) by the administrative Ministry/Department	February-March, 2018	November-December, 2017	November-December, 2018
7.	Last date for getting ready the approved select panel by the administrative Ministry/Department.	31 March, 2018	31 December, 2017	31 December, 2018

Note: Dates/periods suggested in the Model Calendar for DPCs put no bar on earlier completion of various pre-post DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.

No. 28020/1/2010-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
******

North Block, New Delhi
Dated 17th August, 2016

OFFICE MEMORANDUM

Subject: Technical Resignation & Lien- Consolidated guidelines.

The undersigned is directed to refer to this Department's OM of even number dated the 26th December, 2013 on the above subject and to say that guidelines/ instructions regarding Technical Resignation have been issued from time to time. It is now proposed to further consolidate these instructions, as the Department continues to receive frequent references on these issues.

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

(i) the Government servant should intimate the details of such application immediately on their joining;

(ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

(DOPT's O.M.No.13/24/92-Estt(Pay-1) dated 22.01.1993)

2.2 Carry forward of Leave benefits

(i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave(CCL) as well as all other leaves of the kind due & admissible will be carried forward.

(ii) As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

2.3 Carry forward of LTC

Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as defined in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 Applicability of Pension Scheme

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS(Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M.No.28/30/2004-P&PW(B) dated 26.07.2005)

2.8 New Pension Scheme

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

2.9 Transfer of Service Book from parent Department to present Department.

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

2.10 Need for Medical examination.

In cases 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 he need not be required to undergo a fresh examination.

2.11 Verification of Character & Antecedents

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employ in that office did not render him unsuitable for employment under Government. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh, in accordance with O.M.No.18011/9(s)/78-Estt(B) dated 2nd July,1982.

3.1 Lien

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to 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.

3.1.2 The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

(DOPT's O.M.No.18011/1/86-Estt (D) dated 28.03.1998)

3.2 Lien on a post

A Government servant who has acquired a lien on a 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) while on leave; and
(e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another central government office/ State Government

(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

(iv) Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

(DOPT O.M.No.8/4/70-Estt(C) dated 06.03.1974)

3.4 Termination of Lien

3.4.1 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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.

3.4.2 A Government employee'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.

3.4.3 No lien shall be retained:

a. where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and

b. on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.6 Joining Time, Joining Time Pay &Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 For appointment to posts under the Central Government on results of a competition 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 the CCS(Joining Time) Rules,1979. Joining time will be included as qualifying service in the new job.

3.6.2 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 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.

3.6.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance(TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled joining time pay under Joining Time Rules.

4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.

(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration
13. Secretary, Staff side, National Council (JCM), 13 C, Ferozeshah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T.
15. NIC Cell with request to upload it under OMs and Orders, Establishment, Lien and also 'What is New'.
16. Hindi Section, DOP&T.

(Mukesh Chaturvedi)
Director (Estt.)

No. 39020/01/2013-Estt(B)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

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North Block, New Delhi,
Dated : 9th October, 2015

OFFICE MEMORANDUM

Subject:-Discontinuation of interviews for various junior level posts in the Government of India- recommendation of Committee of Secretaries (CoS).

The undersigned is directed to refer to this Departments D.O. letter of even No. dated 4.09.2015 whereby it was requested that an exercise for identifying lower level posts in your Ministry/Department for which interviews could be dispensed with should be undertaken.

2. In this connection it is informed that the Committee of Secretaries (CoS) in its meeting held on 14.09.2015, while considering a note on the subject mentioned above has made the following recommendations:-

(i) Interview will be dispensed with for all Group 'C' and Group 'D' which are now reclassified as Group 'C') posts. Interview should also be discontinued for non-gazetted posts of Group 'B' category.

(ii) The process of doing away with interview for these posts will be completed by 31.12.2015.

(iii) Specific and isolated Group 'B' non-gazetted posts for which any particular department considers interview absolutely essential, clearance of Department of Personnel & Training would need to be obtained. *It is clarified that since the skill test and physical test are different from interview such tests may continue*

(iv) In those cases pertaining to non-gazetted Group 'B' posts and Group 'C' & 'D' posts, where Recruitment Rules specify the process of selection which includes conduct of interview, the Ministries/ authorities concerned will take necessary steps to carry out the requisite amendment to the Recruitment Rules immediately.

(v) For advertisements already done for selection with interview as a component, the posts could either be re-advertised, or if urgency or any other reason requires so, the ongoing process may be completed.

3. It was also suggested that a periodic review of the progress made in the implementation of 'No Interview Requirement for junior level posts by the authorities/ Secretaries concerned. DOPT will monitor the overall progress and bring up status report by the first fortnight of January, 2016.

4. In view of the above recommendations and as requested earlier you may please inform this Department about the decision/progress made in this regard in your Ministry/Department. The status report may kindly be furnished by 16.10.2015.

Sumita Singh
(Sumita Singh)
Deputy Secretary to the Government of India

To

All the Ministries/Departments, Government of India

No. 22011/2/2014- Estt.D
Government of India
Ministry of Personnel, P.G. & Pensions
Department of Personnel & Training

North Block, New Delhi,
Dated the 30th January, 2015.

Office Memorandum

Subject:- Procedure for conduct of supplementary DPC

This Department instructions issued vide OM No. 22011/5/86-Estt (D) dated 10.4.89 [para 6.4.2 (i)] provide that vacancies occurring due to death, voluntary retirement, new creations etc. could not be foreseen at the time of placing facts and material before the DPC, therefore, another meeting of DPC (commonly referred to supplementary DPC) should be held for drawing up a panel for these vacancies.

2. References have been received with regard to the zone of consideration, the eligibility list for the supplementary DPC and whether officers who are included in the panel by the original DPC or in the extended panel but could not be promoted as these anticipated vacancies do not actually become available could be appointed against the additional vacancies later becoming available for the same vacancy year.

3. These issues have been examined in consultation with UPSC and following is decided:-

(i) The zone of consideration, in case of holding supplementary DPC, shall be fixed as per the provisions in this Department OM No. 22011/2/2002-Estt(D) dated 6.1.2006 keeping in view total number of vacancies arising in a particular vacancy year i.e. vacancies accounted in Original DPC + additional vacancies becoming available subsequently during the same year.

(ii) The eligibility list for supplementary DPC shall be prepared by removing the names of all such officers who have already been assessed by earlier DPC as fit, unfit or placed in the sealed cover by the original DPC before placing the same for consideration by the supplementary DPC.

(iii) The officers who have already been empanelled or placed in the extended panel but could not be promoted due to these vacancies not actually becoming available; need not be re-assessed by the supplementary DPC as the assessment matrix remains the same. They may be appointed against the additional vacancies of the same vacancy year as per

recommendations of the earlier DPC. In such situation the number of vacancies for supplementary DPC shall be accordingly adjusted.

4. While calculating the regular vacancies for a DPC, it is incumbent upon administrative department to ensure that there is no arbitrariness in calculation of anticipated vacancies.

5. To provide clarity in implementation of these instructions some situation specific illustrations are enclosed as Annexure to this OM.

(Mukta Goel)
Director (E.I)

All Ministries/Departments of the Government of India

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6. The Comptroller and Audit General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi
8. The Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
10. All Officers and Sections in the Department of Personnel and Training.
11. Establishment (D) Section, DoP&T **(20 copies)**
12. NIC for updation on the website

ANNEXUR-I

Illustration

Original DPC

No. of vacancies - 5

Normal zone - 5 x 2 + 4 = 14

Extended zone - 5 x 5 = 25

Supplementary DPC

No. of vacancies - 2

Zone of consideration will be decided taking into account total number of vacancies in the vacancy year, i.e. 7 (Vacancies at the time of original DPC + unanticipated vacancies for the same year i.e. 5+2) in this case.

For 7 vacancies, normal zone is 7 x 2 + 4 = 18

Extended Zone 7 x 5 = 35

Situation 1 - In the original DPC, first 5 officers are assessed as 'Fit' and no officer is assessed for extended panel or assessed as 'Unfit' and/or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 13 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-5).

As such, in the eligibility list of Supplementary DPC in the above illustration, 13 officers (9 left over officers from the original DPC and 4 additional officers) shall be included.

Situation 2 - In the original DPC, first 5 officers are assessed as 'Fit' and next 3 officers are assessed for extended panel and no officer is assessed as 'Unfit' and /or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 10 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-8).

As such, in the eligibility list of Supplementary DPC in the above illustration, 10 officers (6 left over officers from the original DPC and 4 additional officers) shall be included.

Situation 3 - In the original DPC, 5 officers are assessed as 'Fit', 2 officers are assessed for extended panel and 4 officers are assessed as Unfit' and/or kept in 'Sealed Cover'

Zone of consideration for Supplementary DPC will now be 7 (Normal Zone of consideration for total number of vacancies for that year – number of officers assessed by earlier DPC i.e 18-11)

As such, in the eligibility of Supplementary DPC in the above illustration, 7 officers (3 left over officer not assessed in the original DPC and 4 additional officers) shall be included in the normal zone.

Extended Zone in situation 1,2 & 3 above:

Extended zone in the Supplementary DPC, wherever resorted to, may be operated accordingly leaving out the SC/ST officers assessed by the original DPC.

Important- In the Supplementary DPC, (a) Zone of consideration (Normal as well as Extended) shall be decided taking into account total number of vacancies in the relevant vacancy year; and (b) all the officers already assessed in the original DPC are not to be included in the fresh zone of consideration in respect of the S-DPC.

*****

N0. 22011/1/2014-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi - 110001
Dated- 14th November, 2014

OFFICE MEMORANDUM

Subject: - Inclusion of eligible officers who are due to retire before the likely date of vacancies, in the panel for promotion-Regarding.

***

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No. 22011/4/98-Estt(D) dated October 12, 1998 regarding consideration of retired employees who were within the zone of consideration in the relevant year(s) but are not actually in service when the DPC is being held. The said OM provides as follows:-

> ".....There is no specific bar in the aforesaid Office Memorandum dated April 10, 1989 or any other related instructions of the Department of Personnel and Training for consideration of retired employees, while preparing year-wise panel(s), who were within the zone of consideration in the relevant year(s). According to legal opinion also it would not be in order if eligible employees, who were within the zone of consideration for the relevant year(s) but are not actually in service when the DPC is being held, are not considered while preparing year-wise zone of consideration/panel and, consequently, their juniors are considered (in their places), who would not have been in the zone of consideration if the DPC(s) had been held in time. This is considered imperative to identify the correct zone of consideration for relevant Year(s). Names of the retired officials may also be included in the panel(s). Such retired officials would, however, have no right for actual promotion. The DPC(s) may, if need be, prepare extended panel(s) following the principles prescribed in the Department of Personnel and Training Office Memorandum No.22011/8/87-Estt.(D) dated April 9, 1996."

2. Appointment Committee of Cabinet has observed that DPCs often do not consider such eligible officers who are retiring before the occurrence of the vacancy in the panel year. These undesirable trends negate the very purpose of the above said Office Memorandum No. 22011/4/98-Estt(D) dated October 12, 1998 and it is also against the principle of natural justice.

3. All the Ministries/Departments are therefore advised to ensure strict compliance of the instructions of the Department of Personnel & Training issued vide this Department's OM No. 22011/4/98-Estt(D) dated October 12, 1998.

4. These instructions may please be brought out to the notice of all concerned including attached and subordinate offices.

(S.K. Prasad)
Under Secretary to the Govt. of India
Tele. No. 23040340

All Ministries/Departments of the Government of India.

OM No. 22011/1/2014-Estt.(D) dated 14th November, 2014

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7. The Comptroller and Auditor General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T **(10 copies)**
13. NIC for updation on the website.

(S.K. Prasad)
Under Secretary to the Govt. of India
Tele. No. 23040340

No. 22011/4/2007-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances & Pension
Department of Personnel & Training
***

North Block, New Delhi,
Dated the 28th April, 2014

OFFICE MEMORANDUM

Subject: Guidelines on treatment of effect of penalties on promotion – role of Departmental Promotion Committee

***

The Department of Personnel & Training had in its O.M. No.22011/5/86-Estt (D) dated 10.04.1989 issued consolidated instructions on Departmental Promotion Committee and matters related thereto. Para 6.2.3 of said O.M. provides that "before making the overall grading after considering the CRs for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs." These guidelines further provide that "the DPC should not be guided merely by the overall grading, if any, that may be recorded in the ACRs (now APARs) but should also make its own assessment on the basis of entries in the CRs (now APARs) because it has been noticed that sometimes the overall grading in a ACR (now APAR) may be inconsistent with the grades under various parameters or attributes".

2. It further provides that an officer whose increments have been withheld or who has been reduced to a lower stage in the time scale, cannot be considered on that account to be ineligible for promotion to the higher grade as the specific penalty of withholding promotion has not been imposed on him/her. The suitability of the officer for promotion should be assessed by the DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of the imposition of the penalty he should be considered suitable for promotion. However, even where the DPC considers that despite the penalty, the officer is suitable for promotion, the officer should not be actually promoted during the currency of the penalty.

3. Further this Department's O.M. No. No.22034/5/2004-Estt (D) dated 15.12.2004 provides that a Government servant, on whom a minor penalty of withholding of increment etc. has been imposed, should be considered for promotion by the Departmental Promotion Committee which meets after the imposition of the said penalty and after due consideration of full facts leading to imposition of the penalty, if he is still considered fit for promotion, the promotion may be given effect after the expiry of the currency of the penalty.

4. The procedure and guidelines to be followed for promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is

under investigation has been laid down in this Department's O.M. No.22011/4/91-Estt (A) dated 14.9.92 and O.M. No.22034/4/2012-Estt (D) dated 02.11.2012 and 23.1.2014.

5. The role of Departmental Promotion Committee(DPC) in assessment of the officers being considered for promotion, including the officer(s) against whom a chargesheet has been issued or on whom a penalty has been imposed, has been examined by the Supreme Court in several judgments. The observations of Supreme Court in some of the important cases are summarized as under:

(a) **In A.K. Narula case (AIR 2007 SC 2296),** the Hon'ble Supreme Court has observed:

"the guidelines give a certain amount of play in the joints to the DPC by providing that it need not be guided by the overall grading recorded in the CRs, but may make its own assessment on the basis of the entries in the CRs. The DPC is required to make an overall assessment of the performance of each candidate separately, but by adopting the same standards, yardsticks and norms. It is only when the process of assessment is vitiated either on the ground of bias, malafide or arbitrariness, the selection calls for interference. Where the DPC has proceeded in a fair, impartial and reasonable manner, by applying the same yardstick and norms to all candidates and there is no arbitrariness in the process of assessment by the DPC, the court will not interfere".

(b) **In Union of India vs. K.V. Jankiraman case(AIR 1991 SC 2010),** the Supreme Court has taken cognizance of role of DPC the case of an officer on whom a penalty has been imposed and has held that:

"An employee has no right to promotion. He has only right to be considered for promotion. The promotion to a post and more so, to a selection post, depends upon several circumstances. To qualify for promotion, the least that is expected of an employee is to have an unblemished record. That is the minimum expected to ensure a clean and efficient administration and to protect the public interest. An employee found guilty of misconduct cannot be placed on par with the other employees, and his case has to be treated differently..... In fact, while considering an employee for promotion his whole record has to be taken into consideration and if a promotion committee takes the penalties imposed upon the employee into consideration and denies him the promotion, such denial is not illegal and unjustified."

*(c) **In UOI & Anr. Vs. S.K. Goel & Ors. (Appeal (Civil) 689/2007-SLP©-2410/2007),** the Hon'ble Supreme Court has held that:*

"DPC enjoyed full discretion to devise its method and procedure for objective assessment of suitability and merit of the candidate being considered by it. Hence interference by High Court is not called for. "

While delivering the above judgement, the Division Bench has observed that:

"...It is now more or less well settled that the evaluation made by an Expert Committee should not be easily interfered with by the Court which do not have the necessary expertise to undertake the exercise that is necessary for such purpose."

6. It has been brought to the notice of this Department that DPCs have been adopting varying criteria in assessment of officials undergoing penalty that are not

consistent with the extant instructions of the DOPT for e.g., downgradation of grading in ACR/APAR, denying promotion for specified number of years, etc.

7. The matter has been examined in consultation with the Department of Legal Affairs. It is a settled position that the DPC, within its power to make its own assessment, has to assess every proposal for promotion, on case to case basis. In assessing the suitability, the DPC is to take into account the circumstances leading to the imposition of the penalty and decide, whether in the light of general service record of the officer and the effect of imposition of penalty, he/she should be considered suitable for promotion and therefore, downgradation of APARs by one level in all such cases may not be legally sustainable. Following broad guidelines are laid down in respect of DPC:

a) DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them, including those officers on whom penalty has been imposed as provided in **DoPT O.M. dated 10.4.89 and O.M. dated 15.12.2004.**

b) The DPC should not be guided merely by the overall grading, if any, that may be recorded in the ACRs/APARs but should make its own assessment on the basis of the entries in the ACRs/APARs as it has been noticed that sometimes the overall grading in a ACR/APAR may be inconsistent with the grading under various parameters or attributes. Before making the overall recommendation after considering the APARs (earlier ACRs) for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty. **(Refer para 6.2.1(e) and para 6.2.3 of DoPT OM dated 10.04.89)**

c) In case, the disciplinary/criminal prosecution is in the preliminary stage and the officer is not yet covered under any of the three conditions mentioned in **para 2 of DoPT O.M. dated 14.09.1992**, the DPC will assess the suitability of the officer and if found fit, the officer will be promoted along with other officers. As provided in this **Department's O.M. dated 02.11.2012**, the onus to ensure that only person with unblemished records are considered for promotion and disciplinary proceedings, if any, against any person coming in the zone of consideration are expedited, is that of the administrative Ministry/Department.

d) If the official under consideration is covered under any of the three condition mentioned in **para 2 of O.M. dated 14.09.1992**, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC including 'unfit for promotion' and the grading awarded are kept in a sealed cover. **(Para 2.1 of DoPT OM dated 14.9.92).**

e) **Para 7 of DoPT OM dated 14.09.92** provides that a Government servant, who is recommended for promotion by the DPC, but in whose case, any of the three circumstances on denial of vigilance clearance mentioned in para 2 of ibid O.M. arises after the recommendations of the DPC are received but before he/she is

actually promoted, will be considered as if his/her case had been placed in a sealed cover by the DPC. He/she shall not be promoted until he/she is completely exonerated of the charges against him/her.

f) If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he/she is found guilty in the criminal prosecution against him/her, the findings of the sealed cover/covers shall not be acted upon. His/her case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him/her **(para 3.1 of DoPT OM dated 14.9.92)**.

g) In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. The DPC, after due consideration, has authority to assess the officer as 'unfit' for promotion. However, where the DPC considers that despite the penalty the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over **(para 13 of DoPT OM dated 10.4.89)**.

h) Any proposal for promotion has to be assessed by the DPC, on case to case basis, and the practice of downgradation of APARs (earlier ACRs) by one level in all cases for one time, where a penalty has been imposed in a year included in the assessment matrix or till the date of DPC should be discontinued immediately, being legally non-sustainable.

i) While there is no illegality in denying promotion during the currency of the penalty, denying promotion in such cases after the period of penalty is over would be in violation of the provisions of Article 20 of the Constitution

j) The appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite the completion. **(Para 4 of O.M. dated 14.09.1992)**

k) In cases where the disciplinary case/criminal prosecution against the Government servant is not concluded even after the expiry of two years from the date of the meeting of the first DPC which kept its findings in respect of the Government servant in a sealed cover then subject to condition mentioned in Para 5 of this Department's O.M. dated 14.09.1992, the appointing authority

may consider desirability of giving him ad-hoc promotion **(Para 5 of this Department's O.M. dated 14.09.1992)**.

8. All the administrative authorities in the Ministries/Department are advised to place relevant records, including chargesheet, if any, issued to the officer concerned, penalty imposed, etc., before the DPC/ACC who will decide the suitability of officer for promotion keeping in view the general service records of the officer including the circumstances leading to the imposition of the chargesheet or penalty imposed. If such an officer is found suitable, promotion will be given effect after the currency of the penalty is over.

9. All Ministries/Departments are, therefore, requested to keep in view the above guidelines while convening DPC for promotion of the Government servants on whom either penalty has been imposed or where there are adverse remarks in the reckonable ACRs/APARs.

(Mukta Goel)
Director
Tele: No. 23092479

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(Arunoday Goswami)
Under Secretary to the Govt. of India
Tele: No. 23040339

No.20011/1/2008-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

...

New Delhi, dated the 11th November 2010

OFFICE MEMORANDUM

Subject: **SENIORITY – Consolidated orders on...**

The undersigned is directed to say that instructions have been issued by this Department from time to time laying down the principles for determining seniority of persons appointed to services and posts under the Central Government. For facility of reference, the contents of the important orders on the subject have been consolidated as a compilation **"Instructions and Guidelines on Seniority"**. The number and date of the original O.M.'s has been referred in the relevant instructions* for easy reference to the context. The consolidated instructions include revised instructions on the following:

i. Seniority of persons appointed on direct recruitment from the reserved panel at a later date, specifically when the officers from the subsequent selection panel have already joined.
ii. Inter-se seniority of two panels of direct recruits, where more than one selection panel are received from UPSC/SSC through letter of same date.
iii. Fixation of seniority of a person who has been transferred to a lower post under FR 15-A.
iv. Seniority in case of appointment on compassionate grounds

2. Also, certain areas within the existing instructions, which require frequent clarifications, as is evident from the references received from various Ministries/Departments, have also been incorporated under the head "clarification", for reference. This may be brought to the notice of all concerned for information, guidance and necessary action.

3. The consolidated instructions along with Annexure containing O.M.'s referred wlll be issued separately in the form of handbook.

4. Hindi version will follow.

Kumar

(Smita Kumar)
Director (Establishment)
Tele: 2309 2479

* Instructions & guidelines on Senioirty along with Annexure is available at DoP&T's website : www.persmin.nic.in

To

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6. The Registrar General, the Supreme Court of India, New Delhi
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi
8. The Comptroller and Auditor General of India, New Delhi
9. The Secretary, Union Public Service Commission, New Delhi
10. The Secretary, Staff Selection Commission, New Delhi
11. All the attached offices under the Ministry of Personnel, Public Grievances and Pension
12. National Commission for Scheduled Castes, New Delhi
13. National Commission for Scheduled Tribes, New Delhi
14. National Commission for OBCs, New Delhi
15. Secretary, National Council(JCM), 13, Ferozshah Road, New Delhi
16. Establishment Officer and AS,
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20. Establishment Desk (500) copies

Virender Singh 11/11/2010

(Virender Singh)
Under Secretary to the Government of India
Tele: 2309 3804

* Instructions & guidelines on Senioirty along with Annexure is available at DoP&T's website : www.persmin.nic.in

IMMEDIATE

No.22011/3/2011-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
March 24, 2011

OFFICE MEMORANDUM

Subject:- Receipt of incomplete/deficient DPC proposals from the Ministries/Departments – Regarding.

*****

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No. 22011/9/98-Estt(D) dated September 8, 1998 prescribing a Model Calendar for DPCs in order to ensure that DPCs are convened in advance and approved select panels are prepared well before commencement of the relevant vacancy years as per time schedule prescribed therein. All Ministries/Departments were also requested for strict compliance of the instructions so as to achieve the desired objectives of timely convening of DPCs/preparation of approved select panels within the prescribed time-frame. Need for strict compliance of the instructions was reiterated vide this Department's OM No. 22011/9/98-Estt(D) dated 14.12.2000.

2. The Model Calendar for DPCs as laid down in DoPT's guidelines makes it obligatory on the part of Ministries/Departments to send DPC cases to the UPSC by 15th July(for financial year based vacancies) and 15th April (for calendar year based vacancies) of the year preceding the vacancy year. Despite repeated communications to this effect, these instructions are not being followed by the Ministries/Departments in majority of cases. Delay in holding the DPCs not only affect the manpower planning in various Ministries/Departments but also impedes the career progression across the board and is the main reason for litigation before CAT and various High Courts. The UPSC has recently brought this non-satisfactory position to the notice of this Department. The UPSC has since stopped accepting incomplete proposals w.e.f. 01.08.2010 and have introduced a new procedure under the 'Single Window System' whereby Ministries/Departments are now required to bring their proposals by hand which are scrutinized on the spot by the designated officer of the UPSC. Accordingly, all the Ministries/Departments are requested to send their DPC proposal in future in accordance with the revised Checklist as Annexed.

Contd....2/-

3. Non-adherence to time frame for DPCs is matter of serious concern to the Government. Hence, all concerned authorities are once again counseled to ensure adherence to the Model Calendar which has been devised as a system–improvement measure. All proposals for DPC would henceforth be sent to UPSC complete in all respects including ACRs duly reviewed as per DoPT's OM No. 21011/1/2010-Estt(A) dated 13.4.2010. In case of non-adherence to the prescribed time-frame, the Joint-Secretary concerned responsible for signing certificate of completeness will be held responsible for the lapse and responsibility shall be fixed accordingly.

4. All the Ministries/Department may complete all the pending DPC proposals in respect of previous years with in a reasonable period of one year i.e. upto 31.3.2012. For the vacancy year 2012-2013 onwards, timeline as prescribed in model calendar for DPC will be adhered to for strict compliance.

5. Ministries/Departments are requested to give wide circulation to these instructions to ensure strict adherence to the time-schedule prescribed as per the Model Calendar for DPCs.

(Smita Kumar)
Director(Establishment)

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4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secy,Union Public Service Commission, New Delhi with reference to d.o letter No.F.11/18/2009-AU(C) dated 23.12.2010.
9. The Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions
11. All Officers and Sections in the Department of Personnel and Training.
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13. NIC for updation on the website

ANNEXURE

Single Window System – Procedure for scrutiny/processing of the DPC cases

S.No.	Points which can be checked during on the spot scrutiny in Single Window System (SWS)-
1	***Recruitment Rules***
(a)	Whether Gazette copy of notified Recruitment Rules is enclosed;
(b)	Whether RRs provide association or consultation with UPSC;
(c)	Whether RRs are applicable on the date of occurrence of vacancy (in case where preparation of panels of previous years is involved, whether copies of relevant Recruitment Rules applicable at that time are enclosed);
(d)	Where any relaxation of RRs is involved. If yes, whether copies of notes / correspondence obtaining prior approval of DoP&T is enclosed;
2	***Seniority List***
(a)	Whether Seniority List duly circulated (alongwith circular) is enclosed
(b)	Whether SL is duly authenticated by an officer not below the rank of Under Secretary;
3	***Eligibility List***
(a)	Whether separate year wise eligibility list for preparation of year wise panels given, wherever applicable;
(b)	Whether eligibility list(s) are duly authenticated by an officer not below the rank of Under Secretary;
4	***Note for DPC***
(a)	Whether a self contained note for DPC duly signed by an officer not below the rank of Under Secretary furnished; (a model Note of DPC was circulated to all Ministries/Departments)
5	***DPC Proforma***
(a)	Whether proforma (duly signed by competent officer) for referring DPC proposals to the UPSC as annexed to the DoP&T OM No. 22011/5/86-Estt(D) dated 10.4.89 is enclosed;

6	***Annual Confidential Reports***
(a)	Whether a certificate incompliance to DoP&T OM dated 14.5.2009 and 13.4.2010 has been furnished
(b)	Whether year-wise availability statement of ACRs in respect of all eligible officers is enclosed;
7	***Vigilance Clearance***
(a)	Whether Vigilance Clearance Certificate (VC) duly signed by the competent officer is enclosed;
(b)	Whether VC has been accorded in respect of all eligible officers, specific by name (to be scrutinized on the spot only if the number of officers are less i.e. not more than 15); ;
8	***Integrity Certificate***
(a)	Whether Integrity Certificate in prescribed form (as per format provide in paragraph 4.2.5 of the DoP&T Office Memorandum No. 22011/5/86-Estt.(D) dated 10.4.1989) duly signed by an officer of Deputy Secretary rank is enclosed;
(b)	Whether IC has been recorded in respect of all eligible officers, specific by name (to be scrutinized on the spot only if the number of officers are less i.e. not more than 15);
9	***Penalties***
(a)	Whether statement of penalties for the last 10 years imposed on the eligible officers is enclosed;
10	***Miscellaneous***
(a)	Whether a certificate from the Liaison Officer (SC/ST) of the Ministry/Department to the effect that the number of posts reserved for SC/ST have been checked by him and found to be an order has been enclosed as per DoP&T OM No. 22012/1/99-Estt(D) dated 20.4.2004
(b)	Whether all the officers recommended by the previous DPCs have been promoted (copy of such orders have been enclosed or not)
(c)	Whether all vacancies reported to previous DPC have been filled.

11	***Completion Certificate***
(a)	Whether certificate for the designated officer (JS/AS or equivalent) that the proposal is complete as per DoP&T Check List has been enclosed;
12	Miscellaneous
(a)	Whether all documents attached with the proposal have been signed by the competent authority.

No. 21011/1/2010-Estt.A
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated the 13th April, 2010

OFFICE MEMORANDUM

Subject: Below Benchmark gradings in ACRs prior to the reporting period 2008-09 and objective consideration of representation by the competent authority against remarks in the APAR or for upgradation of the final grading.

The undersigned is directed to say that prior to the reporting period 2008-09, only the adverse remarks in the ACRs had to be communicated to the concerned officer for representation, if any to be considered by the competent authority. The question of treating the grading in the ACR which is below the benchmark for next promotion has been considered in this Department and it has been decided that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It may be noted that only below benchmark ACR for the period relevant to promotion need be sent. There is no need to send below benchmark ACRs of other years.

2. As per existing instructions, representations against the remarks or for upgradation of the final grading given in the APAR (previously known as ACR) should be examined by the competent authority in consultation, if necessary, with the Reporting and the Reviewing Officer, if any. While considering the representation, the competent authority decides the matter objectively in a quasi-judicial manner on the basis of material placed before it. This would imply that the competent authority shall take into account the contentions of the officer who has represented against the particular remarks/grading in the APAR and the views of the Reporting and Reviewing officer if they are still in service on the points raised in the representation vis-a-vis the remarks/gradings given by them in the APAR. The UPSC has informed this Department that the Commission has observed that while deciding such representations, the competent authorities sometimes do not take into account the views of Reporting/Reviewing Officers if they are still in service. The Commission has further observed that in a majority of such cases, the competent authority does not give specific reasons for upgrading the below benchmark ACR/APAR gradings at par with the benchmark for next promotion.

3. All Ministries/Departments are therefore requested to inform the competent authorities while forwarding such cases to them to decide on the representations against the remarks or for upgradation of the grading in the APAR that the decision on the representation may be taken objectively after taking into account the views of the concerned Reporting/Reviewing Officers if they are still in service and in case of upgradation of the final grading given in the APAR, specific reasons therefor may also be given in the order of the competent authority.

(C.A. Subramanian)
Director

To

All Ministries/Departments of Government of India

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi.
3. The Cabinet Secretariat, New Delhi.
4. The Rajya Sabha Secretariat.
5. The Lok Sabha Secretariat.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Union Public Service Commission, New Delhi.

Copy also to:-

(i) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
(ii) Establishment Officer and Secretary, ACC (10 copies).
(iii) All officers and Sections in the Department of Personnel and Training.
(iv) NIC (DoP&T) for placing the Office Memorandum on the web-site of DoP&T.
(v) Hindi Section for Hindi version of the O.M.

No. AB 14017/66/2008-Estt RR)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
New Delhi

Dated the 9th March, 2009

OFFICE MEMORANDUM

Subject: - Criteria for assessing suitability of officers where there is revision/upgradation/merger of pay scales.

The undersigned is directed to invite reference to the Department of Personnel & Training OM No. 22011/10/84 – Estt.(D) dated 04.02.1992 wherein the criteria to be adopted for assessing the suitability of incumbents of posts and the date of appointment to the upgraded post, wherever there is a revision of pay scale/upgradation of post, have been laid down.

2. There has been merger of a number of pre-revised scales without any pre-condition for possession of higher qualifications for placement of incumbents in the higher/upgraded scale, in the revised pay structure recommended by the 6th CPC and accepted by the Government. In this context, the instructions of 4.2.92 have been reviewed and it has been decided in consultation with Ministry of Finance (Department of Expenditure) who have issued certain instructions in this regard under OM No. 1/1/2008-IC dated 13.09.2008, and the UPSC that the procedure for assessment of suitability in such cases may be as follows for placement in the upgraded/merged grade:

(i) Where all posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/grade pay /pay scale, , the suitability of the incumbents need not be assessed for granting them the higher replacement scale/grade pay/pay scale; there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. There will be no change in the inter se seniority of the incumbents in the merged grade which shall be decided based on the general instructions on the subject; and

(ii) Where all posts in a particular grade have been granted a higher replacement pay scale/grade pay, as per upgradation recommended by the 6TH CPC, suitability of the incumbents need not be assessed for granting them the higher replacement scale/grade pay. Here also, there is no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay; and

(iii) Where there is a change in the Group (that is classification of the post) consequent upon the merger or upgradation and where there is no higher responsibility or higher qualification involved, assessment of the suitability will not be necessary before the revised grade is allowed. There will also be no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. However, suitability of the officer who has been placed in a upgraded / replacement pay scale which fall in Group ' A ' by recommendation / award of the Pay Commission will continue to be assessed.

3. Assessment of suitability will continue to be necessary in the following situations arising out of cadre reviews, restructuring etc., not covered in the recommendations of the 6th CPC:

(i) where the upgradation involves higher responsibilities and higher eligibility service;

(ii) Where the upgradation or merger is part; where the upgraded post will be the promotion grade for the posts left in the lower grade and the normal DPC procedure will apply.

4. Hindi version will follow.

(S.J.Kumar)
Deputy Secretary to the Government of India
Tel. 2309 4504

To

1. All Ministries/Departments of Government of India
2. Chief Secretaries of All State Governments
3. The President's Secretariat, New Delhi.
4. The Prime Minister's Office, New Delhi.
5. The Cabinet Secretariat, New Delhi.
6. The Rajya Sabha Secretariat, New Delhi.
7. The Lok Sabha Secretariat, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Union Public Service Commission, New Delhi.

Copy to :-

1. All Attached Offices under the Ministry of Personnel, Public Grievances and Pensions.
2. Establishment Officer and Secretary, ACC (10 copies).
3. All Officers and Sections in the Department of Personnel & Training
4. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
5. All Staff Members of National Council (JCM)
6. All Staff Members of the Departmental Council (JCM), Ministry of Personnel, PG and Pensions
7. Establishment (RR Division) (200 copies)

(S.J.Kumar)
Deputy Secretary to the Government of India

No. 21011/1/2005-Estt (A) (Pt-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi, 14th May, 2009

OFFICE MEMORANDUM

Subject:- Maintenance and preparation of Annual Performance Appraisal Reports- communication of all entries for fairness and transparency in public administration.

The undersigned is directed to invite the attention of the Ministries/Departments to the existing provisions in regard to preparation and maintenance of Annual Confidential Reports which inter-alia provide that only adverse remarks should be communicated to the officer reported upon for representation, if any. The Supreme Court has held in their judgement dated 12.5.2008 in the case of Dev Dutt vs Union of India (Civil Appeal No.7631 of 2002) that the object of writing the confidential report and making entries is to give an opportunity to the public servant to improve the performance. The 2nd Administrative Reforms Commission in their 10th Report has also recommended that the performance appraisal system for all services be made more consultative and transparent on the lines of the PAR of the All India Services.

2. Keeping in view the above position, the matter regarding communication of entries in the ACRs in the case of civil services under the Government of India has been further reviewed and the undersigned is directed to convey the following decisions of the Government:-

(i) The existing nomenclature of the Annual Confidential Report will be modified as Annual Performance Assessment Report (APAR).

(ii) The full APAR including the overall grade and assessment of integrity shall be communicated to the concerned officer after the Report is complete with the remarks of the Reviewing Officer and the Accepting Authority wherever such system is in vogue. Where Government servant has only one supervisory level above him as in the case of personal staff attached to officers, such communication shall be made after the reporting officer has completed the performance assessment.

(iii) The Section entrusted with the maintenance of APARs after its receipt shall disclose the same to the officer reported upon.

(iv) The concerned officer shall be given the opportunity to make any representation against the entries and the final grading given in the Report within a period of fifteen days from the date of receipt of the entries in the APAR. The representation shall be restricted to the specific factual observations contained in the report leading to assessment of the officer in terms of attributes, work output etc. While communicating the entries, it shall be made clear that in case no representation is received within the fifteen days, it shall be deemed that he/she has no representation to make. If the concerned APAR Section does not receive any information from the concerned officer on or before fifteen days from the date of disclosure, the APAR will be treated as final.

(v) The new system of communicating the entries in the APAR shall be made applicable prospectively only with effect from the reporting period 2008-09 which is to be initiated after 1st April 2009.

(vi) The competent authority for considering adverse remarks under the existing instructions may consider the representation, if necessary, in consultation with the reporting and/or reviewing officer and shall decide the matter objectively based on the material placed before him within a period of thirty days from the date of receipt of the representation.

(vii) The competent authority after due consideration may reject the representation or may accept and modify the APAR accordingly. The decision of the competent authority and the final grading shall be communicated to the officer reported upon within fifteen days of receipt of the decision of the competent authority by the concerned APAR Section.

3. All Ministries/Departments are requested to bring to the notice of all the offices under them for strict implementation of the above instructions.

(C.A. Subramanian)
Director

To

All Ministries/Departments of Government of India

Copy to:-

1. Chief Secretaries of All State Governments/U.T.s
2. The President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat.
6. The Lok Sabha Secretariat.
7. The Comptroller and Auditor General of India, New Delhi.
8. The Union Public Service Commission, New Delhi.

Copy also to:-

(a) All Attached offices under the Ministry of Personnel, Public Grievances and Pensions.
(b) Establishment Officer and Secretary, ACC (10 copies).
(c) All officers and Sections in the Department of Personnel and Training.
(d) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
(e) All Staff Members of Departmental Council (JCM).
(f) All Staff members of the Departmental Council (JCM), Ministry of Personnel, Public Grievances and Pensions.
(g) NIC (DoP&T) for placing the Office Memorandum on the web-site of DoP&T.
(h) Hindi Section for Hindi version of the O.M.

No. 22011/2/2002 –Estt (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
****

New Delhi-1100 01
January 6, 2006

Office Memorandum

Subject: DPC Guidelines- Review of size of zone of consideration.

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The size of zone of consideration for promotion by 'selection' as prescribed vide DoPT O.M. No. 22011/1/90-Estt.D dated 12th October 1990 read with O.M. No 22011/1/90-Estt- (D) dated 22nd April 1992 is as under

No. of vacancies.	Normal size of zone of consideration.	Extended zone of consideration for SC/ST.
1	5	5
2	8	10
3	10	15
4	12	20
5 and above	Twice the number of vacancies + 4	5 times the number of vacancies.

2. In view of the earlier policy of empanelling officers in accordance with the overall grading assigned to them by the DPC, thereby involving supersessions, a wider size of zone of consideration was necessary to provide the required choice for selection on merit. However, vide DoPT O.M. No. 35034/7/97-Estt-D dated 8th February, 2002, it has been decided by the Government that there shall be no supersession in the matter of 'selection' promotion and the officers are to be graded by the DPC as 'fit' or 'unfit' with reference to the prescribed bench mark and those found 'fit' are to be included in the panel as per the seniority in the feeder grade. Accordingly, a need has arisen for review of the size of zone of consideration. Having a size of zone of consideration larger than is necessary in the revised context would lead to unnecessary paper work, which may also lead to delay in convening DPCs. However, the zone of consideration has still to be wide enough to cater to the needs of the Department/cadre authorities for giving an extended panel against empanelled officers who are on deputation or are expected to proceed shortly; who have retired or will be retiring in the course of the vacancy year or who have refused promotion and are under debarment. The size should also be sufficient to take care of officers in the feeder grade whose cases are to be placed in 'sealed

cover' and also of those who do not meet the prescribed benchmark. Thus, there is a need for optimizing the size of zone of consideration.

3. The matter has been considered carefully. Keeping in view the considerations in para-2 above, it has been decided to modify the existing provisions relating to size of zone of consideration as under:

i) For vacancies upto [and including] 10, existing provisions relating to normal size of zone of consideration will continue to be applicable;

ii) For vacancies exceeding 10, the normal size of zone of consideration will now be one and a half times the number of vacancies, rounded off to next higher integer, **plus** three but shall not be less than the size of zone of consideration for ten vacancies;

iii) The existing size of extended zone of consideration for SC/ST officers, viz. five times the total number of vacancies, will continue to be applicable.

4. A statement indicating the revised size of zone of consideration based on the above decision is annexed. It is, however, reiterated, that while the size of zone of consideration would, hereafter, be as now prescribed, the DPC, as per the extant instructions, need not assess and grade all the officers in the eligibility list. Assessment of suitability of eligible employees in the zone of consideration (in the descending order of seniority in the feeder grade) for inclusion in the panel for promotion may be considered only upto a number, which is considered sufficient for preparing the normal panel with reference to the number of vacancies as also for preparing the extended panel for promotion in terms of Department of Personnel and Training Office Memorandum No. 22011/18/87-Estt- (D) dated April 9, 1996. In respect of the remaining employees in the zone of consideration, as now prescribed, the DPC may put a note in the minutes that the assessment of the remaining employees in the zone of consideration is not considered necessary, as sufficient number of employees with prescribed bench-mark have become available.

5. These instructions take effect from the date of issue of this Office Memorandum.

Kashyap

(Vidhu Kashyap)
Director

To

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Prime Minister's Office, New Delhi
3. Cabinet Secretariat, New Delhi.
4. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
5. The Registrar General, Supreme Court of India.
6. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
7. The Comptroller and Auditor General of India, New Delhi.
8. Union Public Service Commission, New Delhi with reference to UPSC letter no. F.10/6/2002-AU-C dated 12th September, 2002. (20 copies)
9. Staff Selection Commission, New Delhi.
10. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. National Commission for SCs, New Delhi.
12. National Commission for STs, New Delhi.
13. Secretary, National Council(JCM), 13, Ferozeshah Road, New Delhi
14. Establishment Officer & A.S.
15. National Commission for OBCs, New Delhi.
16. All Officers and Sections in the Department of Personnel and Training.
17. Facilitation Center, DoP&T(**20 copies**).
18. NIC (DoP&T) for placing this Office Memorandum on the *Website* of DoP&T
19. Establishment (D) Section (50 **copies**).

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ANNEXURE

No. of vacancies.	Normal size of Zone of consideration.	Extended Zone of consideration for SC/ST.
1	5	5
2	8	10
3	10	15
4	12	20
5	14	25
6	16	30
7	18	35
8	20	40
9	22	45
10	24	50
11	24	55
12	24	60
13	24	65
14	24	70
15	26	75
16	27	80
17	29	85
18	30	90
19	32	95
20	33	100
30	48	150
40	63	200
50	78	250
60	93	300
70	108	350
80	123	400
90	138	450
100	153	500

संख्या-22011/2/2002-स्थापना (घ)
भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक: 06 जनवरी, 2006

कार्यालय ज्ञापन

विषय: विभागीय पदोन्नति समिति संबधी दिशा-निर्देश- विचारण क्षेत्र के आकार की समीक्षा।

'चयन' द्वारा पदोन्नति के लिए विचारण क्षेत्र का, कार्मिक और प्रशिक्षण विभाग के दिनांक 22 अप्रैल, 1992 के कार्यालय ज्ञापन संख्या-22011/1/90-स्थापना (घ) के साथ पठित दिनांक 12 अक्तूबर, 1990 के कार्यालय ज्ञापन संख्या-22011/1/90-स्थापना (घ) में निर्धारित किए अनुसार, आकार निम्नानुसार है :-

रिक्तियों की संख्या	विचारण क्षेत्र का सामान्य आकार	अनुसूचित जाति/अनुसूचित जनजाति के लिए विचारण का बढ़ा हुआ क्षेत्र
1	5	5
2	8	10
3	10	15
4	12	20
5 और इससे अधिक	रिक्तियों की संख्या से दोगुणा + 4	रिक्तियों की संख्या से पाँच गुणा

2. विभागीय पदोन्नति समिति द्वारा अधिकारियों को दी गई समग्र ग्रेडिंग के अनुरूप उनके नाम पैनल में शामिल किए जाने की पूर्व की नीति, जिसमें अधिक्रमण हो जाता था, के मद्देनजर, योग्यता क्रम के आधार पर चयन किए जाने के क्रम में अपेक्षित मांग पूरी करने के लिए विचारण के एक व्यापक क्षेत्र की आवश्यकता होती थी तथापि, कार्मिक और प्रशिक्षण विभाग के दिनांक 8 फरवरी, 2002 के कार्यालय ज्ञापन संख्या-35034/7/97-स्थापना (घ) के अन्तर्गत, भारत सरकार द्वारा यह निर्णय लिया गया था कि 'पदोन्नति द्वारा चयन' के मामले में कोई अधिक्रमण नहीं होगा और निर्धारित बैन्च मार्क के संदर्भ में

अधिकारियों को, विभागीय पदोन्नति समिति द्वारा उपयुक्त अथवा अनुपयुक्त के रूपमें ग्रेडिंग की जानी है और जो अधिकारी उपयुक्त पाए जाएं उन्हें फीडर ग्रेड की वरिष्ठता के अनुसार पैनल में शामिल किया जाना है। तदनुसार विचारण क्षेत्र आकार की समीक्षा किए जाने की आवश्यकता हुई है। संशोधित संदर्भ में विचारण क्षेत्र का आकार, आवश्यकता से अधिक रखने से अनावश्यक कागजी कार्रवाई बढ़ेगी जिससे विभागीय पदोन्नति समितियों की बैठकें आयोजित करने में देर होगी। तथापि विचारण क्षेत्र के आकार को अभी और अधिक व्यापक बनाना है ताकि पैनल में शामिल किए गए उन अधिकारियों के संबंध में बढ़ा हुआ विचारण का क्षेत्र देने की, विभाग/संवर्ग प्राधिकारियों की आवश्यकता को पूरा किया जा सके जो प्रतिनियुक्ति पर गए हुए हैं अथवा जिनकी अल्पावधि के पश्चात् प्रतिनियुक्ति पर जाने की उम्मीद है, जो सेवानिवृत्त हो गए हैं अथवा रिक्ति वर्ष में सेवानिवृत्त हो जाएंगे अथवा जिन्हें पदोन्नति लेने से इन्कार कर दिया है और विवर्जित कर दिए गए हैं। इसका आकार इतना पर्याप्त होना चाहिए कि यह फीडर ग्रेड के उन अधिकारियों के मामलों का ध्यान रख सके जिनके मामले बंद लिफाफे में रखे जाने हैं और ऐसे अधिकारियों के भी मामले, जो निर्धारित बैन्च मार्क को पूरा नहीं करते । अतः विचारण क्षेत्र के आकार को इष्टतम बनाने की आवश्यकता है।

3. इस मामले पर ध्यानपूर्वक विचार किया गया है। उपर्युक्त पैरा 2 में दिए गए विचारों के मद्देनजर, विचारण क्षेत्र के आकार से सम्बद्ध मौजूदा प्रावधानों को निम्नानुसार संशोधित किए जाने का निर्णय लिया गया है :-

(i) जिन मामलों में रिक्तियों की संख्या 10 तक होगी (दसवी सहित) वहां विचारण क्षेत्र के सामान्य आकार से सम्बद्ध मौजूदा प्रावधान लागू होते रहेंगे;

(ii) जहां रिक्तियों की संख्या 10 से अधिक होगी वहां विचारण क्षेत्र का सामान्य आकार, रिक्तियों की संख्या का डेढ़ गुणा होगा जिसे अगले उच्चतर पूर्ण अंक में मिला दिया जाएगा और इसमें तीन और उम्मीदवारों के नाम शामिल किए जाएंगे अपितु यह 10 रिक्तियों के विचारण क्षेत्र के आकार से कम नहीं हो;

(iii) अनुसूचित जाति/अनुसूचित जनजाति के अधिकारियों के विचारण क्षेत्र का मौजूदा आकार, अर्थात् रिक्तियों की कुल संख्या का पाँच गुणा, लागू होना जारी रहेगा।

4. उपर्युक्त निर्णय पर आधारित, विचारण क्षेत्र के संशोधित आकार को दर्शाने वाला एक विवरण संलग्न है। तथापि यह बात पुनः दोहराई जाती है कि चूंकि विचारण क्षेत्र का इसके पश्चात् आकार, अब निर्धारित किए अनुसार होगा, अतः मौजूदा अनुदेशों के अनुसार, विभागीय पदोन्नति समिति को पात्रता सूची वाले सभी अधिकारियों का मूल्यांकन करने और उन्हें ग्रेड प्रदान करने की आवश्यकता नहीं है। पदोन्नति के लिए पैनल में शामिल किए जाने के आशय से विचारण क्षेत्र में पात्र कर्मचारियों की उपयुक्तता के मूल्यांकन (फीडर ग्रेड में

वरिष्ठता के अवरोही क्रम में), पर विचार केवल उस संख्या तक किया जाए जिसे, रिक्तियों के संदर्भ में सामान्य पैनल तैयार करने के लिए और कार्मिक और प्रशिक्षण विभाग के दिनांक 9 अप्रैल, 1996 के कार्यालय ज्ञापन संख्या-22011/18/87-स्थापना (घ) की शर्तों के अनुसार, पदोन्नति के लिए बढ़ा हुआ पैनल तैयार करने हेतु, पर्याप्त समझा जाता है। अब निर्धारित किए गए विचारण क्षेत्र, में आए शेष कर्मचारियों के संबंध में विभागीय पदोन्नति समिति, कार्यवृत में यह टिप्पणी रख सकती है कि विचारण क्षेत्र के शेष कर्मचारियों का मूल्यांकन किया जाना आवश्यक नहीं समझा जाता क्योंकि निर्धारित बैंच मार्क वाले पर्याप्त कर्मचारी उपलब्ध हो गए हैं।

5. ये अनुदेश, इस कार्यालय ज्ञापन के जारी होने की तारीख से लागू होंगे।

(विधु कश्यप)
निदेशक

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग।

प्रतिलिपि निम्नलिखित को प्रेषितः-

1. राष्ट्रपति सचिवालय, नई दिल्ली ।
2. प्रधान मंत्री कार्यालय, नई दिल्ली ।
3. मंत्रिमण्डल सचिवालय नई दिल्ली ।
4. राज्य सभा सचिवालय/लोक सभा सचिवालय नई दिल्ली ।
5. महापंजीयक , भारत का उच्चतम न्यायालय।
6. पंजीयक, केन्द्रीय प्रशासनिक अधिकरण, प्रधान न्यायपीठ, नई दिल्ली ।
7. भारत के नियंत्रक और महालेखापरीक्षक, नई दिल्ली ।
8. संघ लोक सेवा आयोग को उनके दिनांक 12 सितम्बर, 2002 के पत्र सं. एफ.10/6/2002-ए.यू.सी. के संदर्भ में (20 प्रतियां)।
9. कर्मचारी चयन आयोग, नई दिल्ली ।
10. कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय के अन्तर्गत सभी संबद्ध कार्यालय ।
11. राष्ट्रीय अनुसूचित जाति आयोग, नई दिल्ली ।
12. राष्ट्रीय अनुसूचित जनजाति आयोग, नई दिल्ली।
13. सचिव, राष्ट्रीय परिषद, संयुक्त परामर्शदायी तंत्र,13,फीरोजशाह मार्ग, नई दिल्ली।
14. स्थापना अधिकारी और अपर सचिव।
15. राष्ट्रीय अन्य पिछड़ा वर्ग आयोग, नई दिल्ली ।
16. कार्मिक और प्रशिक्षण-विभाग के सभी अधिकारी और अनुभाग ।
17 सूचना सुविधा काउंटर, कार्मिक और प्रशिक्षण-विभाग **(20 प्रतियाँ)** ।
18. राष्ट्रीय सूचना विज्ञान केन्द्र, (कार्मिक और प्रशिक्षण-विभाग) को यह कार्यालय ज्ञापन, कार्मिक और प्रशिक्षण-विभाग की वेबसाईट पर सुलभ करवाने हेतु ।
19. स्थापना (घ) अनुभाग **(50 प्रतियाँ)** ।

रिक्तियों की संख्या	विचारण क्षेत्र की सामान्य आकार	अनुसूचित जाति/अनुसूचित जनजाति के लिए विचारण का बढ़ा हुआ क्षेत्र
1	5	5
2	8	10
3	10	15
4	12	20
5	14	25
6	16	30
7	18	35
8	20	40
9	22	45
10	24	50
11	24	55
12	24	60
13	24	65
14	24	70
15	26	75
16	27	80
17	29	85
18	30	90
19	32	95
20	33	100
30	48	150
40	63	200
50	78	250
60	93	300
70	108	350
80	123	400
90	138	450
100	153	500

IMMEDIATE

No.22011/9/98-Estt(D)
Government of India
Ministry of Personnel, Public Grievance and Pensions
(Department of Personnel and Training)

New Delhi-110001
October 6, 1999

OFFICE MEMORANDUM

Subject:-Procedure to be observed by the Departmental Promotion Committees (DPC) - Model Calendar for DPCs - "CHAIN VACANCIES" - clarification regarding -

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number dated September 8, 1998 on the subject cited above. Paragraph-7 of the said Office Memorandum, inter-alia, provides that DPC for the concerned grade may take into account the existing and clear anticipated vacancies due to retirement, etc in the concerned grade as well as "*chain vacancies*" on account of **retirement etc** in the higher grades which can be clearly anticipated in the same vacancy year. References are being received in the Department of Personnel and Training seeking clarifications as to whether the "*chain vacancies*" in the higher grades may include vacancies arising on account of promotion also in the higher grades.

2. The aforesaid matter has been considered in consultation with the Union Public Service Commission. Accordingly, it is hereby clarified that the "*chain vacancies*" on account of **retirement, etc** in the higher grades in a vacancy (panel) year shall include:-

> The vacancies which can be clearly anticipated as likely to become available in the ***concerned grade*** by promotion of officers of the service to ***higher grades*** during that vacancy (panel) year. (Expected promotion to the higher grades under the Model Calendar for DPCs would normally be against vacancies arising by retirement in all the higher grades/hierarchy – as per paragraph 7 of the Office Memorandum dated September 8, 1998).
>
> For the sake of illustration, if a panel is being prepared for promotion to JTS, the chain vacancies in the higher grades in that vacancy (panel) year shall include vacancies arising on account of retirement in STS, JAG, NFSG and SAG etc in the same panel year i.e. if four officers are retiring in STS, three officers in JAG and two in NFSG and one in SAG in the panel year, the total number of anticipated chain vacancies for JTS in the said panel year shall be 10.

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3. With the Model Calendar for DPCs coming into operation, panels for various grades of a cadre would become available well in time. Moreover, in terms of paragraph 6 of the Department of Personnel and Training Office Memorandum No.22011/9/98-Estt(D) dated 8.9.1998, an occasion may arise necessitating preparation of a fresh panel for the same year/grade during the currency of the earlier panel prepared for the purpose. It shall, therefore, be ensured that officers included in the earlier panel are promoted before officers from the next panel are picked up.

4. Ministries/Departments are requested to give wide circulation to these clarifications for general guidance in the matter and to ensure strict adherence to the time-schedule prescribed in the Model Calendar for DPCs including the position clarified in the preceding paragraphs for successful operation of these instructions.

5. Hindi version will follow.

(K.K.Jha)
Director(Establishment)

To:-

All Ministries/Departments of the Government of India

Copy to:-

(i) The Union Public Service Commission (with reference to their Office Memorandum No.10/1/98-AU(C) dated September 8, 1999), Shajahan Road, New Delhi 110011.
(ii) The Establishment Officer, DoP&T, New Delhi.
(iii) The Staff Selection Commission, New Delhi.
(iv) The Rajya Sabha Secretariat, New Delhi.
(v) Lok Sabha Secretariat, New Delhi.
(vi) The President's Secretariat, New Delhi.
(vii) The Comptroller and Auditor General of India, New Delhi.
(viii) All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
(ix) All officers and Sections in the Department of Personnel and Training
(x) Establishment (B) Section, DoP&T, New Delhi.
(xi) Establishment (D) Section, DOPT - **200 copies**.

MOST IMMEDIATE

No.22011/9/98-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
September 8, 1998

OFFICE MEMORANDUM

Subject: - *Procedure to be observed by the Departmental Promotion Committees (DPCs) - MODEL CALENDAR FOR DPCs and related matters* -

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The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum No.22011/5/86-Estt(D) dated April 10, 1989 containing consolidated instructions on DPCs. These instructions *inter-alia* provide that the DPCs should be convened at regular intervals (by laying down a time-schedule for this purpose) to draw panels which could be utilised for making promotions against the vacancies occurring during the course of a year. This enjoins upon the concerned authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like seniority list, Annual Confidential Reports (ACRs), integrity certificates, etc for placing before the DPCs. The instructions further provide that the DPCs should consider ACRs for equal number of years in respect of all officers considered for promotion. The DPCs should assess the suitability of the officers for promotion on the basis of their service records and with particular reference to the ACRs for five preceding years. However, in cases where the required qualifying service is more than five years, the DPCs should see the records with particular reference to the ACRs for the years equal to the required qualifying service. Instructions further provide that no proposal for holding a DPC or Selection Committee should be sent to the UPSC until and unless all the ACRs, complete and up-to-date, are available.

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2. The importance of keeping the ACR dossiers up-to-date and of timely convening of DPCs cannot be over-emphasised. Instances have, however, come to the notice of the of the Department of Personnel and Training where the DPCs could not be held in time owing to non-availability of complete ACR dossiers of the officers in the zone of consideration and also for lack of prompt administrative action. This invariably delays promotions resulting in considerable frustration among the officials, thereby adversely affecting their morale and overall productivity. As such, some remedial action in this regard has become essential.

3.1 Keeping the aforesaid objective in view, it has been considered imperative to provide for a time-schedule, for convening DPCs not only in time but in sufficient advance also so as to utilise the prepared panel as and when the vacancies arise during the course of the vacancy year. For practical reasons, it is also considered desirable to have separate time-schedules for cases requiring approval of the Appointments Committee of the Cabinet and cases which do not require such approval. Accordingly, in order to complete all required action, including the approval of the competent authority, well in time (before the commencement of the panel or vacancy year), the administrative action for convening DPCs, in the cases requiring approval of the ACC (ACC cases), could, as such, be initiated at least eight and a half months before the commencement of the vacancy year and, similarly, DPCs in such cases could be held at least four months before the commencement of the vacancy year. This means that there would be a clear period of the first three and a half months of the year immediately preceding the vacancy/panel year available for completion of the ACRs etc., followed by another four and a half months' time for holding of DPCs. The next one month could be devoted to the post-DPC follow-up administrative action by the administrative Ministry/ Department. The final three months' period prior to the commencement of the vacancy year could be left for approval of the Competent Authority (the ACC).

3.2 In relation to the cases which do not require approval of the ACC (non-ACC cases), the aforesaid time-schedule could follow a different pattern in regard to various activities as discussed above. This is considered desirable to give sufficient time to the UPSC for holding DPCs in such cases. Accordingly, the administrative action for

convening DPCs in such cases could be initiated at least eight months before the commencement of the vacancy year and, similarly, DPCs could be held at least two months before the commencement of the vacancy year. This means that there would clearly be the first four months of the year immediately preceding the vacancy/panel year available for completion of ACRs, etc., followed by another six months' time for holding of DPCs. The final two months could, as such, be devoted to the post-DPC follow-up administrative action, including approval of the Competent Authority. The aforesaid time-schedule, both in 'ACC' and 'non-ACC' cases, may be sufficient by any reckoning. Thus, the **Model Calendar** of events for ACC/non-ACC cases may follow the following illustrative pattern and the DPCs may ordinarily be held accordingly:-

SUGGESTED MODEL CALENDAR FOR DPCs

EVENTS	FINANCIAL YEAR-BASED	CALENDAR YEAR-BASED
(1)	(2)	(3)
(i) Vacancy year	2000-2001	2000
(ii) Crucial date for determining eligibility	January 1, 2000	January 1, 2000
ACC CASES [Cases where ACC approval is required (including SAG/HAG grades/posts)]		
(A) Completion of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc and forwarding DPC proposal to the UPSC.	April – July 15, 1999	January – April 15, 1999
(B) Last date for sending complete proposal along with relevant Recruitment/Service Rules to the UPSC. (Effort should be made to send the proposal to the UPSC as soon as possible without waiting for the last date).	July 15, 1999	April 15, 1999
(C) DPC to be held	July 15, – November, 1999	April 15 – August, 1999
(D) On receipt of DPC minutes from the UPSC, post-DPC follow-up action by the administrative Ministry/Department.	December, 1999	September, 1999

EVENTS	FINANCIAL YEAR-BASED	CALENDAR YEAR-BASED
(1)	(2)	(3)
(E)Approval of the ACC including communication of its approval to the administrative Ministry/ Department.	January – March, 2000	October – December, 1999
(F) Last date for getting ready the approved select panel by the administrative Ministry/Department.	March 31, 2000	December 31, 1999
NOTE:-Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of various pre/post-DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPCs.		
Non-ACC CASES [Other grades/posts (with/without association of the UPSC)]		
(A) Completion of ACRs/Integrity Certificates/ Vigilance clearance/Seniority List/Penalty and Vacancy position etc and forwarding DPC proposal to the UPSC.	April – July, 1999	January – April, 1999
(B) Last date for sending complete proposal along with relevant Recruitment/Service Rules to the UPSC. (Effort should be made to send the proposal to the UPSC as soon as possible without waiting for the last date).	July 31, 1999	April 30, 1999
(C) DPC to be held	August, 1999 – January, 2000	May – October, 1999
(D) On receipt of DPC minutes from the UPSC, post-DPC follow-up action (including approval of the Competent Authority) by the administrative Ministry/Department.	February – March, 2000	November – December, 1999
(E) Last date for getting ready the approved select panel by the administrative Ministry/Department.	March 31, 2000	December 31, 1999
NOTE:-Dates/periods suggested in the Model Calendar for DPC put no bar on earlier completion of various pre/post-DPC related actions. Every effort may, as such, be made for taking speedy action in the matter without waiting for the last date or completion of the period as suggested by the Model Calendar for DPC.		

4. As already pointed out in para-2 above, the success of the Model Calendar would depend on the Ministries/Departments furnishing the complete proposal to the UPSC with relevant ACRs, integrity certificate, copy of Recruitment/Service Rules, seniority list, penalty statement and correct vacancy position, etc. In accordance with the direction contained in Cabinet Secretary's D.O. letter No.DOPT/39022/7/97-Estt(B) dated November 19, 1997 addressed to all Secretaries to Government of India, while referring the DPC proposals to the UPSC, the Joint Secretary (Administration) of the Ministry/Department concerned would certify that the information and documents have been furnished in accordance with the check-lists prescribed by the Department of Personnel and Training vide its Office Memorandum No.22011/5/86-Estt(D) dated April 10, 1989 read with Office Memorandum No.22011/6/86-Estt(D) dated May 30, 1986.

5. In terms of the Department of Personnel and Training Office Memorandum No.22011/9/89-Estt(D) dated October 17, 1994 for preparation of select panel, Ministries/Departments may calculate the vacancies for reporting to DPC on financial year basis where ACRs are written financial year-wise and on calendar year basis where ACRs are written calendar year-wise. The items of work relating to calculation of vacancies arising on various dates in the relevant vacancy year may be completed strictly as per schedule prescribed in the suggested Model Calendar for intimation to the UPSC/DPCs.

6. If there is a need for preparing a second and subsequent panels for the same vacancy/panel year, consideration of the ACRs in such a situation may be restricted to the year upto which these were taken into account while preparing the original select panel. This would ensure application of a uniform yardstick with reference to all such select panels for the same vacancy/panel year.

7. In accordance with the existing instructions, the DPC is required to take into account the existing and clear anticipated vacancies in the concerned grade only. The chain vacancies in the higher grade are taken into account only if an appointment has already been made to the higher grade as on the date of the DPC. Unless actual appointment in the higher grade is made, even retirement vacancies in the higher grade are not taken into account as the same may arise by appointment subsequently. Since in accordance with the suggested Model Calendar being prescribed herein the panels for all the grades may be available on the first day of the vacancy year, it is expected that all

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chain vacancies may become available during the same vacancy year. Accordingly, for the sake of uniform procedure, it is provided that a DPC for a grade may take into account all clear expected vacancies by retirement etc in the concerned grade as well as chain vacancies on account of retirement etc in the higher grades which can be clearly anticipated in the same vacancy year.

8. As per the Model Calendar, since the DPC would be convened in the year preceding the vacancy year, the DPC may have to consider some of the officers who are to retire in the vacancy year itself. There may be similar other eventualities. Therefore, in order to have effective panels, DPC may have to provide for an **extended panel** subject to the parameters prescribed vide this Department's Office Memorandum No.22011/18/87-Estt(D) dated April 9, 1996.

9. The **crucial date** for determining eligibility in case of financial year-based vacancy year would fall on January 1, immediately preceding such vacancy year and in case of calendar year-based vacancy year also, the first day of the vacancy year i.e. January 1 itself would be taken as the crucial date. To illustrate the point, January 1, 2000 would be the crucial date for the vacancy year 2000 (calendar year) as well as vacancy year 2000-2001 (financial year).

10. With a view to providing adequate time for circulation/general awareness of these instructions, it is considered desirable to make the aforesaid Model Calendar for DPCs operational with effect from April 1, 1999 in relation to the financial year-based vacancy year (2000-2001) commencing from April 1, 2000. In the case of calendar year-based vacancy year commencing from January 1, 2000, the Model DPC Calendar may take operational effect from January 1, 1999. In keeping with the decision noted in para-9 above to adopt, on uniform basis, January 1 as the crucial date for determining eligibility, it is provided that January 1, 2000 may be adopted as the crucial date in relation to the vacancy years commencing from January 1/April 1, 2000.

11. As for practical reasons, it may not be possible to adopt the aforesaid Model Calendar for DPC in relation to the **transitory vacancy years** commencing from January 1/April 1, 1999, it is considered adequate, in order to accelerate DPC-related

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activities, to provide that efforts should be made by the Ministries/Departments to hold the DPC meetings and preparation of panels in advance even for these transitory vacancy years without waiting for the latest ACRs. The crucial date for determining eligibility would, however, in keeping with the decision noted in para-9, fall on January 1, 1999 in relation to these transitory vacancy years commencing from January 1/April 1, 1999.

12. All Ministries/Departments are requested to take note of the above clarifications/modifications of the existing instructions for **wide circulation on priority basis** and strict compliance so that the desired objectives of convening of DPC meetings/preparation of the approved select panels as per the aforesaid prescribed time-frame may be achieved.

13. Hindi version will follow.

(K.K. JHA)
DIRECTOR(Establishment)

To

All Ministries/Departments of the Government of India.

Copy to:-

(i) Union Public Service Commission, Dholpur House, Shahjahan Road, New Delhi - 110011 with reference to their letter No.F.10/1/98-AU(C) dated August 20, 1998. – (20 copies)

(ii) Establishment Officer's Division, Department of Personnel and Training, New Delhi – 110001

(iii) Establishment (B) Section, Department of Personnel and Training, New Delhi - 110001 with reference to D.O. letter of the Cabinet Secretay quoted in para 4 of this Office Memorandum.

(iv) Establishment (D) Section, Department of Personnel and Training, New Delhi - 110001 -- 550 copies.

No.22011/4/91-Estt.(A)

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel & Training

North Block, New Delhi - 110001.

Dated, the 14th Sept., 1992.

OFFICE MEMORANDUM

Subject: *Promotion of Government servants against whom disciplinary/court proceedings are pending or whose Conduct is under investigation - Procedure and guidelines to be followed.*

O.M.No. 39/3/59-Estt.A dt.31.8.60 7/28/63-Estt.Ad:.22.12.64 22011/3/77-Estt.A dt.14.7.77 22011/1/79-Estt.A dt.21.1.82 22011/2/86-Estt.A dt.12.1.88 22011/1/91-Estt.A dt.31.7.91.

The undersigned is directed to refer to Department of Personnel & Training OM No.22011/2/86-Estt.(A) dated 12th January, 1988 and subsequent instructions issued from time to time on the above subject and to say that the procedure and guidelines to be followed in the matter of promotion of Government servants against whom disciplinary/court proceedings are pending or whose conduct is under investigation have been reviewed carefully. Government have also noticed the judgement dated 27.08.1991 of the Supreme Court in Union of India etc. vs. K.V. Jankiraman etc. (AIR 1991 SC 2010). As a result of the review and in supersession of all the earlier instructions on the subject (referred to in the margin), the procedure to be followed in this regard by the authorities concerned is laid down in the subsequent paras of this OM for their guidence.

Cases of Government Servants to whom Sealed Cover Procedure will be applicable.

2. At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee:-

i) Government servants under suspension;

ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and

iii) Government servants in respect of whom prosecution for a criminal charge is pending.

Procedure to be followed by DPC in respect of Government servants under cloud.

2.1 The Departmental Promotion Committee shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above alongwith other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. The assessment of the DPC, including 'Unfit for Promotion', and the grading awarded by it will be kept in a sealed cover. The cover will be superscribed 'Findings regarding suitability for promotion to the grade/post of ..... in respect of Shri .....(name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri .....' The proceedings of the DPC need only contain the note 'The findings are contained in the attached sealed cover'. The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

Procedure by subsequent DPCs.

2.2 The same procedure outlined in para 2.1 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

Action after completion of disciplinary case/criminal prosecution.

3. On the conclusion of the disciplinary case/criminal prosecution which results in dropping of allegations against the Govt. servant, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior-most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceeding/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal, are, for example delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

3.1 If any penalty is imposed on the Government servant as a result of the disiciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him.

3.2 It is also clarified that in a case where disciplinary proceedings have been held under the relevant disciplinary rules, 'warning' should not be issued as a result of such proceedings. If it is found, as a result of the proceedings, that some blame attaches to the Government servant, at least the penalty of 'censure' should be imposed.

Six Monthly review of "Sealed Cover" cases.

4. It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. It has, therefore, been decided that the appointing authorities concerned should review comprehensively the cases of Government servants, whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first Departmental Promotion Committee which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be

done subsequently also every six months. The review should, *inter alia*, cover the pro disciplinary proceedings/criminal prosecution and the further measures to be taken t completion.

Procedure for ad-hoc promotion.

5. In spite of the six monthly review referred to in para 4 above, there may be some cases disciplinary case/ criminal prosecution against the Government servant is not concluded even after of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Gov servant in a sealed cover. In such a situation the appointing authority may review the case of the Gover servant, provided he is not under suspension, to consider the desirability of giving him *ad-hoc* promo keeping in view the following aspects:–

a) Whether the promotion of the officer will be against public interest;
b) Whether the charges are grave enough to warrant continued denial of promotion;
c) Whether there is any likelihood of the case coming to a conclusion in the near future;
d) Whether the dealy in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
e) Whether there is any likelihood of misuse of official position which the Government servant may occupy after *ad-hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

5.1 In case the appointing authority comes to a conclusion that it would not be against the public interest to allow *ad-hoc* promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two year period to decide whether the officer is suitable for promotion on *ad-hoc* basis. Where the Government servant is considered for *ad-hoc* promotion, the Departmental Promotion Committee should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

5.2 After a decision is taken to promote a Government servant on an *ad-hoc* basis, an order of promotion may be issued making it clear in the order itself that:–

i) the promotion is being made on purely *ad-hoc* basis and the *ad-hoc* promotion will not confer any right for regular promotion; and
ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel the *ad-hoc* promotion and revert at any time the Government servant to the post from which he was promoted.

5.3 If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the *ad-hoc* promotion already made may be confirmed and the promotion treated as a regular one from the date of the *ad-hoc* promotion with all attendant benefits. In case the Government servant could have normally got his regular promotion from a date prior to the date of his *ad-hoc* promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 3 above.

5.4 If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not exonerated in the departmental proceedings, the *ad-hoc* promotion granted to him should be brought to an end.

Sealed cover procedure for confirmation.

6. The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension, etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by the DPC.

Sealed cover procedure applicable to officers coming under cloud after holding of DPC but before promotion.

7. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 2 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this OM will be applicable in his case also.

8. In so far as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

9. Hindi version will follow.

(M.S. BALI)
DIRECTOR

To

All Ministries and Departments of the Government of India with usual number of spare copies.

No. 22011/4/91-Estt(A) Dated the 14th Sept., 1992.

Copy forwarded for information to:–

1. Central Vigilance Commission, New Delhi. 2. Central Bureau of Investigation, New Delhi.
3. Union Public Service Commission, New Delhi 4. Comptroller and Auditor General, New Delhi.
5. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat and Prime Minister's Office.
6. Chief Secretaries of All States and Union Territories.
7. All Officers and Administrative Sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

(M.S. BALI)
DIRECTOR

No.20011/2/92-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel and Training)

.....

New Delhi, the 3rd Nov.,1995

OFFICE MEMORANDUM

Subject:- Fixation of seniority in the case of delayed promotion due to penalty.

.....

The undersigned is directed to refer to the instructions contained in DOP&AR O.M.No.21/5/70-Estt.(A) dt. 15.5.71 (reiterated vide O.M.No.22011/2/78-Estt.(A) dated 16.2.79) according to which a Govt. servant on whom a minor penalty of withholding of increment etc. has been imposed should be considered for promotion by the DPC which meets after the imposition of said penalty and if he is considered fit for promotion despite the imposition of penalty the promotion may be given effect to after the expiry of the penalty. References have been received from various Departments seeking clarification on the question of seniority of such officers on their promotion.

2. It is clarified that the officer who has been recommended for promotion by a DPC despite his penalty will be promoted only on the basis of the recommendation of the said DPC after the expiry of the penalty and his seniority would be fixed according to his position in that panel.

(K.K. Jha)
Director (E)

To

All Ministries/Departments etc.

Copy to:-

1. Comptroller and Auditor General of India.
2. Rajya Sabha Sectt./Lok Sabha Sectt.
3. UPSC (with 10 spare copies) w.r.to their letter No.2/8/95-S-II dt. 13.9.95.
4. All Union Territory Administrations.
5. All attached/subordinate offices under the DOP&T.
6. Commissioner for SC/ST, New Delhi.
7. Secretary, Staff Side, National Council (JCM), 9, Ashoka Road, New Delhi.
8. All Sections.
9. 200 spare copies for Estt.(D).

. No.22011/1/90-Estt.(D)

भारत सरकार
GOVERNMENT OF INDIA
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
कार्मिक और प्रशिक्षण विभाग
DEPARTMENT OF PERSONNEL & TRAINING
नई दिल्ली
NEW DELHI dated the 12th October, 1990.
कार्यालय-ज्ञापन
OFFICE MEMORANDUM

Subject : Zone of Consideration for promotion by selection - Revised instructions.

Attention of the Ministry of Finance etf. are invited to this Department's O.M. No. 22011/3/76-Estt.(D) dated 24.12.80 in which the zone of consideration of officers for promotion by selection is prescribed as under: -

No. of vacancies	No. of officers to be considered
I	5
2	8
3	10
4	three times the number of vacancies

It is also laid down that where adequate number of SC/ST candidates are not available within the normal field of choice a s indicated above, the field of choice may be extended to five times the number of vacancies and the SC/ST(and not any other) coming within the extended field of choice be considered against the vacancies reserved for them.

2. The existing zone of consideration for promotion to selection posts has been examined in the light of the concept of 'benchmark' introduced in the revised DPC guidelines vide O.M. No.22011/5/86-Estt(D) dt. 10.3.89 and dt. 10.4.89 and it has been decided to modify the zone of consideration as under:-

... No. of vacancies	No. of officers to be included in the zone of consideration
1	5
2	8
3	10
4	10+ twice the number of vacancies in excess of three vacancies.

(see statement attached)

The existing provision relating to extension of the field of choice to five times the number of vacancies in respect of SC/ST will, however, continue.

3. These instructions will take effect from 1.11.1990.

4. Ministries/Departments are requested to bring these instructions

to the notice of all concerned, including their attached and subordinate offices. for guidance and also to ensure their compliance.

Hindi version will follow.

(M.V. KESAVAN)
DIRECTOR

All Ministries/Departments of the Government of India.

...

STATEMENT REFERRED TO IN PARA 2

Vacancies	Zone of Conrideration	Vacancies	Zone of Consideration
1	5	15	34
2	8	16	36
3	10	17	38
4	12	18	40
5	14	19	42
6	16	20	44
7	18	30	64
8	20	40	84
9	22	50	104
10	24	60	124
11	26	70	144
12	28	80	164
13	30	90	184
14	32	100	204
		x	2x + 4

/TS/

No. 22011/18/87-Estt.(D)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

....

New Delhi, the 7-4-, 1996.

OFFICE MEMORANDUM

Subject:- Guidelines for preparing extended panel in the case of promotion - reg.

....

The undersigned is directed to refer to Department of Personnel & Training O.M. No. 22011/5/86-Estt.(D) dated 10.4.89 laying down guidelines on Departmental Promotion Committees. Normally, in the case of promotion, the number of persons recommended in the panel is equal to the number of vacancies reported. However sometimes DPCs recommend additional vacancies (extended panel) to tide over situations where officers on the select panel are not available for appointment by reason of being on deputation etc. There are at present no clear instructions regarding the guidelines to be followed for preparation of such extended panels. It has been noticed that such extended panels have sometimes been utilised for filling vacancies which have arisen subsequent to the DPC or during currency of the panel. This is an incorrect use of the extended panel.

2. The matter has been examined in consultation with the UPSC and it has been decided that DPCs shall prepare an extended panel only in the following contingencies :-

i) When persons included in the panel are already on deputation or whose orders of deputation have been issued and will be proceeding on deputation shortly for more than a year or

ii) When persons included in the panel have refused promotion on earlier occasions and are under debarment for promotions or

iii) When officers included in the panel are retiring within the same year provided there is no change in the zone of consideration by the expected date of their retirement;

3. It has also been decided that while giving the extended panel, the DPC should stipulate a condition against the additional names to the effect that they will be promoted only in the event of the officer(s) in regular panel not being available for promotion/appointment for the reasons given by the Ministry/Department.

....2/-

4. Ministries/Departments are requested to bring these instructions to the notice of all concerned including their attached and subordinate offices for guidance and strict compliance.

(K.K. Jha)
Director (E).

To

i) All Ministries/Departments of the Govt. of India.
2) All State Govts./Union Territories.
3) C & AG.
4) UPSC w.r.t. their letter No. F. 10/19/87-AU-C dt. 17.1.95.
5) SSC.
6) Lok Sabha Secretariat.
7) Rajya Sabha Secretariat.
8) Secretary, National Council (JCM).
9) All Attached and Sub-ordinate offices of DOP&T.
10) All Sections.
11) 300 spare copies for Estt.(D).

No.22011/5/86-Estt(D)
Government of India
Ministry of Personnel Public Grievances and Pensions
Department of Personnel & Training

...

New Delhi the 27 March, 1990

OFFICE MEMORANDUM

Subject:- Procedure to be observed by Departmental Promotion Committee- Revised guidelines.

....

The undersigned is directed to refer to this Department's O.M.No.22011/5/86-Estt(D) dated 10-3-1989 on the above subject and to say that para 2.2.3 of the said OM lays down that before making the overall grading after considering the CRs for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. In view of the position indicated above, it has been decided that while sending DPC proposals to the Union Public Service Commission, all Ministries/ Departments should attach a statement showing the penalties imposed on the officers within the zone of consideration during a period of ten years preceding the year of DPC. Ministries/ Departments are also requested to ensure that copies of orders imposing the penalties and decisions taken on appeals, if any are kept in the respective CR dossiers, as required under the extant instructions.

2. Ministries/Departments are requested to bring these instructions to the notice of all concerned including their Attached and Subordinate Offices for guidance and compliance.

(M.V.Kesavan)
Director

To

All Ministries/Departments of
the Government of India

Department of Personnel and Administrative Reforms O.M. No.36011/22/82-Estt.(SCT), dated the 18th August, 1983, to all Ministries/Departments, *etc.*

Subject :—Departmental Promotion Committee-Association of Officers belonging to SC/ST in DPC.

The undersigned is directed to refer to the above subject and to draw the attention of all the Ministries/ Deptts. to O. M. No. 41013/16/80-Estt. (SCT) dated 10-8-81 (copy enclosed)

2. This Department has been receiving references from Ministries/Departments to circulate a list of SC/ ST officers who may be associated with various DPCs and Selection Boards. While this Deptt. is not in a position to prepare such a list of SC/ST officers who are posted throughout the country, it will also not be practicalbe in the sense that a particular office located in a part of the country may not be able to make use of the officers belonging to other regions mentioned in the list.

3. Under the instructions of 10-8-81, the Liaison Officers, who are generally Deputy Secreatry or Director (Admn.) have to endorse the non-availability of an SC/ST officers for being associated in the D. P. C. before actually convening the DPC, Therefore. it will be one of the duties of the Liaison Officers to acquaint themselves well in time about the dates of various DPCs which will be held in future. He should also have with him a ready list of officers of various levels belonging to SC/ST of a few sister Departments/Ministries. Whenever requirement arises, a SC/ST officer of appropriate level consistent with the level of the other members of the DPC and the level of appointment for which a DPC is proposed to be convened, can always be associated as a member. Such a list may be prepared by the Liaison Officers by informally consulting the administrative wing of other Ministries/Departments.

4. Ministry of Finance etc. are requested to bring the contents of this O. M. to all their attached and subordinate offices.

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Department of Personnel and Administrative Reforms O.M. No.41013/16/80-Estt.(SCT) dated the 10th August, 1981, to all Ministries/Departments, *etc.*

Subject :—Departmental Promotion Committee—Association of an officer belonging to Scheduled Caste/ Scheduled Tribe in Departmental Promotion Committees.

The question of providing adequate safeguards to officers belonging to Scheduled Castes/Scheduled Tribes community in the matter of consideration for promotion came up for discussion at the meeting of the Parliamentary Consultative Committee for the Ministry of Home Affairs sometime ago. A point was then made that the person representing the Scheduled Caste/Scheduled Tribe Community on a Departmental Promotions Committee was usually an officer of the Department and hence was unable to express his views fearlessly in the presence of his senior officers. It was, therefore, suggested that this lacuna should be remedied.

2. This matter has been examined in all its aspects. In the Department of Personnel and A.R. Office Memorandum No. 27/4(iii)/70-Estt. (SCT), dated the 2nd September, 1970 and No. 16/1/74-Estt. (SCT), dated 23rd May, 1975, it has been suggested that Ministries/Departments may endeavour to the maximum extent possible, to nominate a Scheduled Caste/Scheduled Tribe officer while constituting the Departmental Promotions Committee, Selection Boards etc. for recruitment/promotions to posts/services under them. Particularly where a Selection Board or a Departmental Promotions Committee has to make bulk Selections for a large number of vacancies say, for thirty or more at a time, no effort should be spared in finding a Scheduled Caste or Scheduled Tribe officer for inclusion in the Selection Board/Departmental Promotions Committee. According to the Department of Personnel & A.R. Office Memorandum No. 1/9/72-Estt. (D), dated the 29th January, 1973 in respect of a Departmental Promotions Committee for a Group C or Group D post, one of the members of the Committee should be an officer from a Department not connected with the one in which promotions are considered. It has been provided in the Department of Personnel & A.R. O.M. No. 16/1/74-Estt. (SCT), dated the 8th April, 1974 that in the event of a Scheduled Caste/Scheduled Tribe Officer not being available in the Ministry/ Department itself for nomination in the Departmental Promotions Committee, there is no objection to nominating, to the extent possible, a Scheduled Caste/Scheduled Tribe officer from another Ministry/Department.

3. Having regard to the point made in the Consultative Committee for the Ministry of Home Affairs, it has now been decided that in cases where an outside representative is inducted as a member of a Departmental Promotions Committee, he should invariably be an officer belonging to Scheduled Caste/Scheduled Tribe community and only where this is impracticable, should an officer belonging to Scheduled Caste/Scheduled Tribe from the same Department be nominated to the DPC. In the event of an officer belonging to Scheduled Caste/ Scheduled Tribe not being available for nomination to the DPC, either from outside organisations or from the same department, an endorsement to this effect should be obtained *before holding the meeting of the DPC* from the liaison officer of the Ministry/Department/Office concerned with the DPC to the effect that all efforts have been made to find a Scheduled Caste/Scheduled Tribe officer for the DPC, but with no success.

4. Ministry of Finance etc. are requested to ensure compliance of these instructions and also bring it to the notice of all its attached and subordinate offices for strict compliance.

Department of Personnel and Administrative Reforms O.M. No.F.16/1/74-Estt.(SCT), dated the 23rd May, 1975, to all Ministries/Departments, *etc.*

Subject :—Representation of Scheduled Castes/Tribes on Selection Boards and Departmental Promotion Committees.

The undersigned is directed to refer to this Department's Office Memorandum No. 27 (4) (iii)/70-Estt. (SCT), dated the 2nd September 1970 in which the Ministries/Departments were requested that while nominating officers on the Departmental Promotion Committees, Selection Boards etc. for recruitment/promotion to posts/services under them, they may keep in view, as far as possible, the recommedations Nos. 14 and 36 made in this regard by the Parliamentary Committee on the Welfare of Scheduled Castes and Scheduled Tribes in its Fourth Report. These instructions are once again brought to the notice of the Ministries/Departments etc. with the request that they should endeavour to nominate to the maximum extent possible, a Scheduled Caste/Tribe Officer on the Selection Boards Departmental Promotion Committees constituted for various posts/services under them. Particularly, where a Selection Board or Departmental Promotion Committee has to make bulk selection for a large number of vacancies say for 30 or more at a time no effort should be spared in finding a Scheduled Caste or Scheduled Tribe Officer for inclusion in the Selection Board/Departmental Promotion Committee.

2. In regard to the Departmental Promotion Committee for Class III and IV posts besides the above mentioed instructions, attention is also invited to the instructions contained in this Department's Office Memorandum No. 16/1/74-Estt. (SCT), dated 8th April 1974 wherein it has been clarified that since one of the members of the Departmental Promotion Committee for Class III or class IV posts is required to be an officer from another Ministry/Department, there would be no objection to nominate on such a D.P.C. a Scheduled Caste/Tribe Officer from such other Ministry/Department, in the event of such an officer not being available in the Ministry/Department itself.

18.13 Annexure – MACP

No.DOPT-1669022409144
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. D)
******

(Dated 21 November, 2022)

OFFICE MEMORANDUM

ACP / MACP

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(i) This document is a compilation of all relevant instructions on the subject of "Modified Assured Career Progression Scheme" and therefore is intended to serve as the guide without the need, for anyone to refer to old OMs issued from time to time. The list of such OMs is given in Appendix to this document. In case any reference to the relevant OM is required, the same may be accessed from Archive Section of DoPT's Website. The OMs pertaining to ACP Scheme are also available in the Archive Section.

(ii) While due care has been taken to compile this document, however, if any omissions or correction are noticed, the same may be brought to the notice of the Department of Personnel & Training.

INTRODUCTION OF MACP SCHEME

1. The Sixth Central Pay Commission recommended that Modified Assured Career Progression Scheme (MACPS) to be administered at 10, 20 and 30 years and the Seventh Central Pay Commission recommended that the MACP will continue as before. In the new Pay matrix, the employees will move to the immediate next Level in the hierarchy. As per the recommendations, the Scheme will be available to all posts, including Group "A" posts, whether isolated or not. However, Organized Group "A" Services will not be covered under the Scheme. In other words, MACPS will continue to be applicable to all employees up to HAG level, except members of Organized Group `A' Services.

2. The Government has considered the recommendations of the Seventh Central Pay Commission for continuation of MACPS and has accepted the same. The MACPS will continue to be administered at 10, 20 and 30 years as before. Under the Scheme, the employee will move to immediate next Pay Level in the new Pay Matrix.

3. The MACPS shall be effective from **01.09.2008**. This was upheld by the Hon'ble Supreme Court in its judgement dated 28.04.2021.

OM No: No. 35034/3/2008-Estt. (D) Dated: 19/5/2009

OM No: 35034/3/2015-Estt.(D) Dated: 22/10/2019

OM No: 35034/3/2015-Estt.(D) Dated: 13/7/2021

APPLICABILITY

4. The Scheme shall be applicable to all regularly appointed Group "A"(except officers of the Organized Group "A" Services), "B", and "C" Central Government Civilian Employees. Casual employees, including those granted 'temporary status' and employees appointed in the Government on ad-hoc or contract basis shall not qualify for benefits under the aforesaid Scheme.

SCREENING COMMITTEE

5. A Screening Committee shall be constituted in each Department to consider the case for grant of financial upgradations under the MACPS. The Screening Committee shall consist of a Chairperson and two Members. The Members of the Committee shall comprise officers holding posts which are at least one level above the level in which the MACP is to be considered and not below the rank of Under Secretary or equivalent in the Government. The Chairperson should generally be a level above the Members of the Committee.

6. In cases where the Appointing Authority is the President and the Screening Committee is constituted in the Secretariat of the Ministry/Department, then the power to approve the recommendations of the Screening Committee is delegated to the Secretary of such Ministry or Department. In cases where the Appointing Authority is the President and the Screening Committee is constituted in an organization (for e.g., field office, attached/subordinate office, etc), then the power to approve the recommendations of the Screening Committee is delegated to the Head of such organization. In all other cases, the power to approve the recommendations of the Screening Committee shall be with the Appointing Authority.

OM No: No. 35034/3/2008-Estt(D) (Vol. II) Dated: 10/12/2014

7. In order to prevent undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year. Accordingly, cases maturing during the first-half of a particular financial year (April-September) shall be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July shall process the cases that would be maturing during the second-half of the financial year (October-March).

GENERAL PRINCIPLES

8.1. There shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years services, respectively, or 10 years of continuous service in the same Level in Pay Matrix, whichever is earlier.

8.2. The MACPS envisages merely placement in the immediate next higher level in the hierarchy of the Pay Matrix as given in PART A of Schedule of the CCS (Revised Pay) Rules, 2016. Thus, the level at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive Pay Levels, be lower than what is available at the time of regular promotion. In such cases, the higher level attached to the next promotion post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion.

OM No: No. 22034/4/2020-Estt.(D) Dated: 23/3/2020

9. The financial upgradations under the MACPS would be admissible up-to Level 15 in the Pay Matrix, corresponding to the Higher Administrative Grade (HAG).

OM No: No. 35034/3/2008-Estt.(D) Dated: 24/12/2010

10. (i) Benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme [as prescribed in Para 13 of CCS (Revised Pay Rules), 2016].

(ii) There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same Pay Level as granted under MACPS.

(iii) However, at the time of actual promotion if it happens to be in a post carrying higher Pay Level than what is available under MACPS, then he shall be placed in the level to which he is promoted at a Cell in the promoted level equal to the figure being drawn by him on account of MACP. If no such Cell is available in the level to which promoted, he shall be placed at the next higher Cell in that level. The employee may have an option to get this fixation done either on the date of promotion or w.e.f. the date of next increment as per the option to be exercised by him.

OM No: No. 35034/3/2008-Estt(D) (Vol.II) Dated: 4/7/2017

11. On grant of financial upgradation under the Scheme, there shall be no change in the designation, classification or higher status. However, financial and certain other benefits which are linked to the pay drawn by an employee such as HBA, allotment of Government accommodation shall be permitted.

12. Promotions earned in the post carrying same Pay Level in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

13. Pay drawn in the level of Pay Matrix under the MACPS shall be taken as the basis for determining the terminal benefits in respect of the retiring employee.

MERGER OF PAY SCALES/UPGRADATIONS OF POSTS

14. Promotions earned/upgradation granted under the MACPS in the past to those grades which are in the same Level in the Pay Matrix due to merger of pay scales/upgradations of posts recommended by the Seventh Pay Commission shall be ignored for the purpose of granting upgradations under MACPS. The benefit of merger will accrue w.e.f. the date of notification of the Recruitment Rules for the relevant post.

OM No: No.35034/3/2008-Estt(D) Dated: 16/11/2009

PAY FIXATION

15. Fixation of pay on grant of financial upgradation under MACPS on or after 01.01.2016 shall be made as per Rule 13 of CCS (RP) Rules, 2016 issued vide Department of Expenditure notification dated 25th July, 2016 and in terms of provisions contained in DoP&T OM No. 13/02/2017-Estt.(Pay-I) dated 27.07.2017.

15.1 In cases where financial upgradation had been granted to Government Servants in the next higher Grade Pay in the hierarchy of Grade Pays as per the provisions of the MACPS of 19th May, 2009, but whereas as a result of the implementation of Seventh CPC's recommendations, substantive post held by him in the hierarchy of the cadre has been upgraded by granting a higher Pay Level, in such cases the MACP already granted to him prior to 7th CPC shall be refixed in the revised pay structure at the next higher level of Pay Matrix. To illustrate, in the case of Postal Inspector (GP 4200/-) in Department of Posts, who was granted 1st MACP in the Grade Pay of Rs. 4600/- in PB-2, he will now be granted (Grade Pay of Rs 4800 in the Pay Band PB-2) Level 8 of the Pay Matrix consequent upon upgradation of the post of Postal Inspector from GP of Rs. 4200 to GP of Rs. 4600/Level 7 in the Pay Matrix. However, all the financial upgradations under the Scheme should be done strictly in accordance with the hierarchy of Levels in the Pay Matrix as notified vide CCS (Revised Pay) Rules, 2016.

16. With regard to fixation of his pay on grant of promotion/financial upgradation under MACP Scheme, a Government servant has an option under FR22 (I) (a) (1) to get his pay fixed in the higher post/ Pay Level either from the date of his promotion/upgradation or from the date of his next increment viz. 1st July or 1st January, subject to provisions in the Scheme.

REGULAR SERVICE

17. 'Regular Service' for the purpose of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on casual, adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in same/another Central Government Department in a post carrying same Pay Level in the Pay Matrix prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purpose of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till satisfactory completion of the probation period in the new post.

18. Past service rendered by a Central Government employee in a State Government/Statutory Body/Autonomous body/Public Sector organization, before appointment in the Central Government shall not be counted towards Regular Service.

19. 'Regular service' shall include all periods spent on deputation/foreign service, study leave and all other kinds of leave, duly sanctioned by the competent authority.

20. In case of transfer 'including unilateral transfer on request', regular service rendered in previous organization/office shall be counted alongwith the regular service in the new organization/office for the purpose of getting financial upgradations under the MACPS. However, financial upgradation under the MACPS shall be allowed in the immediate next higher Pay Level in the Pay Matrix as given in CCS (Revised Pay) Rules, 2016. Wherever an official, in accordance with terms and conditions of transfer on own volition to a lower post, is reverted to the lower Post/Grade from the promoted Post/Pay Level before being relieved for the new organization/office, such past promotion in the previous organization/ office will be ignored for the purpose of MACPS in the new organization/office.

OM No: No. 35034/3/2008-Estt.(D)(Vol.II) Dated: 4/10/2012

21. In case an employee is declared surplus in his/her organization and appointed in the same pay-scale or lower scale of pay in the new organization, the regular service rendered by him/her in the previous organization shall be counted towards the regular service in his/her new organization for the purpose of giving financial upgradation under the MACPS.

APPLICABLE TO WORK CHARGED EMPLOYEES

22. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff' of regular establishment.

NO PROMOTION SCHEME TO RUN CONCURRENTLY WITH THE MACP

23. Existing time-bound promotion scheme, including in-situ promotion scheme, or any other kind of promotion scheme existing for a particular category of employees in a Ministry/Department or its offices, may continue to be operational for the concerned category of employees, if it is decided by the concerned administrative authorities to retain such Schemes after necessary consultations or they may switch-over to the MACPS. However, these Schemes shall not run concurrently with the MACPS.

APPLICABLE TO CENTRAL GOVT. CIVILIAN EMPLOYEES

24. The MACPS is directly applicable only to Central Government Civilian employees. The Scheme may be extended to employees of Central Autonomous/Statutory Bodies under the administrative control of a Ministry/Department subject to fulfillment of conditions prescribed in DOPT's OM No. 35034/3/2010-Estt.(D) dated 03.08.2010.

OM No: No.35034/3/2010-Estt(D) Dated: 3/8/2010

DEFERMENT OF MACPS

25. If a financial upgradation under the MACPS is deferred and not allowed after 10 years in a level, due to the reason of the employees being unfit or due to departmental proceedings, etc., this would have consequential effect on the subsequent financial upgradation which would also get deferred to the extent of delay in grant of first financial upgradation.

26. In the matter of disciplinary/ penalty proceedings, grant of benefit under the MACPS shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of the CCS (CCA) Rules, 1965 and instructions issued there under.

BENCHMARK GRADING IN APARs

27 (i). For grant of financial upgradation under the MACP Scheme, the prescribed Benchmark shall be 'Very Good', for all levels. This shall be effective for upgradations under MACPS falling due on or after 25.07.2016 and the revised benchmark shall be applicable for the APARs for the year 2016-17 and subsequent years.

27(ii). While assessing the suitability of an employee for grant of MACP, the Departmental Screening Committee (DSC) shall assess the APARs in the reckoning period. The benchmark for the APARs for the years 2016-17 and thereafter shall be 'Very Good'. The benchmark for the years 2015-16 and earlier years shall continue be as per the MACP guidelines issued vide DoPT O.M. dated 19.05.2009:

> "The financial upgradation would be non-functional basis subject to fitness in the hierarchy of grade pay within the PB-I. Thereafter for upgradation under the MACPS the benchmark of 'good' would be applicable till the grade pay of Rs. 6600/- in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs. 7600 and above."

For example, if a particular MACP falls due on or after 25.07.2016, the following benchmarks for APARs are applicable:

APAR for the year	Benchmark grading for MACP for Level 11 and below	Benchmark grading for MACP for Level 12 and above
2013-14 and earlier years	Good	Very Good
2014-15	Good	Very Good
2015-16	Good	Very Good
2016-17	Very Good	Very Good
2017-18 and subsequent years	Very Good	Very Good

OM No: 35034/3/2015-Estt.(D) Dated: 28/9/2016

NON-APPLICABILITY OF RESERVATION

28. The MACPS contemplates merely placement on personal basis in the immediate higher Pay Level/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Therefore, no reservation orders/roster shall apply to the MACPS, which shall extend its benefits uniformly to all eligible SC/ST employees also. However, the rules of reservation in promotion shall be ensured at the time of regular promotion. For this reason, it shall not be mandatory to associate members of SC/ST in the Screening Committee meant to consider cases for grant of financial upgradation under the Scheme.

NO EFFECT ON SENIORITY

29. Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/ Level under the MACPS. However, in cases where a senior Government servant granted MACP to a higher Grade Pay before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is granted MACP to the higher Level on or after the 1st day of January, 2016, the pay of senior Government servant in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of MACP of the junior Government servant subject to the fulfillment of the following conditions, namely:-

(a) both the junior and the senior Government servants belong to the same cadre and they are in the same Pay Level on grant of MACP;
(b) the existing pay structure and the revised pay structure of the lower and higher posts in which they are entitled to draw pay are identical;
(c) the senior Government servants at the time of grant of MACP are drawing equal or more pay than the junior;
(d) the anomaly is directly as a result of the application of the provisions of Fundamental Rule 22 or any other rule or order regulating pay fixation on such grant of MACP in the revised pay structure:

Provided that if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub rule shall not be invoked to step up the pay of the senior officer.

OM No: No. 35034/1/97-Estt.(D) Dated: 4/10/2012

29.1. No stepping up of pay in the level would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACPS.

REFUSAL OF A REGULAR PROMOTION

30. If a regular promotion has been offered but was refused by the employee before becoming entitled to an upgradation under the scheme, no financial upgradation shall be allowed as the employee has not stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and in such case, the second or next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal of promotion.

PERSONS HOLDING HIGHER POST PURELY ON ADHOC BASIS

31. Cases of persons holding higher posts purely on adhoc basis shall also be considered by the Screening Committee alongwith others. They may be allowed the benefit of financial upgradation on reversion to the lower post.

EMPLOYEES ON DEPUTATION

32. Employees on deputation need not revert to the parent Department for availing the benefit of financial upgradation under the MACPS. They may exercise a fresh option to either draw pay in the level of Pay Matrix attached to the post held by them on deputation or the pay in the Pay Level admissible to them under the MACPS, whichever is beneficial. In case, the employee opts to draw pay in the Pay Level admissible to him/her under the MACPS, the Deputation (Duty) Allowance shall be regulated in terms of the instructions issued by DoPT vide O.M. No.2/11/2017-Estt.(Pay II) dated 24.11.2017, as amended from time to time.

ILLUSTRATIONS

33.A. (i) If a Government servant in Level 2 gets his first regular promotion in the Level 4 on completion of 8 years of service and then continues in the Level for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the Level 5 after completion of 18 years (8+10 years).

(ii) (a) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the Level 6 on completion of further 10 years of service i.e. after 28 years (8+10+10).

(ii) (b) However, if he gets 2nd promotion after 5 years of further service to the grade say in the Level 7 [i.e. on completion of 23 years (8+10+5years)], then he would get 3rd financial upgradation in Level 8 after completion of 30 years.

(iii)(a) If he gets 2nd promotion before 20th year (say 19th year), then he gets 3rd MACP, at the end of 29th year, (i.e. 10 years from 2nd promotion) provided he does not get 3rd promotion.

(iii)(b) If he gets 2nd promotion after 20th year (say in 23rd year), and there is no 3rd promotion before 30 years, then he may be allowed 3rd MACP at the end of 30 years.

33.B. If a Government servant in Level 2 is granted 1st financial upgradation under the MACPS on completion of 10 years of service in the Level 3 and 5 years later he gets 1st regular promotion in Level 4, the 2nd financial upgradation under MACPS (in the next level w.r.t. level held by Government servant) will be granted in Level 5 on completion of 20 years of service. On completion of 30 years of service, he will get 3rd MACP in the Level 6. However, if two promotions are earned before completion of 20 years, only 3rd financial upgradation would be admissible on completion of 10 years of service in Level from the date 2nd promotion or at 30th year of service, whichever is earlier

33.C. If a Government servant has been granted either two regular promotions or 2nd financial upgradation under the ACP Scheme of August, 1999 after completion of 24 years of regular service then only 3rd financial upgradation would be admissible to him under the MACPS on completion of 30 years of service provided that he has not earned third promotion in the hierarchy.

CLARIFICATION IN CASE OF DOUBT

34. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the MACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

FAQs

35. Based on the clarifications sought on various provisions of MACPS documents indicating Frequently Asked Questions (FAQs) prepared are annexed.

OM No: No. 35034/3/2008-Estt.(D) Dated: 9/9/2010

OM No: NA Dated: 1/4/2011

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No.35034/3/2015-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated: 13th July, 2021.

OFFICE MEMORANDUM

Subject: **Cases pending or decided by Hon'ble High Courts/Central Administrative Tribunals regarding preponement of effective date of Modified Assured Career Progression Scheme – Order of the Hon'ble Supreme Court of India dated 28.4.2021 in CA No. 1579/21 (SLP (C) No. 15572/2019) of Union of India v/s R.K. Sharma & others - reg.**

The undersigned is directed to say that vide O.M. of even number dated 30.9.2020, Ministries/ Departments were advised to defend all cases or challenge the Orders of Court/Tribunal, as the case may be, which are contrary to Modified Assured Career Progression Scheme (MACPS) guidelines, since the matter relating to preponing the date of effect of the MACPS from 1.9.2008 (as provided in the scheme) to 1.1.2006, was sub-judice in a number of cases pending in the Apex Court, which have been tagged with SLP No. 10811-13/2018 of UoI v/s Ranjit Samuel, and that all similar matters were being heard together.

2. Though decision in the above mentioned cases is still awaited, the Hon'ble Supreme Court of India, in a related matter, has held that benefits under the MACPS cannot be claimed w.e.f. 1.1.2006. In its Order dated 28.4.2021 in Civil Appeal No. 1579/2021 [arising out of SLP (C) No. 15572/2019] of Union of India v/s R.K. Sharma & Others, the Hon'ble Apex Court has held as under:-

> " 7. *...For a better understanding of the dispute in these cases, it is necessary to examine the judgments of this Court in Balbir Singh Turn (supra) and M.V. Mohanan Nair (supra). The point that was considered by this Court in Balbir Singh Turn (supra) relates to the applicability of the benefit of MACPS from 01.01.2006. The Respondents therein approached the Armed Forces Tribunal which held that the benefit of ACP granted to an employee is part of the pay structure which affects the pay and also his pension. The Armed Forces Tribunal held that an ACP is not an allowance but a part of pay and therefore, in terms of the Government resolution, the employees were entitled for MACP w.e.f. 01.01.2006. This Court in Balbir Singh Turn (supra) upheld the said finding recorded by the Armed Forces Tribunal. Instructions issued on 30.05.2011 were found to be contrary to the resolution dated 30.08.2008 as, according to the resolution 01.01.2006 was the effective date for implementation of MACPS in matters relating to pay and dearness allowance.*
>
> *8. In M.V. Mohanan Nair (supra) a three Judge Bench of this Court considered the ACPS as well as the MACPS to hold that the schemes are in the nature of incentive schemes which were brought into force to relieve stagnation. This Court was of the considered view that the Respondents therein were entitled only to the benefit of next grade pay in the pay band and not to the benefit of grade pay of next promotional post. As the MACPS is a matter of Government policy pursuant to the recommendations made by the Pay Commission, this Court refused to accept submissions of the employees that MACPS should be made applicable w.e.f. 01.01.2006.*

...2/-

9. In view of the judgment of this Court in M.V. Mohanan Nair (supra), the Respondents and other similarly situated employees are entitled for financial upgradation under MACPS only to the next grade pay and not to the grade pay of next promotional post. It is clear from the resolution dated 30.08.2008 that the recommendation of the 6th Pay Commission was accepted by the Government and was made effective from 01.01.2006 in respect of civilian employees with regard to revised scales of pay and dearness allowances. In so far as the revised allowances other than dearness allowance, recommendation of the 6th Pay Commission were given effect from 01.09.2008. ***The judgment in M.V. Mohanan Nair (supra) clinches the issue. Benefits flowing from ACP & MACP Schemes are incentives and are not part of pay. The resolution dated 29.08.2008 is made effective from 01.09.2008 for implementation of allowances other than Pay and DA which includes financial upgradation under ACP & MACP Schemes. Therefore, the Respondents and other similarly situated officers are not entitled to seek implementation of the benefits of MACPS w.e.f. 01.01.2006 according to the resolution dated 29.08.2008. Moreover, the implementation of MACPS by granting financial upgradation only to the next grade pay in the pay band and not granting pay of the next promotional post w.e.f. 01.01.2006 would be detrimental to a large number of employees, particularly those who have retired. We find force in the submission made by the learned Additional Solicitor General that uniform implementation of MACPS for civilian employees w.e.f. 01.01.2006 would result in large scale recoveries of amounts paid in excess.***

10. In view of the above, we set aside the judgment of the High Court and allow these Appeals."

3. Accordingly, in terms of the existing MACP guidelines, and in light of above mentioned order dated 28.4.2021, all Ministries/Departments are, therefore, advised to dispose of all pending grievances seeking grant of benefit w.e.f. 1.1.2006 under the MACP Scheme, and also to defend the various pending Court Cases or to take immediate suitable action for appealing against such judgments which are contrary to the existing policy, as upheld by the Hon'ble Apex Court in the instant case.

(A. Bhattacharya)
Deputy Secretary

To
All Ministries/Departments of the Government of India.

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat /UPSC/ CVC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DoPT for Hindi Translation.

F.No.22034/4/2020-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi-110001
Dated; 05th April, 2021

OFFICE MEMORANDUM

Subject: **Order of Hon'ble Supreme Court of India dated 05.03.2020 in SLP (C) No.21803/2014 UoI Vs. M.V. Mohanan Nair & Ors. regarding benefits in promotional hierarchy under MACP Scheme – other issues arising out of Order dated 05.03.2020 – regarding.**

The undersigned is directed to refer to this Department's O.M. of even number dated 23.03.2020, which was issued as per Order dated 05.03.2020 of the Hon'ble Supreme Court of India in SLP (C) No.21803/2014, UoI Vs. M.V. Mohanan Nair & Others wherein the Hon'ble Apex Court had held that benefits under the Modified Assured Career Progression Scheme (MACPS) cannot be granted in the promotional hierarchy, and that it would be in the standard hierarchy of Grade Pay/Pay Levels in the Pay Matrix as per the existing MACP guidelines.

2. **The Hon'ble Apex Court, in para 53 of aforementioned Order dated 05.03.2020, further directed that some anomalies, which were brought before the Joint Committee, constituted in Department of Personnel & Training (DoP&T) to examine the MACPS, as indicated in paras 47 to 50 of the Order dated 05.03.2020, be considered as deemed appropriate, and a decision taken in accordance with law.**

3. Accordingly, in compliance of the directions of Hon'ble Apex Court, as indicated in paras 47 to 50 of the Order dated 05.03.2020, the issues arising out of deliberations of the Joint Committee constituted to examine the MACP Scheme, and which were not finally disposed of, have been examined in consultation with Department of Expenditure. It is also to be noted that revised guidelines on MACPS, as per recommendations of the 7th CPC, have been issued *vide* DoP&T's OM No.35034/3/2015-Estt.(D) dated 22.10.2019.

4. The decisions taken on these issues, item-wise, are as follows:

Item No. 1: To provide Grade Pay of the next promotional post under the MACPS (Item No.1 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Item No. 2: Anomaly on introduction of the MACPS - Option may be given to the employees to continue in the old ACP Scheme even after 01.09.2008 (Item No. 8 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Item No. 3: Continuation of the ACP Scheme beyond 31.08.2008 by giving an option to choose either benefits under the ACPS or the MACPS, whichever is more beneficial (Item No.3 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: The issue of grant of benefits in the standard hierarchy of Grade Pays/Pay Levels as per the MACPS guidelines has already been settled by the Hon'ble Apex Court in its Order dated 05.03.2020. Moreover, the matter of replacement of the ACPS with MACPS has also been settled by the Apex Court. As such, as clarified to the staff side vide letter dated 4.11.2013, the solution lies in cadre review to address issues relating to stagnation. Therefore, the demands of the Staff Side for grant of benefits in the promotional hierarchy or continuation of the ACPS beyond 31.08.2008 by giving option to either choose between ACPS or MACPS, whichever is more beneficial, cannot be agreed to. Hence, action on these items is treated as closed.

Item No. 4: Revision of date of introduction of the MACPS (Date of Effect) – Date of effect of the MACPS to be made as 01.01.2006, instead of 01.09.2008 as provided in the scheme (Item No.2 of Minutes of the meeting of Joint Committee held on 27.07.2012).

Decision: The issue is presently sub-judice before the Hon'ble Apex Court in SLP Nos. 10811-10813/2018 in the matter of UoI Vs. Ranjit Samuel. Hence, no decision can be taken at this stage. As and when the main and tagged cases are disposed of by the Hon'ble Apex Court, the decision would be communicated to all Ministries/ Departments.

Item No. 5: Applicability of the MACPS to Group 'D' employees who have been placed in the Grade Pay of Rs.1800/- in PB-1 (Item No.4 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: It has been clarified in DoP&T's O.M. No.35034/3/2008-Estt.(D) dated 16.11.2009 that promotions earned or upgradations granted under the ACP Scheme of August, 1999, in the past to four pay scales (S-1, S-2, S-2A and S-3), which now carry the grade pay of Rs.1800/-, shall be ignored for the purpose of the MACPS. Therefore, no further action is required. Hence, the item is treated as closed.

Item No. 6: Counting of 50% of service rendered by casual labour who attained temporary status for reckoning the 10, 20 and 30 years of service under the MACPS (Item No.5 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: As per para 5(v) of the Appendix pertaining to the Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 50% of the service rendered under temporary status is to be counted only for the purpose of retirement benefits after their regularization. The temporary service rendered does not count for any other purposes. Moreover, under the ACPS also, no provision was made for counting of temporary service as 1st and 2nd financial upgradation was being granted to an employee on completion of 12/24 years of regular service. Therefore, the proposal cannot be agreed to. Thus, action on this item is treated as closed.

Item No. 7: Supervised staff placed in higher Grade Pay than that of the Supervisor – The stepping up of pay of seniors with that of juniors getting higher pay in different cadres and introduction of Grade Pay of Rs.5400 on completion of 4 years of service in the pre-revised pay scale of Rs.6500-10500 (Item No.6 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: As per the fundamental principles of the Scheme, financial upgradation granted under the MACPS is purely personal to the employees, and has no relevance to his seniority position. It has already been provided in the Scheme itself that there shall be no additional financial upgradation to the senior employee solely on the ground that his/her junior in the grade has been granted higher pay or grade pay under the Scheme. This has been reiterated in the instructions issued by this Department from time to time, including OM No. 35034/1/97-Estt.(D) dated 04.10.2012 and No. 35034/3/2015-Estt.(D) dated 22.10.2019. Therefore, the proposal cannot be agreed to. Thus, action on the item is treated as closed.

Item No. 8: Option for pay fixation on grant of financial upgradation under the MACPS between 01.01.2006 and 31.08.2008 (Item No.7 of Minutes of the meeting of Joint Committee held on 15.09.2010).

Decision: In terms of para 9 of the MACPS guidelines (DoP&T's OM dated 19.05.2009), the benefits of the ACP Scheme of August, 1999 would be continued / applicable till 31.08.2008. If the Government employees, who have opted for fixation of their pay in the revised pay-structure w.e.f. 01.01.2006 under the CCS (RP) Rules, 2008, then no arrears of pay would be granted. However, if he has opted for pay fixation from the date of financial upgradation under the ACP with reference to the pre-revised pay scale, then arrears of pay would be granted from the date of his option, i.e., the date of financial upgradation under the ACPS. Para 6 of Annexure-I to DoP&T's OM dated 19.05.2009 already provides for this benefit. Hence, there is no requirement for issue of any further instructions on the said issue. Thus, the item is treated as closed.

Item No. 9: Employees who got one promotion or 1st ACP prior to 01.09.2008 and have completed over two decades of service without benefit of promotion may be granted third upgradation under the MACPS on 1.9.2008 (Para 12 of Minutes of the meeting of Joint Committee held on 27.07.2012).

Decision: As per the MACPS guidelines, there shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years of service respectively, or after 10 years of continuous service in the same Grade Pay or Pay Level in Pay Matrix, whichever is earlier. Thus, those employees who got either one promotion or 1st ACP before 1.1.2006 and who did not earn any promotion or 2nd ACP during 1.1.2006 to 31.8.2008, are eligible for 2nd MACP on or after 1.9.2008 (i.e. due on completion of 20 Years) and 3rd MACP after 30 years of service or 10 years in the same Grade Pay/Pay Level, as the case may be, if found otherwise eligible. Hence, there is no ground for grant of 3rd MACP straight away on 1.9.2008, without the employee earning 2nd MACP, as per provisions of the MACPS. Therefore, the request of the Staff Side cannot be acceded to and the item is treated as closed.

7. All Ministries/Departments are advised to dispose of all pending representations/references from Staff Associations etc. seeking revision in the instructions/guidelines on the MACPS relating to the above items and also defend the various pending Court Cases or to take immediate suitable action for appealing against such judgments which are contrary to the existing policy, as upheld by the Hon'ble Apex Court in the instant case.

(R. K. Sinha)
Under Secretary to the Govt. of India

To

All Ministries /Departments of the Government of India.

Copy to:-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/ UPSC/ CVC/ C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council (JCM).
7. NIC, DoPT, North Block [for up-loading of this OM on the website of DoPT(ACP)].
8. Hindi Section, DoPT for Hindi Translation.

F.No. 35034/3/2015- Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated; 30th September, 2020

OFFICE MEMORANDUM

Sub:- Cases pending or decided by Hon'ble High Courts/Tribunals regarding preponement of effective date of Modified Assured Career Progression (MACP) Scheme - reg.

The undersigned is directed to say that the matter relating to grant of benefits w.e.f. 01.01.2006 instead of w.e.f. 01.09.2008 under the MACP Scheme to civilian Central Government employees is presently sub judice before the Hon'ble Supreme Court of India in a number of cases tagged with SLP Nos. 10811-10813/2018 in the matter of Union of India Vs. Shri Ranjit Samuel, and that all similar matters are being heard together by the Hon'ble Apex Court.

2. A large number of references are being received in this Department based on orders of the Hon'ble Tribunals (CAT Benches) and Hon'ble High Courts seeking advice on implementation of such orders allowing grant of benefits under the MACP Scheme from 1.1.2006, as against 1.9.2008, the date provided in the MACP Scheme.

3. Since such orders of Hon'ble Tribunals/High Courts are at variance with the extant MACPS guidelines and for the fact that the primary issue of date of effect of MACPS is sub judice before the Hon'ble Supreme Court of India, this Department is constrained to advise various Ministries/ Departments to either seek review or agitate the matter in higher courts, by challenging such orders.

4. Accordingly, Ministries/Departments are, therefore, advised to defend such cases or challenge the orders (where decision has been taken by the Hon'ble Tribunal/High Court) contrary to MACPS guidelines, by bringing the fact that the issue is pending before the Hon'ble Supreme Court of India, to the notice of Hon'ble Tribunals/High Courts.

(Rajesh Sharma)
Under Secretary to the Government of India

To

All Ministries/Departments of Government of India.

Copy to :-

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2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DoPT for Hindi Translation.

(Rajesh Sharma)
Under Secretary to the Government of India

F. No.35034/3/2015-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated the 8th September, 2020.

OFFICE MEMORANDUM

Subject: Fixation of pay on grant of benefit under Modified Assured Career Progression Scheme (MACPS) - Extension of the benefit of entry level pay provided in DoE's OM dated 28.9.2018 – reg.

The undersigned is directed to refer to the guidelines on MACPS (Para 4 of Annexure-I to OM No. No.35034/3/2008-Estt. (D) dated 19.5.2009) which provides that the benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme i.e. the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. The said guideline further provides that there shall, however, be no further fixation of pay at the time of regular promotion if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available. Similar provisions had been prescribed for fixation of pay under ACP Scheme.

2. The Department of Expenditure (DoE) issued OM No. 8-23/2017-E.IIIA dated 28.9.2018, *inter-alia* providing that in respect of those posts where entry pay for direct recruits appointed on or after 1.1.2006, as per Section-II of Part A of First Schedule of CCS(RP) Rules, 2008, becomes applicable by virtue of the provision of the element of direct recruitment in the relevant recruitment rules, the pay of Central Government employees who were appointed to such posts by way of promotion on or after 1.1.2006 and whose pay, as fixed under Rule 13 of CCS(RP) Rules, 2008, happens to be lower than the said entry pay, shall not be less than such entry pay from the date of their promotion taking place on or after 1.1.2006.

3. A number of references have been received in this Department seeking clarification as to whether the benefit of entry level pay prescribed for direct recruits as per Section-II of Part A of First Schedule of CCS(RP) Rules, 2008 and allowed on promotion on or after 1.1.2006, in terms of DoE's OM dated 28.9.2018, can be extended to cases where financial upgradation have been granted to employees under ACPS till 31.8.2008 or under MACPS on or after 1.9.2008, in the same Grade Pay which is also the Grade Pay applicable for the promotion post and the promotional post has an element of direct recruitment, irrespective of whether the employee has been subsequently promoted to the said promotional post or not on or after 1.1.2006, as the pay once fixed under ACPS/MACPS is final and no re-fixation of pay is allowed on actual promotion. It is clarified that the benefit of entry level pay prescribed for direct recruits in terms of DoE's OM dated 28.9.2018 cannot be allowed at the time of grant of financial upgradation under ACPS between 1.1.2006 to 31.8.2008 or MACPS between 1.9.2008 to 31.12.2015 (6th CPC period), since financial upgradation under ACPS/MACPS cannot be treated strictly as a substitute for regular promotion.

...2/-

4. However, due to the condition that pay once fixed on grant of financial upgradation is not to be re-fixed at the time of regular promotion, as provided in the guidelines on ACPS/MACPS, the issue of extension of benefit allowed under DoE's OM dated 28.9.2018, to those employees, who were granted financial upgradation under ACPS and subsequently promoted on regular basis on or after 1.1.2006 or who were granted financial upgradation under MACPS and subsequently promoted on regular basis between 1.9.2008 till 31.12.2015 to posts carrying the same Grade Pay in which they have been granted financial upgradation, and where the promotional post has an element of direct recruitment and where the pay drawn by such employees at the time of their regular promotion is lower than the entry level pay prescribed for direct recruits in Section-II of Part A of First Schedule of CCS(RP) Rules, 2008, has been considered in consultation with the Department of Expenditure.

5. Accordingly, where promotion between 1.1.2006 to 31.12.2015 is to a post having an element of direct recruitment, it has been decided to extend the benefit allowed under DoE's OM dated 28.9.2018, in the following cases, by allowing refixation of pay of employees on the date of their regular promotion at the stage equivalent to the minimum entry level pay, if on the date of their regular promotion it is lower than the minimum entry level pay prescribed for direct recruits under Section-II of Part A of First Schedule of CCS(RP) Rules, 2008:-

(i) employees who have earned financial upgradation under ACPS prior to 1.1.2006 and have been subsequently promoted on regular basis on or after 1.1.2006;
(ii) employees who have earned financial upgradation under ACPS between 1.1.2006 and 31.8.2008 and have been subsequently promoted on regular basis; and
(iii) employees who have earned financial upgradation under MACPS on or after 1.9.2008 and have been subsequently promoted on regular basis to a post carrying the same Grade Pay in which they have been granted financial upgradation.

6. All Ministries/Departments are requested to bring these instructions to the notice of all concerned.

(Rajesh Sharma)
Under Secretary to the Government of India

To
All Ministries/Departments of the Government of India.

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat /UPSC/ CVC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. The Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
4. All Staff Side Members of the National Council (JCM).
5. PS to MoS(PP) for kind information of Hon'ble MoS(PP)/PSO to Secretary (P)
6. NIC [for uploading this OM on the website of DOPT (under the Heading 'ACP Scheme')].
7. Hindi Section, DoPT for Hindi Translation.

(Rajesh Sharma)

No.22034/4/2020-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
*****

North Block, New Delhi
Dated: 23rd March, 2020.

OFFICE MEMORANDUM

Subject: References/ Representations/Court Cases in various Ministries/ Departments/ Organisations for grant of MACPS benefits in the promotional hierarchy – reg.

In continuation of this Department's earlier O.M. of even number dated 20.01.2016, 01.03.2016 and 17.05.2016 on the above subject, the undersigned is directed to say that the Hon'ble Supreme Court of India *vide* Order dated 05.03.2020 has disposed of the SLP(C) No.21803/2014, UOI & Ors. Vs. M.V. Mohanan Nair case and other cases tagged together.

2. The Hon'ble Apex Court, in its aforesaid judgment, has, *inter alia,* set aside *all the impugned orders* of the High Courts in these batch of appeals arising out of SLP(C) No.21803 of 2014, SLP(C) No.22181 of 2014, SLP(C) No.23335 of 2014, SLP(C) No.23333 of 2014, SLP(C) No.18227 of 2015, SLP(C) No.31125 of 2016 and SLP(C) Diary No.6042 of 2017, and the appeals preferred by the Union of India have been allowed. Further, the appeal arising out of SLP(C) No.33706 of 2016 is also disposed of. **Consequently, the Apex Court has upheld the Govt. policy that benefits under MACPS are to be granted in the standard hierarchy of Grade Pays/Pay Levels and *not* in the promotional hierarchy.**

3. The Hon'ble Apex Court, while setting aside the orders of the respective High Courts, has held that the ACP Scheme, which is now superseded by the MACP Scheme, is a matter of government policy. Interference with the recommendations of an expert body like the Pay Commission and its recommendations for the MACP would have a serious impact on the public exchequer. The recommendations of the Pay Commission for the MACP Scheme have been accepted by the Government and implemented, and that there is nothing to show that the Scheme is arbitrary, or unjust, warranting interference. The judgement has also stated that without considering the advantages in the MACP Scheme, the High Courts erred in interfering with the government's policy by simply placing reliance upon the Raj Pal case, and that the impugned orders cannot be sustained and are liable to be set aside.

4. Accordingly, in terms of the existing MACP guidelines, and in light of above mentioned order dated 05.03.2020, all Ministries/Departments are, therefore, advised to dispose of all pending grievances seeking grant of benefit in the promotional hierarchy under the MACP Scheme, and also to defend the various pending Court Cases or to take immediate suitable action for appealing against such judgments which are contrary to the existing policy, as upheld by the Hon'ble Apex Court in the instant case.

5. All Ministries/Departments are also requested to upload the above order dated 05.03.2020 on their websites for wider publicity.

(A. Bhattacharya)
Deputy Secretary

To

All Ministries/Departments of the Government of India.

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/ Supreme Court/ Rajya Sabha Secretariat/ Lok Sabha Secretariat/ Cabinet Secretariat /UPSC/ CVC/ C&AG/ Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information to Hon'ble MoS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DoPT for Hindi Translation.

No.35034/3/2015-Estt.(D)

Government of India

Ministry of Personnel, Public Grievances and Pensions

(Department of Personnel and Training)

North Block, New Delhi -110001

Dated the 22nd October, 2019

OFFICE MEMORANDUM

SUBJECT:- CONSOLIDATED GUIDELINES REGARDING MODIFIED ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

******

The Seventh Central Pay Commission in Para 5.1.44 of its report, recommended that Modified Assured Career Progression Scheme (MACPS) will continue to be administered at 10, 20 and 30 years as before. In the new Pay matrix, the employees will move to the immediate next Level in the hierarchy. As per the recommendations, the Scheme will be available to all posts, including Group "A" posts, whether isolated or not. However, Organised Group "A" Services will not be covered under the Scheme. In other words, MACPS will continue to be applicable to all employees up to HAG level, except members of Organised Group `A' Services.

2. The Government has considered the recommendations of the Seventh Central Pay Commission for continuation of MACPS and has accepted the same. The MACPS will continue to be administered at 10, 20 and 30 years as before. Under the Scheme, the employee will move to immediate next Pay Level in the new Pay Matrix.

3. The Scheme shall continue to be applicable to all regularly appointed Group "A"(except officers of the Organised Group "A" Services), "B", and "C" Central Government Civilian Employees. Casual employees, including those granted 'temporary status' and employees appointed in the Government on adhoc or contract basis shall not qualify for benefits under the aforesaid Scheme. The details of the MACP Scheme and conditions for grant of the financial upgradation under the Scheme are given in **Annexure-I**.

Cont...p-2/-

4. A Screening Committee shall be constituted in each Department to consider the case for grant of financial upgradations under the MACP Scheme. The Screening Committee shall consist of a Chairperson and two members. The members of the Committee shall comprise officers holding posts which are at least one level above the level in which the MACP is to be considered and not below the rank of Under Secretary equivalent in the Government. The Chairperson should generally be a level above the members of the Committee.

5. In cases where the Appointing Authority is the President and the Screening Committee is constituted in the Secretariat of the Ministry/Department, then the power to approve the recommendations of the Screening Committee is delegated to the Secretary of such Ministry or Department. In cases where the Appointing Authority is the President and the Screening Committee is constituted in an organization (for e.g., field office, attached/subordinate office, etc), then the power to approve the recommendations of the Screening Committee is delegated to the Head of such organization. In all other cases, the power to approve the recommendations of the Screening Committee shall be with the Appointing Authority.

6. In order to prevent undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year. Accordingly, cases maturing during the first-half of a particular financial year (April-September) shall be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July shall process the cases that would be maturing during the second-half of the financial year (October-March).

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

8. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the MACP Scheme shall be given by the Department of Personnel and Training (Establishment-D). The MACP Scheme continues to be effective from 01.09.2008.

9. No stepping up of pay in the level would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.

10. Hindi version will follow.

(A. Bhattacharya)
Deputy Secretary to the Govt. of India

Cont...p-3/-

To

All Ministries/Departments of the Government of India

Copy to:-

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2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.

3. Secretary, National Commission for Minorities.

4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes

5. Secretary, Staff Side, National Council OCM), 13-C, Ferozeshah Road, New Delhi

6. All Staff Side Members of the National Council (JCM)

7. Establishment (D) Section - 10 copies

8. N1C, DoPT, North Block for up-loading of the OM in DoPT website.

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Annexure-I

O.M. No.35034/3/2015-Estt.(D) dated 22.10.2019

1. There shall be three financial upgradations under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years services, respectively, or 10 years of continuous service in the same Level in Pay Matrix, whichever is earlier.

2. The MACPS envisages merely placement in the immediate next higher level in the hierarchy of the Pay Matrix as given in PART A of Schedule of the CCS (Revised Pay) Rules, 2016. Thus, the level at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive Pay Levels, be lower than what is available at the time of regular promotion. In such cases, the higher level attached to the next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion.

3. The financial upgradations under the MACPS would be admissible up-to level 15 in the Pay Matrix, corresponding to the Higher Administrative Grade (HAG).

4. (i) Benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme [as prescribed in Para 13 of CCS(Revised Pay Rules), 2016].

(ii) There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same pay level as granted under MACPS.

(iii) However, at the time of actual promotion if it happens to be in a post carrying higher pay level than what is available under MACPS, then he shall be placed in the level to which he is promoted at a cell in the promoted level equal to the figure being drawn by him on account of MACP. If no such cell is available in the level to which promoted, he shall be placed at the next higher cell in that level. The employee may have an option to get this fixation done either on the date of promotion or w.e.f. the date of next increment as per the option to be exercised by him.

5. Promotions earned/upgradation granted under the MACP Scheme in the past to those grades which are in the same Level in the Pay Matrix due to merger of pay scales/upgradations of posts recommended by the Seventh Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS. The benefit of merger will accrue w.e.f. the date of notification of the Recruitment Rules for the relevant post.

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6. Fixation of pay on grant of financial upgradation under MACPS on or after 01.01.2016 shall be made as per Rule 13 of CCS (RP) Rules, 2016 issued vide Department of Expenditure notification dated 25th July, 2016 and in terms of provisions contained in DoP&T OM No. 13/02/2017-Estt.(Pay-I) dated 27.07.2017.

6.1 In cases where financial upgradation had been granted to Government Servants in the next higher Grade Pay in the hierarchy of Grade Pays as per the provisions of the MACP Scheme of 19th May, 2009, but whereas as a result of the implementation of Seventh CPC's recommendations, substantive post held by him in the hierarchy of the cadre has been upgraded by granting a higher Pay Level, in such cases the MACP already granted to him prior to 7th CPC shall be refixed in the revised pay structure at the next higher level of Pay Matrix. To illustrate, in the case of Postal Inspector (GP 4200/-) in Department of Posts, who was granted 1st MACP in the Grade Pay of Rs. 4600/- in PB-2, he will now be granted (grade pay of Rs 4800 in the pay band PB-2) Level 8 of the Pay Matrix consequent upon upgradation of the post of Postal Inspector from GP of Rs. 4200 to GP of Rs. 4600/Level 7 in the Pay Matrix. However, all the financial upgradations under the Scheme should be done strictly in accordance with the hierarchy of Levels in the Pay Matrix as notified vide CCS (Revised Pay) Rules, 2016.

7. With regard to fixation of his pay on grant of promotion/financial upgradation under MACP Scheme, a Government servant has an option under FR22 (1) (a) (1) to get his pay fixed in the higher post/ Pay Level either from the date of his promotion/upgradation or from the date of his next increment viz. 1st July or 1st January, subject to provisions in the Scheme.

8. Promotions earned in the post carrying same Pay Level in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

9. 'Regular service' for the purposes of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on casual, adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in same/another Central Government Department in a post carrying same pay level in the Pay Matrix prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purposes of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post.

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10. Past service rendered by a Central Government employee in a State Government/Statutory Body/Autonomous body/Public Sector organization, before appointment in the Central Government shall not be counted towards Regular Service.

11. 'Regular service' shall include all periods spent on deputation/foreign service, study leave and all other kinds of leave, duly sanctioned by the competent authority.

12. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff' of regular establishment.

13. Existing time-bound promotion scheme, including in-situ promotion scheme, or any other kind of promotion scheme existing for a particular category of employees in a Ministry/Department or its offices, may continue to be operational for the concerned category of employees, if it is decided by the concerned administrative authorities to retain such Schemes, after necessary consultations or they may switch-over to the MACPS. However, these Schemes shall not run concurrently with the MACPS.

14. The MACPS is directly applicable only to Central Government Civilian employees. The Scheme may be extended to employees of Central Autonomous/Statutory Bodies under the administrative control of a Ministry/Department subject to fulfillment of conditions prescribed in DOPT's OM No. 35034/3/2010-Estt.(D) dated 03.08.2010.

15. If a financial upgradation under the MACPS is deferred and not allowed after 10 years in a level, due to the reason of the employees being unfit or due to departmental proceedings, etc., this would have consequential effect on the subsequent financial upgradation which would also get deferred to the extent of delay in grant of first financial upgradation.

16. On grant of financial upgradation under the Scheme, there shall be no change in the designation, classification or higher status. However, financial and certain other benefits which are linked to the pay drawn by an employee such as HBA, allotment of Government accommodation shall be permitted.

17 (i). For grant of financial upgradation under the MACP Scheme, the prescribed Benchmark shall be 'Very Good', for all levels. This shall be effective for upgradations under MACPS falling due on or after 25.07.2016 and the revised benchmark shall be applicable for the APARs for the year 2016-17 and subsequent years.

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17(ii). While assessing the suitability of an employee for grant of MACP, the Departmental Screening Committee (DSC) shall assess the APARs in the reckoning period. The benchmark for the APARs for the years 2016-17 and thereafter shall be 'Very Good'. The benchmark for the years 2015-16 and earlier years shall continue be as per the MACP guidelines issued vide DoPT O.M. dated 19.05.2009:

> "The financial upgradation would be non-functional basis subject to fitness in the hierarchy of grade pay within the PB-I. Thereafter for upgradation under the MACPS the benchmark of 'good' would be applicable till the grade pay of Rs. 6600/- in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs. 7600 and above."

For example, if a particular MACP falls due on or after 25.07.2016, the following benchmarks for APARs are applicable:

APAR for the year	Benchmark grading for MACP for Level 11 and below	Benchmark grading for MACP for Level 12 and above
2013-14 and earlier years	Good	Very Good
2014-15	Good	Very Good
2015-16	Good	Very Good
2016-17	Very Good	Very Good
2017-18 and subsequent years	Very Good	Very Good

18. In the matter of disciplinary/ penalty proceedings, grant of benefit under the MACPS shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of the CCS (CCA) Rules, 1965 and instructions issued thereunder.

19. The MACPS contemplates merely placement on personal basis in the immediate higher Pay Level /grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Therefore, no reservation orders/roster shall apply to the MACPS, which shall extend its benefits uniformly to all eligible SC/ST employees also. However, the rules of reservation in promotion shall be ensured at the time of regular promotion. For this reason, it shall not be mandatory to associate members of SC/ST in the Screening Committee meant to consider cases for grant of financial upgradation under the Scheme.

Cont...p-8/-

20. Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/ Level under the MACPS. However, in cases where a senior Government servant granted MACP to a higher Grade Pay before the 1st day of January, 2016 draws less pay in the revised pay structure than his junior who is granted MACP to the higher Level on or after the 1st day of January, 2016, the pay of senior Government servant in the revised pay structure shall be stepped up to an amount equal to the pay as fixed for his junior in that higher post and such stepping up shall be done with effect from the date of MACP of the junior Government servant subject to the fulfillment of the following conditions, namely:-

(a) both the junior and the senior Government servants belong to the same cadre and they are in the same pay Level on grant of MACP;

(b) the existing pay structure and the revised pay structure of the lower and higher posts in which they are entitled to draw pay are identical;

(c) the senior Government servants at the time of grant of MACP are drawing equal or more pay than the junior;

(d) the anomaly is directly as a result of the application of the provisions of Fundamental Rule 22 or any other rule or order regulating pay fixation on such grant of MACP in the revised pay structure:

Provided that if the junior officer was drawing more pay in the existing pay structure than the senior by virtue of any advance increments granted to him, the provisions of this sub rule shall not be invoked to step up the pay of the senior officer.

21. Pay drawn in the level of Pay Matrix under the MACPS shall be taken as the basis for determining the terminal benefits in respect of the retiring employee.

22. In case an employee is declared surplus in his/her organisation and appointed in the same pay-scale or lower scale of pay in the new organization, the regular service rendered by him/her in the previous organisation shall be counted towards the regular service in his/her new organisation for the purpose of giving financial upgradation under the MACPS.

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23. In case of transfer 'including unilateral transfer on request', regular service rendered in previous organisation/office shall be counted alongwith the regular service in the new organisation/office for the purpose of getting financial upgradations under the MACPS. However, financial upgradation under the MACPS shall be allowed in the immediate next higher Pay Level in the Pay Matrix as given in CCS (Revised Pay) Rules, 2016. Wherever an official, in accordance with terms and conditions of transfer on own volition to a lower post, is reverted to the lower Post/ Grade from the promoted Post/ Pay Level before being relieved for the new organisation/office, such past promotion in the previous organisation/ office will be ignored for the purpose of MACPS in the new organisation/office.

24. If a regular promotion has been offered but was refused by the employee before becoming entitled to an upgradation under the scheme, no financial upgradation shall be allowed as the employee has not stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and in such case, the second or next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal of promotion.

25. Cases of persons holding higher posts purely on adhoc basis shall also be considered by the Screening Committee alongwith others. They may be allowed the benefit of financial upgradation on reversion to the lower post.

26. Employees on deputation need not revert to the parent Department for availing the benefit of financial upgradation under the MACPS. They may exercise a fresh option to either draw pay in the level of Pay Matrix attached to the post held by them on deputation or the pay in the pay level admissible to them under the MACPS, whichever is beneficial. In case, the employee opts to draw pay in the pay level admissible to him/her under the MACPS, the deputation (duty) allowance shall be regulated in terms of the instructions issued by DoPT vide O.M. No.2/11/2017-Estt.(Pay II) dated 24.11.2017, as amended from time to time.

27. **Illustrations**

A. (i) If a Government servant in Level 2 gets his first regular promotion in the Level 4 on completion of 8 years of service and then continues in the Level for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the Level 5 after completion of 18 years (8+10 years).

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(ii) (a) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the Level 6 on completion of further 10 years of service i.e. after 28 years (8+10+10).

(ii) (b) However, if he gets 2nd promotion after 5 years of further service to the grade say in the Level 7 [i.e. on completion of 23 years (8+10+5years)], then he would get 3rd financial upgradation in Level 8 after completion of 30 years.

(iii)(a) If he gets 2nd promotion before 20th year (say 19th year), then he gets 3rd MACP, at the end of 29th year, (i.e. 10 years from 2nd promotion) provided he does not get 3rd promotion.

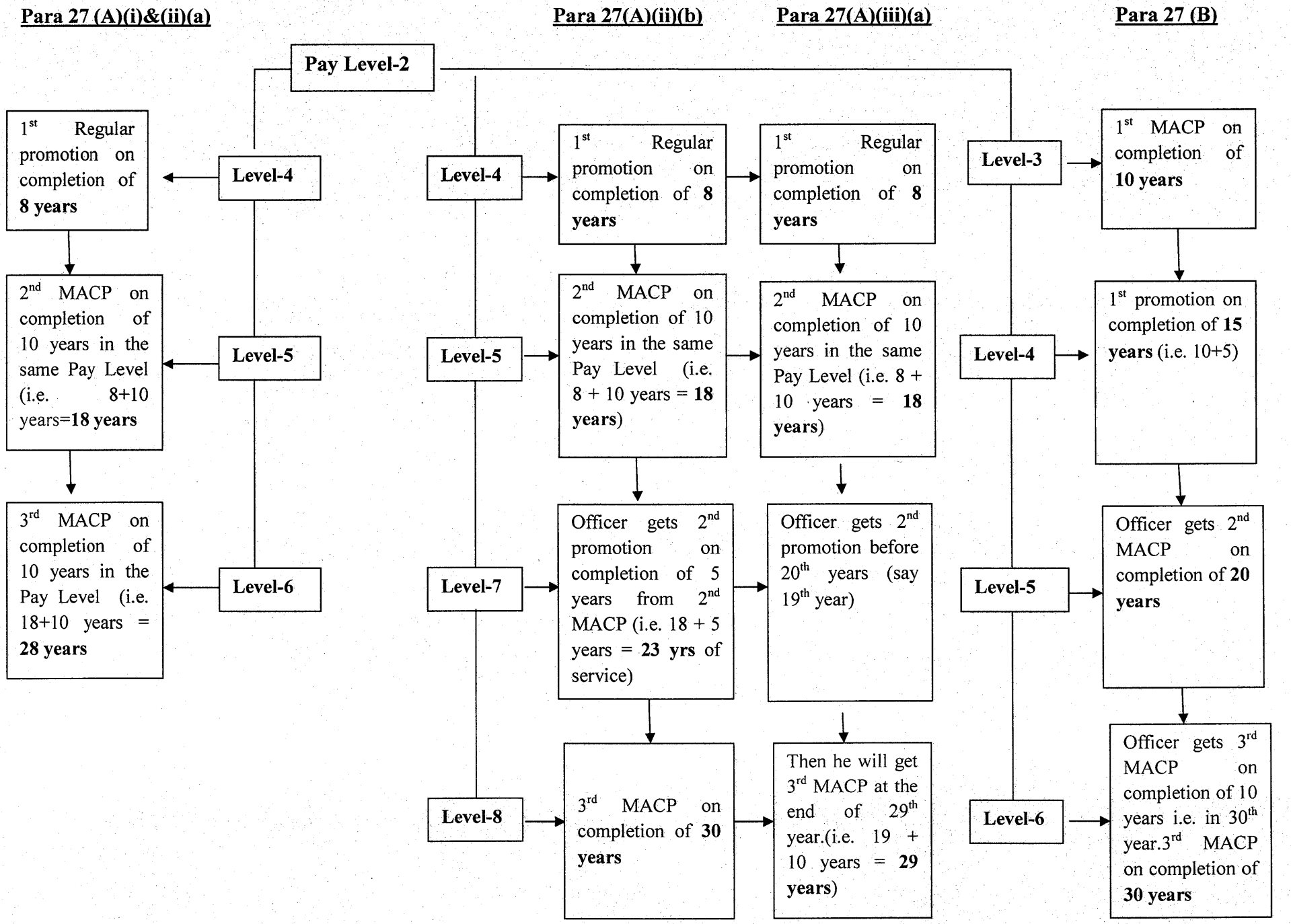
(iii)(b) If he gets 2nd promotion after 20th year (say in 23rd year), and there is no 3rd promotion before 30 years, then he may be allowed 3rd MACP at the end of 30 years.

B. If a Government servant in Level 2 is granted 1st financial upgradation under the MACPS on completion of 10 years of service in the Level 3 and 5 years later he gets 1st regular promotion in Level 4, the 2nd financial upgradation under MACPS (in the next level w.r.t. level held by Government servant) will be granted in Level 5 on completion of 20 years of service. On completion of 30 years of service, he will get 3rd MACP in the Level 6. However, if two promotions are earned before completion of 20 years, only 3rd financial upgradation would be admissible on completion of 10 years of service in Level from the date 2nd promotion or at 30th year of service, whichever is earlier

C. If a Government servant has been granted either two regular promotions or 2nd financial upgradation under the ACP Scheme of August, 1999 after completion of 24 years of regular service then only 3rd financial upgradation would be admissible to him under the MACPS on completion of 30 years of service provided that he has not earned third promotion in the hierarchy.

(A. Bhattacharya)
Deputy Secretary

ILLUSTRIATIONS



No. 35034/1/2017-Estt.D
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
***

North Block, New Delhi
Dated: 20.09.2018

OFFICE MEMORANDUM

Subject:- Availability of option for fixation of pay on **MACPS** from the date of next increment (DNI) in the lower post and method of fixation of pay from DNI, if opted for, in context of CCS(RP) Rules, 2016, regarding.

The undersigned is directed to refer to this Department's OM No. 13/02/2017-Estt.(Pay-I) dated 27.07.2017 and its further clarification vide OM No. 13/02/2017-Estt.(Pay-I) dated 28.08.2018 on the issue of availability of option for fixation of pay on promotion from the date of next increment (DNI) in the lower post and method of fixation of pay from DNI, if opted for, in context of CCS(RP) Rules, 2016.

2. A number of references have been received from various quarter including Secretary, Staff Side as to whether the aforesaid OMs 13/02/2017-Estt.(Pay-I) dated 27.07.2017 and 28.08.2018 will be applicable in the case of MACP also or otherwise. The matter has been examined in consultation with D/o Expenditure and it has been decided that the aforesaid OMs dated 27.07.2017 and 28.08.2018 will be applicable in the cases of pay fixation after grant of MACP also.

G Jayanthi
(G. Jayanthi)
Joint Secretary (E-I)

All Ministries/Departments of the Government of India

Copy to:-

1. President's Secretariat / Vice President's Secretariat / Prime Minister's Office / Supreme Court / Rajya Sabha Secretariat / Lok Sabha Secretariat / Cabinet Secretariat / UPSC / CVC / C&AG / Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
5. Secretary, Staff Side, National Council JCM), 13-C, Ferozeshah Road, New Delhi
6. All Staff Side Members of the National Council JCM)
7. Establishment (D) Section - 10 copies
8. NIC, DoPT, North Block for up-loading of the OM in DoPT website.

N0.35034/3/2008-Estt(D) (Vol. II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
Dated the 04th July, 2017

OFFICE MEMORANDUM

Subject:- Modified Assured Career Progression Scheme for the Central Government Employee-Clarification regarding.

***

The undersigned is directed to invite reference to the Para 4 of Annexure-I of the Modified Assured Career Progression Scheme issued vide the Department of Personnel and Training Office Memorandum No. 35034/3/2008-Estt.(D) dated May 19, 2009 providing that benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme. Therefore, the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available.

2. References have been received from various Ministries/Departments whether at the time of regular promotion/grant of Non-Functional Scale, the employee may be allowed to draw the difference in Grade Pay after availing regular increment in the Pay Band and Grade Pay w.e.f. date of promotion or date of next increment consequent to MACP.

3. The matter has been considered in this Department in consultation with the Department of Expenditure and it has been decided that the Para 4 of the Annexure-I of the MACP Scheme would be modified as under:-

> "benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme. Therefore, the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion / grant of Non-Functional Scale, if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion / grant of Non-Functional Scale, if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available. **At the time of such regular promotion/grant of Non-Functional Scale to the higher grade pay than what has been given under MACPS, the employee shall have the option to draw the difference of**

Grade Pays from the date of such regular promotion/grant of Non-Functional Scale or the date of accrual of next increment in the pay allowed under MACP"

4. This modification in the MACP Scheme is being issued in consultation with the Department of Expenditure.

G Jayanthi
(G. Jayanthi)
Director(E-I)
Tele. No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-president's Sectt, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
10 All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. NIC for updation on the website.

F.No.35034/3/2015-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block,
New Delhi
Dated the September 27, 28, 2016

OFFICE MEMORANDUM

Subject: Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian Employees- Implementation of seventh CPC recommendations.

The Modified Assured Career Progression Scheme was introduced with effect from 01.09.2008 in pursuance of the recommendations of the Sixth Pay Commission by this Department's OM No.35034/3/2008-Estt(D) dated 19th May, 2009. Subsequently, clarifications/ FAQs were issued vide OM dated 16.11.2009, 09.09.2010, 01.04.2011, 13.06.2012, 04.10.2012 and 10.12.2014. These instructions are in force with effect from 01.09.2008.

2. The 7th Central Pay Commission (CPC) in para 5.1.44 of its report has recommended inter-alia as follows:

> *"MACP will continue to be administered at 10, 20 and 30 years as before. In the new Pay Matrix, the employee will move to immediate next level in hierarchy. Fixation of pay will follow the same principle as that for a regular promotion in the Pay Matrix. MACPS will continue to be applicable to all employees up to Higher Administrative Grade (HAG) level except members of Organised Group 'A' Services."*

3. The Government has considered the above recommendation and has accepted the same. In the light of the recommendations of the 7th CPC accepted by the Government, the Modified Assured Career Progression Scheme (MACPS) will continue to be administered at 10, 20 and 30 years as before. Further, Para 1 and 2 of the existing Scheme (Annexure to this Department's OM No. 35024/3/2008-Estt.D dated 19th May, 2009) will be substituted by the following words:-

> "1. There shall be three financial upgradations under the MACPS as per 7th CPC recommendations, counted from the direct entry grade on completion of 10, 20 and 30 years services respectively or 10 years of continuous service in the same level in Pay Matrix, whichever is earlier.
>
> 2. The MACPS envisages merely placement in the immediate next higher level in the Pay Matrix as given in PART A of Schedule of the CCS (Revised Pay) Rules, 2016. Thus, the level in the Pay Matrix at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive levels in the Pay Matrix, be different than what is available at the time of regular promotion. In such cases, the higher level in the Pay Matrix attached to the

next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion."

4. The 7th Central Pay Commission (CPC) in para 5.1.45 of its report has interalia recommended as follows:

"Benchmark for performance appraisal for promotion and financial upgradation under MACPS to be enhanced from 'Good' to 'Very Good'."

5. The Government has considered the above recommendation and has accepted the same. In the light of the recommendations of the 7th CPC accepted by the Government, para 17 of the Scheme (Annexure to OM No. 35024/3/2008-Estt.D dated 19th May, 2009) shall be substituted by the following words:-

"17. For grant of financial upgradation under the MACPS, the prescribed benchmark would be 'Very Good' for all the posts."

6. These changes will come into effect from 25th July, 2016, *i.e.*, from the date of resolution notified by Department of Expenditure, Ministry of Finance regarding acceptance of the recommendations of the 7th CPC.

7. The comprehensive MACP Scheme on acceptance of Seventh Central Pay Commission recommendations will be issued separately.

G Jayanthi

(Jayanthi G.)
Director(E.I)
Tel: 23092479

To

All Ministries/Departments of Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-president's Sectt, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secy,Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
10 All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T **(20 copies)**
13. NIC for updation on the website

No. 22034/04/2013-Estt.(D)
Government of India
Ministry of Personnel Public Grievance & Pensions
Department of Personnel & Training
***

North Block, New Delhi
Dated: 17.05.2016

Office Memorandum

Subject :- References/Representations/Court Cases in various Ministries/Departments/ Organisations for grant of **MACPS benefits in the promotional hierarchy** - reg.

***

In continuation of Department of Personnel Training's earlier O.M. of even no. dated 20.01.2016 and dated 01.03.2016 on the above mentioned subject, the undersigned is directed to forward a copy of the decision dated 28.04.2016 of Hon'ble CAT, Calcutta Bench in OA No. 351/00195/2014 filed by Shri S.H.K. Murti & Others Vs. UOI &Ors whereby the demand of the applicant for MACP in promotional hierarchy has been dismissed, for necessary action and compliance. The Hon'ble Tribunal in the aforesaid decision dated 28.04.2016 has held that the *MACP benefit would be given in the hierarchy of next higher Grade Pay and not in Grade Pay of promotional hierarchy which will be payable on actual promotion.*

2. All Ministries/Departments are requested to upload it on their websites for wider publicity.

G. Jayanthi

(G. Jayanthi)
Director (E-I)
Phone No. 23092479

All Ministries/Departments of the Government of India.

Copy to :-

I. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. PS to MOS(PP) for information of MOS(PP).
7. All Staff Side Members of the National Council (JCM).
8. NIC [for uploading this OM on the website of DOPT (ACP)].
9. Hindi Section, DOPT for Hindi version.

CENTRAL ADMINISTRATIVE TRIBUNAL
CALCUTTA BENCH

No.O.A.351/00195/2014

Date of order : 28.4.2016.

Present : Hon'ble Justice Shri Vishnu Chandra Gupta, Judicial Member
Hon'ble Ms. Jaya Das Gupta, Administrative Member

1. Shri S.H.K. Murti
2. Shri A.K. Paul
3. Shri S. Ganeshan
4. Anil V. John
5. Smt. Lata Hegde Prasad
6. Shri Shaji Abraham
7. Shri C.A. Majeed
8. Shri K.G. Russogi
9. Shri Barun Kumar Choudhury
10. Shri Rajee George
11. Shri Padmdev
12. Shri Ayub Hassan

.....Applicants

VS.

1. The Union of India through the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhavan, 6th Floor, "Jal", Jor Bagh Road, New Delhi-110 003;

2. The Secretary to Government of India, Ministry of Finance, North Block, New Delhi – 110 001

3. The Andaman & Nicobar Administration, through the Lt. Governor, Andaman & Nicobar Islands, Port Blair;

4. The Chief Secretary, Andaman & Nicobar Administration, Secretariat, Port Blair;

5. The Principal Chief Conservator of Forests, Principal Secretary(Forests), Andaman & Nicobar Islands, Vansadan, Port Blair-744 102,Andaman District

.....Respondents

For the applicants : Ms. A. Nag, counsel
For the respondents : Mr. S.C. Misra, counsel

ORDER

Per Ms. Jaya Das Gupta, A.M.

The applicants have filed this case under Section 19 of Administrative Tribunals Act, 1985 seeking the following reliefs:-

"a) Leave be granted to move the original application jointly under Rule 4(5)(a) of the Central Administrative Tribunal(Procedure) Rules, 1987;

b) An order be passed directing the authorities to review the order 22.10.2010, 04.01.2011, 15.12.2010 and 23.01.2014 whereby the respondent authorities extended

the benefits of MACP Scheme to the applicants to the next higher grade by fixing the sale of pay of the applicants in the promotional scale i.e. PB-3 with grade of Rs.6600.

c) An order be passed directing the authorities to grant all consequential and monetary benefits to the applicants after fixing the pay scale of the applicants to the next promotional scale i.e. PB-3 with grade pay of Rs.6600/- with effect from the date when the authorities extended benefits of MACP Scheme to the applicants;

d) An order be passed directing the respondent authorities to grant all consequential and monetary benefits to the applicants;

e) An order directing the respondent authorities to act in accordance with law;

f) An order to issue, directing the respondents to produce the records of the case before this Hon'ble Tribunal so that conscious able justice may be done;

g) Such other or further order direction or directions, as your LORDSHiPS deem fit and proper in the interest of justice.."

2. It is the case of the applicants that they were posted as Forest Rangers in Andaman & Nicobar Islands Forest Department on various dates in the pay scale of Rs.1400-2300. The respondent authorities enacted a Recruitment Rule on 25.07.1991 in the promotional hierarchy of Forest Rangers which was Assistant Conservator of Forests in the pay scale of Rs.2000-3500 and Assistant Conservator of Forests(Selection Grade) carrying the pay scale of 3000-4500. From 27.12.2000 i.e. in the period of Vth Central Pay Commission, the applicants were given the benefit of the first ACP to the scale of Rs.6500-10500 which was the scale of the next promotional hierarchy of Assistant Conservator of Forests on various dates depending on the initial date of joining. From 22nd October, 2010 the respondent authorities extended the benefit of MACP Scheme to the applicants. It is the contention of the applicants that the next promotional scale in the promotional hierarchy was that of Assistant Conservator of Forests(Selection Grade) which was in the pay scale of Rs.1560-39100 with Grade Pay of Rs.6600 during the VIth Central Pay Commission and they ought to have been given the Grade Pay of Rs.6600 as a MACP benefit. But contrary to that they were given the Grade Pay of Rs.4800 only in the pay band of PB-2. The applicants have cited various decisions of C.A.T., Chandigarh Bench and C.A.T, Guwahati Bench where similar benefits of awarding MACP in the Grade Pay of next promotional post was given, to bolster their case as the respondent authorities did not award them the Grade Pay of Rs.6600 but awarded only the Grade Pay of Rs.4800/-. Being aggrieved they have approached this court for redressal of their grievances.

3. Per contra, it is the case of the respondent authorities that as per the MACP Scheme, it is only the next Grade Pay in the hierarchy of Grade Pay which has to be given and not the Grade Pay of the next post in the promotional hierarchy. In para 2 of the MACP Scheme annexed as Annexure-I to the Scheme issued by the Government of India, DOP&T vide O.M. No.35034/3/2008-Estt.(D) dated 19.05.2009 is set out below:-

> "2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. **In such cass, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion."**

Therefore, In the case of the applicants the respondent authorities have given the next higher Grade Pay of Rs.4800/- and not the Grade Pay of Rs.6600/- attached to the next promotional post of Assistant Conservator of Forests(Selection Grade). The Grade Pay Rs.6600 is to be given only on actual promotion and not on upgradation. Hence, the respondent authorities have prayed for dismissal of the case.

4. Heard ld. counsel for the parties and perused the materials placed on record.

5. Issue:-

The point at issue is whether upon stagnation, a person would get the next higher Grade Pay in the hierarchy of Grade Pay or in the hierarchy of next promotional post.

6. Findings:-

(a) The Government of India had introduced the Assured Career Progression Scheme (ACP Scheme) during the Vth Central Pay Commission period vide Government of India DOP&T's O.M. No.35034/1/97-Estt.(D) dated 9th August, 1999 to the effect that persons stagnating in a particular scale would be given upgradation of pay in the **immediate next higher pay scale** on completion of 12 years and 24 years of **regular service.** The ACP Scheme was effective from 09.08.1999 to 31.08.2008.

(b) During the VIth Central Pay Commission, the ACP Scheme was modified into the Modified Assured Career Progression (MACP) Scheme, whereby, the persons stagnating in a relevant scale are to be given upgradations to the next higher Grade Pay after completion of 10 years, 20 years and 30 years of **regular service.** The MACP Scheme came into effect from 01.09.2008.

(c) The post of Assistant Conservator of Forests carried the pay scale of Rs.2000-350(S-12) which was revised to Rs.6500-10500 in the Vth Central Pay Commission. The post of Assistant Conservator of Forests(Selection Grade) carried the pay scale of Rs.3000-4500(S-19), which was revised to Rs.10,000-15200 in the Vth Central Pay Commission. Thus, we see there is a jump from the pay scale of (S-12) to (S-19) on promotion of an officer from Assistant Conservator of Forests to Assistant Conservator of Forests(Selection Grade) during the Vth Central Pay Commission. During the VIth Pay Commission, as per the recommendation, the scale of Assistant Conservator of Forests carrying the pay scale of Rs.6500-10500(S-12) was replaced by PB-2 (Rs.9300-34800 with Grade Pay of Rs.4200) and the pay of the Assistant

Conservator of Forests (Selection Grade) carrying the pay scale of Rs.10,000-15,200(S-19) was replaced by PB-3(Rs.15,600-39,100 with Grade Pay of Rs.6600/-).

(d) The applicant refers to decision of various court cases for advancing his case.

(i) Tthe findings of C.A.T., Chandigarh Bench in O.A.1038/CH/2010decided on 31.05.2011 in the case of **Raj Pal vs. Union of India & Ors.** wherein the applicant was working as a photocopier which was an isolated post. Para 15 of the judgment is set out below:-

> "15. Be that as it may, the principle enunciated and settled by the Tribunals/High Court for grant of ACP cannot be changed and the same principle would apply for grant of MACP to him. **The only difference is the number of years required to be completed. We find no justification to take a different view of the matter."**

C.A.T., Chandigarh Bench allowed the prayer of the applicant by granting him pay in a hierarchy of post which was drawn on equation with that of Hindi Typist and LDC as Raj Pal was a Photocopier which was an isolated post.

However, the applicants in the present case belong to a definite promotional hierarchy and their posts are not isolated posts.

This view of C.A.T, Chandigarh Bench was upheld by the Punjab and Haryana High court in CWPNo.19387/2011 delivered on 19.10.2011. The Hon'ble High Court of Punjab and Haryana while agreeing with the order passed by the Chandigarh Bench of the Tribunal commented that "Under the ACP Scheme of 1999, the financial upgradations were to be granted by upon completion of 12 years and 24 years of regular service whereas under the MACP Scheme such financial upgradations are envisaged by the completion of 10/20 and 30 years of service. The contentions raised on behalf of the petitioners if accepted, would defeat the very objective for which such schemes have been introduced."

(ii) The Principal Bench of C.A.T. in O.A.904/2012 in the case of **Sanjay Kumar, UDC & Ors.** passed an order on 26th November, 2012 based on the findings of the C.A.T., Chandigarh Bench which was upheld by the Hon'ble High Court of Punjab and Haryana, i.e. MACP benefits in the promotional hierarchy.

(iii) The Guwahati Bench of C.A.T. in O.A. No.040/000052/2014 in the case of **Sri Narayan Kalita, Assistant Engineer(Electrical) and Ors. vs. Union of India & Ors.** passed and delivered an order on 25.06.2014 based on the findings of C.A.T., Chandigarh Bench in O.A.1038/2010 and Hon'ble High Court of Punjab & Haryana in CWP 19387/2011 by allowing the MACP benefit in the next promotional hierarchy of the Executive Engineer.

(e)(i) We may now examine the above decisions of the benches of C.A.T. and the Punjab and Haryana High Court. The decisions taken in O.A.1038/CH/2010 by the Chandigarh Bench of C.A.T. which was upheld by the Punjab and Haryana High Court in CWP 19387/2011 was **dismissed by the Hon'ble Apex Court not on the basis of merit but because of Hon'ble Apex Court did not condone the delay of filing the case in the Apex Court.**

(ii) The decisions taken by the Punjab and Haryana High Court in CWP 19387/2011 was refuted by the Hon'ble Delhi High Court in WP(C) No.4662/2013 delivered on 26.07.2013 which is as follows:-

> **"The decision of the Punjab & Haryana High Court in WP(C) No.19387/2011 has prima facie proceeded on a wrong assumption that the only difference between the ACP and MACP was to remove the stagnation in the sense that under ACP Scheme two financial up gradation upon rendering 12 and 24 years of service were envisaged and under MACP three financial up gradations after rendering 10,20 and 30 years were envisaged. The Punjab & Haryana High Court did not take WP(C) No.4662/2013 into account that MACP was introduced on the recommendation of the 6th CPC where in place of hithertofore concept of pay scale came to be replaced by Pay Band and GP."**

The order passed by the Principal Bench of C.A.T. in **O.A.904/2014 (Sanjay Singh & Ors. vs. Union of India & Ors.)** was **stayed by the Hon'ble Delhi High Court in W.P©4662/2013 delivered on 26.07.2013.**

(iii) The order passed by Guwahati Bench of C.A.T. regarding giving MACP benefits in the next promotional grade has not attained any finality because of the stay of the Delhi High Court in W.P.(C)4662/2013.

(iv) A recent Office Memorandum No.22034/04/2013-Estt.(D) has been issued by the Ministry of Personnel, Public Grievances and Pension, DOP&T, Government of India on 20.01.2016 on the subject matter of court cases in various Ministries/Departments/Organisations for grant of MACP benefits in the promotional hierarchy, relevant portion of which is extracted below:-

> "The undersigned is directed to forward herewith a copy of the **stay order dated 08.08.2014 passed by Hon'ble Supreme Court in CC No. 8271/2014 (converted to SLP No. 21803/2014) in the matter of UOI Vs. Shri M.V. Mohanan Nair on the order of the Hon'ble High Court of Kerala in OP(CAT) No. 2000/2013(Z) regarding grant of MACP benefit in the promotional hierarchy, for information".**

The above case details are given below:-

C.A.T., Ernakulam Bench in the case of **M.V. Mohanan Nair vs. Union of India** passed an order on 29th of January, 2013 in O.A.816 of 2012 depending upon the decision of C.A.T., Chandigarh Bench as also that of Principal Bench in the matter of **Ved Prakash.** Here also , the MACP benefits were given by allowing the Grade Pay in the next promotional scale. This view of C.A.T., Ernakulam was upheld by Hon'ble High Court of Kerala, Ernakulam in O.P. (CAT) No. 2000/2013(Z) in **Union of India & Ors. vs. M.V. Mohanan Nair,** Photocopier of **C.A.T.,**

"2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. **In such cases, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion.**

8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs.5,400/- is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs.5,400/- in PB-2 and Rs.5,400/- in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme."

6. Annexure I to the DOPT OM dated 19.5.2009, vide illustration 4 clarifies as under:-

"In case a Govt. servant joins as a direct recruits in the Grade Pay of Rs.1,900/- in Pay Band-I Rs.5,200- 20,200/- and he gets no promotion till completion of 10 years of service, he will be granted financial upgradtaion under MACP scheme in the next higher Grade Pay of Rs.2,000/- **and his pay will be fixed by granting him one increment + difference of grade pay (i.e. Rs.100/-).** After availing financial upgradation under MACP scheme, if the Govt. servant gets his regular promotion in the hierarchy of his cadre, which is to the Grade of Rs.2,400/-, **on regular promotion, he will only be granted the difference of Grade Pay of between Rs.2,000/- and Rs.2,400/-. No additional increment will be granted at this stage."**

7. Noting the relevant facts Inspectors in the Pay Band 2 Rs.9,300-34,800/- get a Grade Pay of Rs.4,600/- have been granted under the MACPS the first financial upgradation by retaining the Pay Band but giving the Grade Pay Rs.4,800/-. Their grievance as raised in the writ petition is that they are entitled to the Grade Pay Rs.5,400/- and to highlight the basis of their claim it is to be noted that the next hierarchical post i.e. that of Asst. Commandant is in Pay Band Rs.15,600-39,100/- with Grade Pay Rs.5,400/-. It be clarified that they do not claim a right to be placed in the Pay Band Rs.15,600-39,100/- but claim benefit of the Grade Pay of the said Pay Band and it is apparent that the basis of the claim is paragraph 2 of the MACPS which states that the Scheme envisages placement in the immediate next higher Grade Pay hierarchy.

8. It be noted that the erstwhile pay scales S-9 to S-15 which ranged between Rs.4,500-7,000/- to Rs.7,500-12,000/- have all been placed in Pay Band 2 i.e. Rs.9,300-34,800/- with Grade Pays Rs.4,200, Rs.4,600 and Rs.4,800/-.

9. Thus, the respondents state that they have correctly granted MACPS benefit by upgrading the Grade Pay of Inspectors from Rs.4,600/- to Rs.4,800/-.

10. **The question would be whether the hierarchy contemplated by the MACPS is in the immediately next higher Grade Pay or is it the Grade Pay of the next above Pay Band.**

11. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of Annexure I to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post and thus we agree with the respondents that Inspectors have to be given the Grade Pay after 10 years in sum of Rs.4,800/- and not Rs.5,400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post. To put it pithily, the MACPS

Scheme requires the hierarchy of the Grade Pays to be adhered to and not the Grade Pay in the hierarchy of posts.

12. The writ petition is dismissed.

13. No costs."

(h) The Department of Personnel & Training vide No.22034/04/2013-Estt.(D) dated 01.03.2016 has issued an Office Memorandum on the subject matter of court cases in various Ministries/Departments/Organisations for grant of MACP benefits in the promotional hierarchy, relevant extract is cited below :-

> "In continuation of DOP&T's earlier O.M. of even No. dated 20.01.2016 on the above mentioned subject, the undersigned was directed to forward a copy of the decision of the Hon'ble C.A.T., Ahmedabad Bench in O.A.No.120/000018/2015 filed by **Manubhai Bhagwanji Rathod vs. Union of India & Ors.** whereby demand of the applicant for MACP in the promotional hierarcy has been dismissed."

It would be worthwhile to quote the above judgment which has been passed **very recently** for coming to the conclusion in the present matter:-

> "The grievance of the applicant in this O.A relates to non granting of Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3) on being extended the benefit of 2nd financial upgradation under the Modified Assured Career Progression (MACP) Scheme. According to the applicant, on granting 2nd financial upgradation under the MACP Scheme his pay shall be fixed in the next Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3).
>
> 2. The facts stated by the applicant in support of his claim in brief are that he entered into service in the National Water Development Agency as Supervisor on 24.03.1986 in the pay scale of Rs. 1400-2300 as per the 4th Central Pay Commission. The applicant was thereafter promoted as Assistant Engineer by order dated 30.04.1996 in the pre-revised scale of Rs. 6500-10500 which was subsequently revised to Rs. 9300-34800 with Grade Pay of Rs. 4600/- (as per 6th CPC). The applicant submits that as per the existing promotional hierarchy in the department, his next promotional post is the Assistant Executive Engineer in the Pay Band of Rs. 15600- 39100 (PB-3) with Grade Pay of Rs. 5400/-.
>
> 3. On the basis of the 6th Central Pay Commission, the Government revised the ACP Scheme and introduced a new Scheme called, Modified Assured Career Progression Scheme (MACP Scheme) for the Central Government civilian employees by issuing Office Memorandum No. 35034/3/2008-Estt.(D) dated 19.05.2009, effective from 01.09.2008. The said MACP provides for grant of three financial upgradations at intervals of 10, 20 and 30 years of continuous regular service. Pursuant to the MACP Scheme, the applicant was given 2nd financial upgradation with effect from 01.09.2008 in Pay Band of Rs. 9300-34800 (PB-2) with Grade Pay of Rs. 4800/-. The next promotional post of Assistant Executive Engineer carries the Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3). According to the applicant, on granting the benefit of 2nd financial upgradation under the MACP Scheme by order dated 10.06.2013 vide Annexure A-4, his Grade Pay should have been fixed at Rs. 5400/- instead of Grade Pay of Rs. 4800/- .
>
> 4. The applicant submits that the issue as to whether the Grade Pay should be given on the next promotional post in the hierarchy/cadre or not while granting financial upgradation under MACP Scheme, was the subject matter before the Chandigarh Bench and the Principal Bench of this Tribunal wherein it was held that financial upgradation should be given in the next promotional post. By placing reliance upon the

orders of the Chandigarh Bench of the Tribunal dated 31.05.2011 in O.A. No. 1038/CH/2010 **(Raj Pal vs. Union of India & Others)** and the Principal Bench of the Tribunal dated 26.11.2012 in O.A. No. 904/2012 **(Sanjay Kumar and Others vs. The Secretary Ministry of Defence, New Delhi and Others)**, the applicant submitted a representation dated 17.04.2014 vide Annexure A-6 to the Director General, National Water Development Agency, New Delhi, requesting to extend similar treatment and to revise his Grade Pay consequent upon granting the benefit of 2nd financial upgradation under the MACP Scheme, which came to be rejected by order dated 19th August, 2014 vide Annexure A-1. Being aggrieved by the action on the part of the respondents in not giving him the Grade Pay of Rs. 5400/- on extending the benefit of 2nd financial upgradation, the applicant presented the instant O.A seeking a declaration that the applicant is entitled to get the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) on being granted the 2nd financial upgradation under the MACP Scheme vide order dated 10.06.2013 vide Annexure A-4 and for a direction to the respondents to grant the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) on being granted the 2nd financial upgradation under the MACP Scheme. He further prayed for a direction to fix his pay as requested above and grant the arrears of difference of pay.

5. Pursuant to the notice of the O.A, the respondents entered appearance. Today, though the matter stands posted for reply of the respondents, the learned counsel for the respondents, Mr. B. Mishra, submits that in view of the recent judgement of the Honble High Court of Delhi on the present issue and by applying the same, the O.A can be disposed of on the same lines.

6. By placing reliance upon the judgements of the Honble High Court of Delhi dated 04.04.2011 in W.P.(C) No. 3420/2010 in the case of **R.S. Sengor & Others v. Union of India and Others** and dated 17.03.2015 in W.P.(C) No. 5082/2013 in the case of **Swaran Pal Singh and Others vs. Union of India and Others**, Shri B. Mishra submits that the applicant is not entitled for any relief as prayed for in the O.A and the O.A deserves to be dismissed.

7. Shri B.A. Vaishnav, learned counsel for the applicant is not a position to dispute the fact that the issue involved in this O.A has been considered by the Honble High Court of Delhi in the two cases relied upon by Shri B. Mishra.

8. Perused the pleadings and the documents annexed thereto. Shri B.A. Vaishnav, learned counsel for the applicant argues that on extension of the benefit of 2nd financial upgradation under the MACP Scheme vide order dated 10.06.2013 (Annexure A-4), the respondents have fixed the Grade Pay of the applicant at Rs. 4800/- instead of Rs. 5400/-. Shri B.A. Vaishnav points out that the next promotional post of Assistant Executive Engineer carries the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) as such on granting the 2nd financial upgradation under the MACP Scheme, the Grade Pay shall be fixed at Rs. 5400/- and not at Rs. 4800/-. The respondents in their order dated 19.08.2014 rejected his claim by referring to the provisions of the MACP Scheme contained in Office Memorandum No. 35034/3/2008-Estt.(D) dated 19.05.2009. Shri B.A. Vaishnav by placing reliance upon the order of Chandigarh Bench of the Tribunal dated 31.05.2011 in O.A. No. 1038/CH/2010 **(Raj Pal vs. Union of India & Others)** and the orders of the Principal Bench of the Tribunal dated 26.11.2012 in O.A. No. 904/2012 **(Sanjay Kumar and Others vs. The Secretary Ministry of Defence, New Delhi and Others)**, dated 08.09.2015 in O.A. No. 1586/2014 **(Vinai Kumar Srivastav and Another v. East Delhi Municipal Corporation, Delhi and Others)** and dated 11.09.2015 in O.A. No. 101/2015 **(Vikas Bhutani and Others v. Union of India and Others)** argues that the stand of the respondents for rejecting the claim of the applicant has been negatived in the said orders and as such the applicant is entitled for the reliefs as sought for in this O.A.

9. The grievance made by the applicant in this O.A is that he is entitled to the Grade Pay of Rs. 5400/- and highlighted the basis of his claim that his next promotional hierarchy of post is the Assistant Executive Engineer in the Pay Band of Rs. 15600-39100 with Grade Pay of Rs. 5400/-.

10. Shri B. Mishra , learned counsel for the respondents submits that the respondents have correctly granted the MACP benefit by upgrading the Grade Pay of Rs. 4600/- to Rs. 4800/-.

11. In view of the rival submissions of the learned counsel for the parties, the question that arises for our consideration is as under :

> "Whether the hierarchy contemplated by the MACP Scheme is in the immediately next higher Grade Pay or is it in the Grade Pay of the next above Pay Band".

12. Shri B. Mishra Learned counsel for the respondents points out that an identical question has been articulated by the Honble High Court of Delhi in W.P.(C) No. 3420/2010, R.S. Sengor & Others v. Union of India and Others, decided on 04.04.2011. We have carefully gone through the said judgement. We notice that the Honble High Court of Delhi in **R.S. Sengor & Others v. Union of India and Others** articulated identical issue and the same is at para 10 of the judgement. It reads as:

> "10. The question would be whether the hierarchy contemplated by the MACPS is in the immediately next higher Grade Pay or is it the Grade Pay of the next above Pay Band."

The above question is answered by the Honble High Court of Delhi at para 11 of the said judgement, which reads as under :

> "11. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of Annexure I to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post and thus we agree with the respondents that Inspectors have to be given the Grade Pay after 10 years in sum of Rs. 4,800/- and not Rs. 5,400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post. To put it pithily, the MACPS Scheme requires the hierarchy of the Grade Pays to be adhered to and not the Grade Pay in the hierarchy of posts."

13. Shri B. Mishra further drew our attention to para 11 of a recent judgement dated 17.03.2015 in W.P.(C) No. 5082/2013, **Swaranpal Singh and Others v. Union of India and Others** on the file of the Honble Delhi High Court by which the view in R.S. Sengor (supra) was reiterated. It reads as under :

> "11. Questions that would essentially arise for determination in this case are whether the benefit under MACPS can be claimed to the pay band applicable to the next promotional post in the hierarchy on the ground of seniors getting lesser pay than their juniors who have availed such scale of the promotional post under the ACP Scheme; whether Section-II Part- A of the 1st Schedule to the Railway Services (Revised Pay) Rules, 2008 prescribe minimum pay and the petitioners by application thereof become entitled to stepping up of their pay in case their pay scales/Pay Band fixed in terms of Rule 7 is less than the minimum pay so prescribed."

On a careful reading of the judgement of the Honble High Court of Delhi **Swaranpal Singh and Others v. Union of India and Others,** we find that the Honble High Court answered the above question at para 19 of the said judgement, which reads as :

> "19. The grievance of the petitioners as made, is however, contrary to the fundamental concept on which MACPS introduced through the 6th Central Pay Commission operates. A bare reading of paragraph 2 of the MACPS would make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post, as was available under the ACP Scheme with reference to the pay scale of the next above hierarchical post. It is not in

dispute that MACPS supersedes ACP Scheme which was in force till August 31, 2008. Therefore, after August 31, 2008 any financial upgradation would be confined to placement in the immediate next higher grade pay in the hierarchy of the recommended revised Pay Band. The use of word 'merely' in para 2 of the Scheme supports this interpretation. Paragraph 2 further clarifies that the higher Grade Pay attached to the next promotional post in the hierarchy of the concerned cadre/organization will be given only **at the time of regular promotion**. Therefore, the claim that the petitioners should also be placed in the replacement Pay Band applicable to the next promotional post in the hierarchy as was available under the ACP Scheme is misplaced."

14. At para 20 of the said judgement, their Lordships were pleased to note that the very same issue had come up for consideration before this Court in W.P.(C) No. 3420/2010 in the case of **R.S. Sengor & Others v. Union of India and Others**, decided on 04.04.2011. Their Lordships quoted :

"20. This very issue had come up for consideration before this Court in W.P. (C) No.3420/2010 R.S.Sengor & Ors. Vs. Union of India & Ors. decided on April 04, 2011. In said case the petitioners were in Pay Band- 1 and had a corresponding grade pay of Rs. 1900/-. The next hierarchical post was also in Pay Band-1 but had a grade pay of Rs. 2400/-. The petitioners therein claimed that since the next hierarchical post had a pay band of Rs. 2400/-, they should, on financial upgradation, under the MACPS, be granted the grade pay of Rs. 2400/-. However, what the respondents in that case had done was to grant the petitioner therein the grade pay of Rs. 2000/- which was the next higher grade pay though, not the grade pay corresponding to the next hierarchical post. Dismissing the writ petition the Division Bench held as under:-

"10. The question would be whether the hierarchy contemplated by the MACPS is in the immediately next higher Grade Pay or is it the Grade Pay of the next above Pay Band.

11. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of Annexure I to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post and thus we agree with the Respondents that Inspectors have to be given the Grade Pay after 10 years in sum of Rs. 4800/- and not Rs. 5400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post. To put it pithily, the MACPS Scheme requires the hierarchy of the Grade Pays to be adhered to and not the Grade Pay in the hierarchy of posts."

15. By referring to the fact that the view in R.S. Sengor was followed by another Division Bench of this Court in the decision reported as 193 (2012) DLT 577, **Union of India Vs. Delhi Nurses Union (Regd.) and Anr.**, at Para 22 of the said judgement, it was held as under :

"22. Therefore, merely because others who have been granted financial upgradation in the pay scale of the promotional post in the hierarchy under the ACP Scheme and by operation of para 6 of MACPS, their pay is fixed with reference to the pay scale granted to them under the ACP Scheme, **the petitioners would not get any right to be placed in such scales, since the language of the scheme makes it clear that the financial upgradation under ACP/MACPS are different than regular promotions in the grade."**

The claim of the petitioners before the Honble High Court of Delhi in R.S. Sengor and Others (supra) and Swaran Pal Singh and Others (supra) is identical to that of the claim of the applicant in this O.A , as such, in view of the findings of the Honble High Court of Delhi on the issue at hand, one has to agree with the argument of Shri B. Mishra, learned counsel for the respondents.

dilemma as to which of the judgements are to be preferred to that of another. Neither of the learned counsel is placing reliance upon any of the judgement of Honble Gujarat High Court in support of their respective claims. To answer this problem, we may usefully refer to the Full Bench judgement of this Tribunal in O.A. No. 555/2001, **Dr. A.K. Dawar v. Union of India and Others**, on the file of the Principal Bench of this Tribunal. In Dr. A.K. Dawar, the Principal Bench was considering the situation arising out of conflicting decisions of Honble High Court. It referred to the decisions in M/s East India Commercial C.o. Ltd., Calcutta and Another v. Collector of Customs, Calcutta, AIR 1962 SC 1893, Bhagaban Sarangi (supra) IPCL and Another v. Shramik Sena (2001) 7 SCC 469 and Director General (I&R) v. Holy Angels Schools, 1998 CTJ 129 (MRTPC). It held :

> "17. Consequently, we hold :-
>
> 1. that if there is a judgement of the High Court on the point having territorial jurisdiction over this Tribunal, it would be binding :
>
> 2. that if there is no decision of the High Court having territorial jurisdiction on the point involved but there is a decision of the High Court anywhere in India, this Tribunal would be bound by the decision of that High Court;
>
> 3. that if there are conflicting decisions of the High Courts including the High Court having the territorial jurisdiction, the decision of the Larger Bench would be binding, and
>
> 4. that if there are conflicting decisions of the High Courts including the one having territorial jurisdiction then following the ratio of the judgement in the case of Indian Petrochemicals Corporation Limited (supra), this Tribunal would be free to take its own view to accept the ruling of either of the High Courts rather than expressing third point of view."

Thus, in view of the decision of the Full Bench in Dr. A.K. Dawar (supra), by following the judgement in Indian Petrochemicals Corporation Limited (supra) we are free to take our own view to accept the rulings of either the Honble High Court of Delhi and Honble High Court of Punjab and Haryana. **At this juncture, we may also observe that among the rulings relied upon by the parties, the judgement of Honble High Court of Delhi in W.P.(C) No. 3420/2010 in the case of R.S. Sengor & Others vs. Union of India and Others is the oldest one, i.e. dated 04.04.2011. The order of the Chandigarh Bench of the Tribunal in the case of Raj Pal vs. Union of India and Others in O.A. No. 1038/CH/2010 was decided later. In other words, as on the date of decision of the Chandigarh Bench of the Tribunal in Raj Pal, the judgement of Honble High Court of Delhi was very much available and if it refers to the issue involved in this O.A, then the judgement in Raj Pal is per incuriam. Honble High Court of Punjab and Haryana did not refer to the judgement of Honble High Court of Delhi in the case of R.S Sengor while dealing with the CWP No. 19387/2011 (supra).** In view of this position and also in view of the guidelines of the Full Bench of the Tribunal (Principal Bench) in Dr. A.K. Dawar (supra), **we accept the ruling of the Honble High court of Delhi in R.S. Sengor (supra) which was consistently followed by it in Swaran Pal Singh (supra) and also in Union of India vs. Delhi Nurses Union (Regd.) and Another reported at 193 (2012) DLT 577. We may also observe that the Honble Supreme Court in the case of Government of Tamil Nadu vs. S. Arumugham & Ors. held that the Courts cannot substitute their own views for the views of the Government or direct a new policy based on the Courts view.** Further, Honble Supreme Court in the case of Secretary, Govt. (NCT of Delhi) & Others v. Grade-I DASS Officers Association & Others, 2014 (13) SCC 296, while considering ACP Scheme **held that the scheme being a policy decision of the Government, the Court will not interfere with the same.**

18. We have also carefully perused the Office Memorandum dated 19.05.2009 by which the Government has introduced the MACP Scheme. Paras 2, 8 and 8.1 of the MACP Scheme are relevant and they are noted as under :

"2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such cases, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion.

8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs. 5,400/- is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5,400/- in PB-2 and Rs. 5,400/- in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme."

19. Annexure I to the DOPT OM dated 19.5.2009, vide illustration 4 clarifies as under:-

"In case a Govt. servant joins as a direct recruits in the Grade Pay of Rs.1,900/- in Pay Band-I Rs. 5,200- 20,200/- and he gets no promotion till completion of 10 years of service, he will be granted financial upgradtaion under MACP scheme in the next higher Grade Pay of Rs. 2,000/- and his pay will be fixed by granting him one increment + difference of grade pay (i.e. Rs.100/-). After availing financial upgradation under MACP scheme, if the Govt. servant gets his regular promotion in the hierarchy of his cadre, which is to the Grade of Rs. 2,400/-, on regular promotion, he will only be granted the difference of Grade Pay of between Rs. 2,000/- and Rs. 2,400/-. No additional increment will be granted at this stage."

A combined reading of the above stipulations in the MACP Scheme would lead to a irresistible conclusion that it is the next higher Grade Pay which has to be given and not the Grade Pay in the hierarchical post and thus we agree with the respondents that the applicant has to be given the Grade Pay in a sum of Rs. 4800/- and not Rs. 5400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post.

20. In view of the foregoing, we do not find fault with the action on the part of the respondents in granting the Grade Pay of Rs. 4800/- while extending the benefit of 2nd financial upgradation under the MACP Scheme and consequently, the question of any direction as sought by the applicant does not arise. The O.A deserves to be dismissed. Accordingly, the same is dismissed with no order as to costs."

(i) The applicants in their pleadings in para 4(l) submitted that "all the seniors i.e. the Assistant Conservator of Forests who have completed 24 years of service before 31.08.2008 were granted the pay scale of Rs.10,000-15,200(revised pay scale of Rs.15600-39100, with G.P Rs.6600), were subsequently provided third MACP benefit of Grade Pay of Rs.7600/-, whereas the applicants were not given the 2nd financial upgradation i.e. Grade Pay of Rs.6600/- as given to other similarly placed persons. In the above para the applicants have alleged that there is disparity in consideration of their case as their seniors who have enjoyed the ACP Scheme earlier, are benefitted more than them(applicants) as the seniors got ACP benefits after 24 years of service which the applicants could not avail of since they joined the service later. It is

pertinent to point out that the MACP Scheme itself which was issued by the Government of India, Department of Personnel & Training vide O.M. No.35034/3/2008-Estt.(D) dated 19.05.2009 have clarified in para 11 that :-

"It is clarified that no past case would be reopened. Further by implementing the MACP Scheme the difference in pay scale on account of grant of financial upgradation under the old ACP Scheme (of August, 1999) under the MACP Scheme within the same cadre shall not be construed as an anomaly."

(j) It has been further clarified by DOP&T vide O.M. No.11/1/2010-JCA issued on 6th October, 2010 that :-

"Further differences in pay scales on account of grant of financial upgradation under ACPs (of August, 1999) and the MACPS within the same cadre shall not be construed as an anomaly."

7. While we peruse all the above facts and the decisions of the Hon'ble C.A.T.,Ahmedabad Bench in O.A.No.120/000018/2015 and Hon'ble High Court of Delhi in WP(C) No.3420/2010, we are firmly of the view that the MACP benefit would be given in the hierarchy of next higher Grade Pay and not in Grade Pay of promotional hierarchy which will be payable on **actual promotion.** Hence, the O.A. lacks merit and is dismissed. No cost.

(JAYA DAS GUPTA)
Administrative Member

(JUSTICE V.C. GUPTA)
Judicial Member

s.b

No. 22034/04/2013-Estt.(D)
Government of India
Ministry of Personnel Public Grievance & Pensions
Department of Personnel & Training
***

North Block, New Delhi
Dated: 01.03.2016

Office Memorandum

Subject :- References/Representations/Court Cases in various Ministries/Departments/ Organisations for grant of **MACPS benefits in the promotional hierarchy** - reg.

***

In continuation of DOPT's earlier O.M. of even no. dated 20.01.2016 on the above mentioned subject, the undersigned is directed to forward a copy of the decision of Hon'ble CAT, Ahmedabad bench in OA No. 120/000018/2015 filed by Shri Manubhai B. Rathore Vs. UOI &Ors whereby the demand of the applicant for MACP in promotional Hierarchy has been dismissed.

G Jayanthi

(G.Jayanthi)
Director (E-I)
Phone No. 23092479

All Ministries/Departments of the Government of India).

Copy to :-

I. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council (JCM).
7. NIC [for uploading this OM on the website of DOPT (ACP)].
8. Hindi Section, DOPT for Hindi version.

G Jayanthi

(G.Jayanthi)
Director (E-I)
Phone No. 23092479

CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

Original Application No. 18 of 2015

This the 16th day of October, 2015

CORAM:

HON'BLE SHRI M. NAGARAJAN, JUDICIAL MEMBER
HON'BLE SHRI K.N. SHRIVASTAVA, ADMINISTRATIVE MEMBER

Manubhai Bhagwanji Rathod,
Resident of B-54, Prushti Prabha Society,
Bapod, Jagat Naka Waghodia Road,
Vadodara : 390 022 ,
Working as Assistant Engineer,
Investigation Division,
National Water Development Agency,
Chhani Jakat Naka, Vadodara : 390 002 ..... Applicant.

(By Advocate Mr. B.A. Vaishnav)

versus

1. Union of India,
(Notice to be served through
Secretary, Ministry of Personnel,
Public Grievances & Pension),
North Block, New Delhi : 110 001

2. National Water Development Agency
(Notice to be served through its
Director General), 18/20, Community
Centre, Saket, New Delhi – 110 017 ..... Respondents.

(By Advocate : Mr. Bhagyodaya Mishra)

ORDER (ORAL)

PER HON'BLE MR. M. NAGARAJAN, JUDICIAL MEMBER

The grievance of the applicant in this O.A relates to non granting of Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3) on being extended the benefit of 2nd financial upgradation under the Modified Assured Career Progression (MACP) Scheme. According to the applicant, on granting 2nd financial upgradation under the MACP Scheme his pay shall be fixed in the next Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3).

2. The facts stated by the applicant in support of his claim in brief are that he entered into service in the National Water Development Agency as Supervisor on 24.03.1986 in the pay scale of Rs. 1400-2300 as per the 4th Central Pay Commission. The applicant was thereafter promoted as Assistant Engineer by order dated 30.04.1996 in the pre-revised scale of Rs. 6500-10500 which was subsequently revised to Rs. 9300-34800 with Grade Pay of Rs. 4600/- (as per 6th CPC). The applicant submits that as per the existing promotional hierarchy in the department, his next promotional post is the Assistant Executive Engineer in the Pay Band of Rs. 15600- 39100 (PB-3) with Grade Pay of Rs. 5400/-.

3. On the basis of the 6th Central Pay Commission, the Government revised the ACP Scheme and introduced a new Scheme called, Modified Assured Career Progression Scheme (MACP Scheme) for the Central Government civilian employees by issuing Office Memorandum No. 35034/3/2008-Estt.(D) dated 19.05.2009, effective from 01.09.2008. The said MACP provides for grant of three financial upgradations at intervals of 10, 20 and 30 years of continuous regular service. Pursuant to the MACP Scheme, the applicant was given 2nd financial

upgradation with effect from 01.09.2008 in Pay Band of Rs. 9300-34800 (PB-2) with Grade Pay of Rs. 4800/-. The next promotional post of Assistant Executive Engineer carries the Grade Pay of Rs. 5400/- in Pay Band of Rs. 15600-39100 (PB-3). According to the applicant, on granting the benefit of 2nd financial upgradation under the MACP Scheme by order dated 10.06.2013 vide Annexure A-4, his Grade Pay should have been fixed at Rs. 5400/- instead of Grade Pay of Rs. 4800/- .

4. The applicant submits that the issue as to whether the Grade Pay should be given on the next promotional post in the hierarchy/cadre or not while granting financial upgradation under MACP Scheme, was the subject matter before the Chandigarh Bench and the Principal Bench of this Tribunal wherein it was held that financial upgradation should be given in the next promotional post. By placing reliance upon the orders of the Chandigarh Bench of the Tribunal dated 31.05.2011 in O.A. No. 1038/CH/2010 (**Raj Pal vs. Union of India & Others**) and the Principal Bench of the Tribunal dated 26.11.2012 in O.A. No. 904/2012 (**Sanjay Kumar and Others vs. The Secretary Ministry of Defence, New Delhi and Others**), the applicant submitted a representation dated 17.04.2014 vide Annexure A-6 to the Director General, National Water Development Agency, New Delhi, requesting to extend similar treatment and to revise his Grade Pay consequent upon granting the benefit of 2nd financial upgradation under the MACP Scheme, which came to be rejected by order dated 19th August, 2014 vide Annexure A-1. Being aggrieved by the action on the part of the respondents in not giving him the Grade Pay of Rs. 5400/- on extending the benefit of 2nd financial upgradation, the applicant presented the instant O.A seeking a declaration that the applicant is entitled to get the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) on being granted the 2nd financial upgradation under the MACP Scheme vide order dated

10.06.2013 vide Annexure A-4 and for a direction to the respondents to grant the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) on being granted the 2nd financial upgradation under the MACP Scheme. He further prayed for a direction to fix his pay as requested above and grant the arrears of difference of pay.

5. Pursuant to the notice of the O.A, the respondents entered appearance. Today, though the matter stands posted for reply of the respondents, the learned counsel for the respondents, Mr. B. Mishra, submits that in view of the recent judgement of the Hon'ble High Court of Delhi on the present issue and by applying the same, the O.A can be disposed of on the same lines.

6. By placing reliance upon the judgements of the Hon'ble High Court of Delhi dated 04.04.2011 in W.P.(C) No. 3420/2010 in the case of **R.S. Sengor & Others v. Union of India and Others** and dated 17.03.2015 in W.P.(C) No. 5082/2013 in the case of **Swaran Pal Singh and Others vs. Union of India and Others**, Shri B. Mishra submits that the applicant is not entitled for any relief as prayed for in the O.A and the O.A deserves to be dismissed.

7. Shri B.A. Vaishnav, learned counsel for the applicant is not a position to dispute the fact that the issue involved in this O.A has been considered by the Hon'ble High Court of Delhi in the two cases relied upon by Shri B. Mishra.

8. Perused the pleadings and the documents annexed thereto. Shri B.A. Vaishnav, learned counsel for the applicant argues that on extension of the benefit of 2nd financial upgradation under the MACP Scheme vide order dated 10.06.2013 (Annexure A-4), the respondents have fixed the Grade Pay of the applicant at Rs. 4800/- instead of Rs. 5400/-. Shri B.A. Vaishnav points out that the next

promotional post of Assistant Executive Engineer carries the Grade Pay of Rs. 5400/- in Pay Band Rs. 15600-39100 (PB-3) as such on granting the 2nd financial upgradation under the MACP Scheme, the Grade Pay shall be fixed at Rs. 5400/- and not at Rs. 4800/-. The respondents in their order dated 19.08.2014 rejected his claim by referring to the provisions of the MACP Scheme contained in Office Memorandum No. 35034/3/2008-Estt.(D) dated 19.05.2009. Shri B.A. Vaishnav by placing reliance upon the order of Chandigarh Bench of the Tribunal dated 31.05.2011 in O.A. No. 1038/CH/2010 (**Raj Pal vs. Union of India & Others**) and the orders of the Principal Bench of the Tribunal dated 26.11.2012 in O.A. No. 904/2012 (**Sanjay Kumar and Others vs. The Secretary Ministry of Defence, New Delhi and Others**), dated 08.09.2015 in O.A. No. 1586/2014 (**Vinai Kumar Srivastav and Another v. East Delhi Municipal Corporation, Delhi and Others**) and dated 11.09.2015 in O.A. No. 101/2015 (**Vikas Bhutani and Others v. Union of India and Others**) argues that the stand of the respondents for rejecting the claim of the applicant has been negatived in the said orders and as such the applicant is entitled for the reliefs as sought for in this O.A.

9. The grievance made by the applicant in this O.A is that he is entitled to the Grade Pay of Rs. 5400/- and highlighted the basis of his claim that his next promotional hierarchy of post is the Assistant Executive Engineer in the Pay Band of Rs. 15600-39100 with Grade Pay of Rs. 5400/-.

10. Shri B. Mishra , learned counsel for the respondents submits that the respondents have correctly granted the MACP benefit by upgrading the Grade Pay of Rs. 4600/- to Rs. 4800/-.

11. In view of the rival submissions of the learned counsel for the parties, the question that arises for our consideration is as under :

> "Whether the hierarchy contemplated by the MACP Scheme is in the immediately next higher Grade Pay or is it in the Grade Pay of the next above Pay Band."

12. Shri B. Mishra Learned counsel for the respondents points out that an identical question has been articulated by the Hon'ble High Court of Delhi in W.P.(C) No. 3420/2010, **R.S. Sengor & Others v. Union of India and Others,** decided on 04.04.2011. We have carefully gone through the said judgement. We notice that the Hon'ble High Court of Delhi in R.S. Sengor & Others v. Union of India and Others articulated identical issue and the same is at para 10 of the judgement. It reads as:

> 10. The question would be whether the hierarchy contemplated by the MACPS is in the immediately next higher Grade Pay or is it the Grade Pay of the next above Pay Band."

The above question is answered by the Hon'ble High Court of Delhi at para 11 of the said judgement, which reads as under :

> "11. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of Annexure I to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post and thus we agree with the respondents that Inspectors have to be given the Grade Pay after 10 years in sum of Rs. 4,800/- and not Rs. 5,400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post. To put it pithily, the MACPS Scheme requires the hierarchy of the Grade Pays to be adhered to and not the Grade Pay in the hierarchy of posts."

13. Shri B. Mishra further drew our attention to para 11 of a recent judgement dated 17.03.2015 in W.P.(C) No. 5082/2013, **Swaranpal Singh and Others v. Union of India and Others** on the file of the Hon'ble Delhi High Court by which the view in R.SSengor (supra) was reiterated. It reads as under :

"11. Questions that would essentially arise for determination in this case are whether the benefit under MACPS can be claimed to the pay band applicable to the next promotional post in the hierarchy on the ground of seniors getting lesser pay than their juniors who have availed such scale of the promotional post under the ACP Scheme; whether Section-II Part- A of the 1st Schedule to the Railway Services (Revised Pay) Rules, 2008 prescribe minimum pay and the petitioners by application thereof become entitled to stepping up of their pay in case their pay scales/Pay Band fixed in terms of Rule 7 is less than the minimum pay so prescribed."

On a careful reading of the judgement of the Hon'ble High Court of Delhi **Swaranpal Singh and Others v. Union of India and Others,** we find that the Hon'ble High Court answered the above question at para 19 of the said judgement, which reads as :

19. The grievance of the petitioners as made, is however, contrary to the fundamental concept on which MACPS introduced through the 6th Central Pay Commission operates. A bare reading of paragraph 2 of the MACPS would make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post, as was available under the ACP Scheme with reference to the pay scale of the next above hierarchical post. It is not in dispute that MACPS supersedes ACP Scheme which was in force till August 31, 2008. Therefore, after August 31, 2008 any financial upgradation would be confined to placement in the immediate next higher grade pay in the hierarchy of the recommended revised Pay Band. The use of word 'merely' in para 2 of the Scheme supports this interpretation. Paragraph 2 further clarifies that the higher Grade Pay attached to the next promotional post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion. Therefore, the claim that the petitioners should also be placed in the replacement Pay Band applicable to the next promotional post in the hierarchy as was available under the ACP Scheme is misplaced."

14. At para 20 of the said judgement, their Lordships were pleased to note that the very same issue had come up for consideration before this Court in W.P.(C) No. 3420/2010 in the case of **R.S. Sengor & Others v. Union of India and Others,** decided on 04.04.2011. Their Lordships quoted :

20. This very issue had come up for consideration before this Court in W.P. (C) No.3420/2010 R.S.Sengor & Ors. Vs. Union of India & Ors. decided on April 04, 2011.

In said case the petitioners were in Pay Band- 1 and had a corresponding grade pay of Rs. 1900/-. The next hierarchical post was also in Pay Band-1 but had a grade pay of Rs. 2400/-. The petitioners therein claimed that since the next hierarchical post had a pay band of Rs. 2400/-, they should, on financial upgradation, under the MACPS, be granted the grade pay of Rs. 2400/-. However, what the respondents in that case had done was to grant the petitioner therein the grade pay of Rs. 2000/- which was the next higher grade pay though, not the grade pay corresponding to the next hierarchical post. Dismissing the writ petition the Division Bench held as under:-

> "10. The question would be whether the hierarchy contemplated by the MACPS is in the immediately next higher Grade Pay or is it the Grade Pay of the next above Pay Band.
>
> 11. Whatever may be the dispute which may be raised with reference to the language of paragraph 2 of the MACPS the illustration as per para 4 of Annexure I to the OM, contents whereof have been extracted hereinabove, make it clear that it is the next higher Grade Pay which has to be given and not the Grade Pay in the next hierarchical post and thus we agree with the Respondents that Inspectors have to be given the Grade Pay after 10 years in sum of Rs. 4800/- and not Rs. 5400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post. To put it pithily, the MACPS Scheme requires the hierarchy of the Grade Pays to be adhered to and not the Grade Pay in the hierarchy of posts."

15. By referring to the fact that the view in R.S. Sengor was followed by another Division Bench of this Court in the decision reported as 193 (2012) DLT 577, **Union of India Vs. Delhi Nurses Union (Regd.) and Anr.**, at Para 22 of the said judgement, it was held as under :

> "22. Therefore, merely because others who have been granted financial upgradation in the pay scale of the promotional post in the hierarchy under the ACP Scheme and by operation of para 6 of MACPS, their pay is fixed with reference to the pay scale granted to them under the ACP Scheme, the petitioners would not get any right to be placed in such scales, since the language of the scheme makes it clear that the financial upgradation under ACP/MACPS are different than regular promotions in the grade."

The claim of the petitioners before the Hon'ble High Court of Delhi in R.S. Sengor and Others (supra) and Swaran Pal Singh and Others (supra) is identical to that of the claim of the applicant in this O.A , as such, in view of the findings of the Hon'ble High Court of Delhi on the issue at hand, one has to agree with the argument of Shri B. Mishra, learned counsel for the respondents.

16. Before agreeing with the argument of Shri B. Mishra, learned counsel for the respondents, it is necessary for us to deal with the argument of Shri B.A. Vaishnav, learned counsel for the applicant. As already observed, in support of the claim of the applicant, he places reliance upon the following orders :

(i) Order dated 31.05.2011 in O.A. No. 1038/CH/2010 in the case of Raj Pal vs. Union of India and Others on the file of Chandigarh Bench of the Tribunal;

(ii) Order dated 26.11.2012 in O.A. No. 904/2012 in the case of Sanjay Kumar vs. Union of India and Others on the file of Principal Bench of CAT, New Delhi;

(iii) Order dated 11.09.2015 in O.A. No. 101/2015 in the case of Vikas Bhutani and Others v. Union of India and Others on the file of Principal Bench of CAT, New Delhi;

(iv) Order dated 08.09.2015 in O.A. No. 1586/2014 in the case of Vinai Kumar Srivastav v. East Delhi Municipal Corporation and Others on the file of Principal Bench of CAT, New Delhi.

Shri B.A. Vaishnav also points out that the order of the Chandigarh Bench of this Tribunal in O.A. No. 1038/CH/2010 was subject matter before the Hon'ble Punjab and Haryana High Court in CWP No. 19387/2011 and the Hon'ble High Court of Punjab and Haryana confirmed the order passed in Raj Pal's case. He further points out that the SLP [(CC) 7467/2013] preferred against the order of Hon'ble High Court of Punjab and Haryana was dismissed by the Hon'ble Supreme Court by judgement dated 15.04.2013 and the matter has attained finality. He argues that in view of the fact that the judgement of the Hon'ble High Court of Punjab and Haryana was subject matter before the Hon'ble Supreme Court in the said SLP, which came

to be decided by the Hon'ble Supreme Court by judgement dated 15.04.2013, the submission of Shri B. Mishra cannot be entertained. The thrust of Shri B.A. Vaishnav is that the judgement of the Hon'ble High Court of Punjab and Haryana is to be preferred to that of the Hon'ble High Court of Delhi in view of dismissal of SLP. At this juncture, Shri B. Mishra brings to our notice that the order of Hon'ble Supreme Court in SLP [(CC) 7467/2013] is not on merits but on the ground of delay and laches. In this regard, we may also mention that an identical matter to that of Raj Pal (supra) was the subject matter before the Ernakulam Bench of the Tribunal in O.A. No. 816/2012 and the Hon'ble Tribunal allowed the same vide order dated 29.01.2013 by following the order of the Chandigarh Bench dated 31.05.2011 in O.A. No. 1038/CH/2010, affirmed by the Punjab and Haryana High Court in its judgement dated 19.10.2011 in CWP No. 19387/2011. The said order of the Ernakulam Bench in O.A. No. 816/2012 was challenged before the Hon'ble High Court of Kerala in OP (CAT) No. 2000 of 2013 which came to be confirmed vide its judgement dated 24.06.2013. The judgement of the Hon'ble High Court of Kerala in O.P. No. 2000/2013 was challenged by the Union of India before the Hon'ble Supreme Court in S.LP. (C) No. 21813/2014 [CC No. 10791 of 2014] and the Hon'ble Supreme Court by the order dated 08.08.2014 was pleased to stay the judgement of Hon'ble High Court of Kerala and the matter is still pending consideration of the Hon'ble Supreme Court. By referring to this fact Shri B. Mishra argues that it cannot be said that the Hon'ble Supreme Court laid down any law while dismissing the said SLP (CC) 7467/2013 by the judgement dated 15.04.2013. In other words, the order of the Hon'ble Supreme Court in SLP [(CC) 7467/2013] is not on the merits of the matter but is only on the ground of delay and laches. Hence what can be argued is that the judgement of the Hon'ble Supreme

Court in Raj Pal's case binds only to the parties to the same. It cannot be regarded/treated as a precedent. We are in agreement with the argument of Shri B. Mishra particularly in view of the fact that the Hon'ble Supreme Court was pleased to stay the judgement of the Kerala High Court in O.P. No. 2000/2013 and the matter is still pending.

17. Now the next question before us is that in view of the conflicting view of the Hon'ble High Court of Delhi and the Hon'ble High of Punjab and Haryana, we are in dilemma as to which of the judgements are to be preferred to that of another. Neither of the learned counsel is placing reliance upon any of the judgement of Hon'ble Gujarat High Court in support of their respective claims. To answer this problem, we may usefully refer to the Full Bench judgement of this Tribunal in O.A. No. 555/2001, **Dr. A.K. Dawar v. Union of India and Others,** on the file of the Principal Bench of this Tribunal. In Dr. A.K. Dawar, the Principal Bench was considering the situation arising out of conflicting decisions of Hon'ble High Court. It referred to the decisions in M/s East India Commercial C.o. Ltd., Calcutta and Another v. Collector of Customs, Calcutta, AIR 1962 SC 1893, Bhagaban Sarangi (supra) IPCL and Another v. Shramik Sena (2001) 7 SCC 469 and Director General (I&R) v. Holy Angels Schools, 1998 CTJ 129 (MRTPC). It held :

> "17. Consequently, we hold :-
>
> 1. that if there is a judgement of the High Court on the point having territorial jurisdiction over this Tribunal, it would be binding :
>
> 2. that if there is no decision of the High Court having territorial jurisdiction on the point involved but there is a decision of the High Court anywhere in India, this Tribunal would be bound by the decision of that High Court;
>
> 3. that if there are conflicting decisions of the High Courts including the High Court having the territorial jurisdiction, the decision of the Larger Bench would be binding, and

4. that if there are conflicting decisions of the High Courts including the one having territorial jurisdiction then following the ratio of the judgement in the case of Indian Petrochemicals Corporation Limited (supra), this Tribunal would be free to take its own view to accept the ruling of either of the High Courts rather than expressing third point of view."

Thus, in view of the decision of the Full Bench in Dr. A.K. Dawar (supra), by following the judgement in Indian Petrochemicals Corporation Limited (supra) we are free to take our own view to accept the rulings of either the Hon'ble High Court of Delhi and Hon'ble High Court of Punjab and Haryana. At this juncture, we may also observe that among the rulings relied upon by the parties, the judgement of Hon'ble High Court of Delhi in W.P.(C) No. 3420/2010 in the case of **R.S. Sengor & Others vs. Union of India and Others** is the oldest one, i.e. dated 04.04.2011. The order of the Chandigarh Bench of the Tribunal in the case of Raj Pal vs. Union of India and Others in O.A. No. 1038/CH/2010 was decided later. In other words, as on the date of decision of the Chandigarh Bench of the Tribunal in Raj Pal, the judgement of Hon'ble High Court of Delhi was very much available and if it refers to the issue involved in this O.A, then the judgement in Raj Pal is per incuriam. Hon'ble High Court of Punjab and Haryana did not refer to the judgement of Hon'ble High Court of Delhi in the case of R.S Sengor while dealing with the CWP No. 19387/2011 (supra). In view of this position and also in view of the guidelines of the Full Bench of the Tribunal (Principal Bench) in Dr. A.K. Dawar (supra), we accept the ruling of the Hon'ble High court of Delhi in R.S. Sengor (supra) which was consistently followed by it in Swaran Pal Singh (supra) and also in Union of India vs. Delhi Nurses Union (Regd.) and Another reported at 193 (2012) DLT 577. We may also observe that the Hon'ble Supreme Court in the case of **Government of Tamil Nadu vs. S. Arumugham & Ors.** held that the Courts cannot substitute their own views for the views of the Government or direct a new policy based on the

Court's view. Further, Hon'ble Supreme Court in the case of **Secretary, Govt. (NCT of Delhi) & Others v. Grade-I DASS Officers Association & Others**, 2014 (13) SCC 296, while considering ACP Scheme held that the scheme being a policy decision of the Government, the Court will not interfere with the same.

18. We have also carefully perused the Office Memorandum dated 19.05.2009 by which the Government has introduced the MACP Scheme. Paras 2, 8 and 8.1 of the MACP Scheme are relevant and they are noted as under :

> "2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section I, Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such cases, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organization will be given only at the time of regular promotion.
>
> 8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.
>
> 8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs. 5,400/- is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5,400/- in PB-2 and Rs. 5,400/- in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme."

19. Annexure I to the DOPT OM dated 19.5.2009, vide illustration 4 clarifies as under:-

> "In case a Govt. servant joins as a direct recruits in the Grade Pay of Rs.1,900/- in Pay Band-I Rs. 5,200- 20,200/- and he gets no promotion till completion of 10 years of service, he will be granted financial upgradtaion under MACP scheme in the next higher Grade Pay of Rs. 2,000/- and his pay will be fixed by granting him one increment + difference of grade pay (i.e. Rs.100/-). After availing financial upgradation under MACP scheme, if the Govt. servant gets his regular promotion in the hierarchy of his cadre, which is to the Grade of Rs. 2,400/-, on regular promotion, he will only be granted the difference of Grade Pay of between Rs. 2,000/- and Rs. 2,400/-. No additional increment will be granted at this stage."

A combined reading of the above stipulations in the MACP Scheme would lead to a irresistible conclusion that it is the next higher Grade Pay which has to be given and not the Grade Pay in the hierarchical post and thus we agree with the respondents that the applicant has to be given the Grade Pay in a sum of Rs. 4800/- and not Rs. 5400/- which is the Grade Pay of the next Pay Band and relatable to the next hierarchical post.

20. In view of the foregoing, we do not find fault with the action on the part of the respondents in granting the Grade Pay of Rs. 4800/- while extending the benefit of 2nd financial upgradation under the MACP Scheme and consequently, the question of any direction as sought by the applicant does not arise. The O.A deserves to be dismissed. Accordingly, the same is dismissed with no order as to costs.

=Sd=
(K.N. SHRIVASTAVA)
ADMINISTRTIVE MEMBER

=Sd=
(M. NAGARAJAN)
JUDICIAL MEMBER

Cvr.

PREPARED BY 26/11/15

COMPARED BY

26/11/15

Section Officer (J)
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
अहमदाबाद न्यायपीठ
Ahmedabad Bench

No. 22034/04/2013-Estt.(D)
Government of India
Ministry of Personnel Public Grievance & Pensions
Department of Personnel & Training
***

North Block, New Delhi
Dated: 20.01.2016

Office Memorandum

Subject :- References/Representations/Court Cases in various Ministries/Departments/ Organisations for grant of **MACPS benefits in the promotional hierarchy** - reg.

***

The undersigned is directed to forward herewith a copy of the stay order dated 08.08.2014 passed by Hon'ble Supreme Court in CC No. 8271/2014 **(converted to SLP No. 21803/2014)** in the matter of UOI Vs. Shri M.V. Mohanan Nair on the order of the Hon'ble High Court of Kerala in OP(CAT) No. 2000/2013(Z) regarding grant of MACP benefit in the promotional hierarchy, for information.

(Gayatri Mishra)
Director (E-I)
Phone No. 23092479

All Ministries/Departments of the Government of India).

Copy to :-

I. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. All Staff Side Members of the National Council (JCM).
7. NIC [for uploading this OM on the website of DOPT (ACP)].
8. Hindi Section, DOPT for Hindi version.

(Gayatri Mishra)
Director (E-I)
Phone No. 23092479

ITEM NO.5 and 60 COURT NO.7 SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C).....CC No(s). 8271/2014

(Arising out of impugned final judgment and order dated 24/06/2013 in OP No. 2000/2013 passed by the High Court Of Kerala At Ernakulam)

UNION OF INDIA & ORS. Petitioner(s)

VERSUS

M.V. MOHANAN NAIR Respondent(s)
I.A. No. 1/2014(with c/delay in filing slp)
WITH
S.L.P.(C)....CC NO. 10791 OF 2014
(with appln(s) for c/delay in filing SLP and office report)

Date : 08/08/2014 These petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE JAGDISH SINGH KHEHAR
HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. P.s. Patwalia, ASG
Mr. Farrukh Rasheed, Adv.
Ms. Charul Sarin, Adv.
for Mr. B. V. Balaram Das,AOR(NP)

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Issue notice.

In the meantime, the operation of the impugned orders shall remain stayed.

Signature Not Verified

Digitally signed by
Parveen Kumar Chawla
Date: 2014.08.08
16:55:38 IST
Reason:

(Parveen Kr. Chawla)
Court Master

(Phoolan Wati Arora)
Assistant Registrar

No.35034/3/2008-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi, the 18th February, 2015

OFFICE MEMORANDUM

Subject:-MODIFIED ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES-instructions regarding.

This Department on the recommendation of Sixth Central Pay Commission in Para 6.1.15 of its report and in supersession of previous Assured Career Progression Scheme, vide O.M. No. 35034/3/2008-Estt.(D) dated 19.05.2009 introduced the Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian Employees which is operational w.e.f. 01.09.2008. MACP Scheme envisages the three financial upgradations at intervals of 10, 20 and 30 years of continuous regular service to all regularly appointed Group "A", "B", and "C" Central Government Civilian Employees.

2. As per para 6 of DOPT's O.M. No. 35034/3/2008-Estt.(D) dated 19.05.2009, the Screening Committee would follow a time-schedule and meet twice in a financial year – preferably in the first week of *January* and first week of *July* of a year for advance processing of the cases maturing in that half. Accordingly, cases maturing during the first-half (April-September) of a particular financial year would be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July of any financial year would process the cases that would be maturing during the second-half (October-March) of the same financial year.

3. It has come to notice of this Department that the benefits of MACPS are not being granted as per the schedule/provisions in the MACP Scheme leading to dissatisfaction and grievances among the employees. Therefore, Ministrie/Departments are advised to ensure strict compliance to the time limits indicated in MACPS for grant of benefits under this scheme as and when the employees become eligible for such benefits.

(Mukta Goel)
Director(E-I)
Tele. No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. President's Secretariat, New Delhi.
2. Vice President's Secretariat, New Delhi.
3. Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat, New Delhi.
6. Lok Sabha Secretariat, New Delhi.
7. Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi.
9. The Staff Selection Commission, New Delhi.
10. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
11. Establishment (D) Section, DOP&T (10 Copies).
12. NIC, DOPT for updating on website.

N0.35034/3/2008-Estt(D) (Vol. II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
Dated the 10th December, 2014

OFFICE MEMORANDUM

Subject:- Modified Assured Career Progression Scheme for the Central Government Employee-Clarification regarding.

***

The undersigned is directed to invite reference to the Para 5 of the Modified Assured Career Progression Scheme issued vide the Department of Personnel and Training Office Memorandum No. 35034/3/2008-Estt.(D) dated May 19, 2009 providing that the recommendations of the Screening Committee shall be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

2. References have been received from various Ministries/Departments with regard to delegation of powers of Secretary to a Joint Secretary level officer as a large number of files on various matters are referred to the Secretary for approval and it is an administrative matter of routine nature which can be disposed of at the level of Joint Secretary.

3. The matter has been considered in this Department and it has been decided that the recommendations of the Screening Committee henceforth be placed before the Appointing Authority of the post in both cases where the Committee is constituted in the Ministry/Department or in other cases for approval with regard to grant of financial upgradation under MACP Scheme.

4. Ministries/Departments are requested to bring these instructions to the notice of all concerned including their attached and subordinate offices.

(Mukta Goel)
Director(E-I)
Tele. No. 23092479

All Ministries/Departments of the Government of India.

Copy to:-

1. The President's Secretariat, New Delhi.
2. The Vice-president's Sectt, New Delhi
3. The Prime Minister's Office, New Delhi.
4. The Cabinet Secretariat, New Delhi.
5. The Rajya Sabha Secretariat, New Delhi.
6. The Lok Sabha Secretariat, New Delhi.
7. The Comptroller and Audit General of India, New Delhi.
8. The Secretary, Union Public Service Commission, New Delhi
9. The Staff Selection Commission, New Delhi.
10 All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
11. All Officers and Sections in the Department of Personnel and Training.
12. Establishment(D) Section, DoP&T **(10 copies)**
13. NIC for updation on the website.

IMMEDIATE

No. 35034/1/97-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)
** ** **

North Block, New Delhi-110001
Dated: 4th October, 2012

OFFICE MEMORANDUM

Subject: Assured Career Progression Scheme (ACPS) for the Central Government Civilian Employees — regarding.

The undersigned is directed to invite reference to the Department of Personnel & Training (DOP&T)'s Office Memorandum of even number dated 09.08.1999 with regard to the Assured Career Progression Scheme for the Central Government Civilian Employees. Para 8 of the Annexure-I attached with the Scheme provided as under:

> "8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme."

2. The ACP Scheme was applicable upto 31.8.2008 and was replaced by the Modified Career Progression Scheme (MACPS) with effect from 1.09.2008. As the revised pay scales are applicable w.e.f. 01.01.2006, those employees who received ACP between 01.01.2006 to 31.08.2008 got financial upgradation under ACP Scheme in the revised pay scales.

3. Instances of senior employees who got benefit under ACP Scheme prior to 1.1.2006 and are drawing less pay than their juniors who got benefits under ACP Scheme after 01.01.2006 (i.e. between 01.01.2006 and 31.08.2008) have been brought to the notice of this Department. The issue has been examined in consultation with the Department of Expenditure and it has been decided to allow stepping up of pay in such cases where the senior, but for the pay revision on account of 6th CPC, would have continued to draw higher pay, subject to the following conditions:

i. Both the junior and the senior Government servants should belong to the same cadre and the posts in which they have been promoted/financially upgraded should be identical in the same cadre.
ii. The pre-revised scale of pay and the revised grade pay of the lower and higher posts in which they are entitled to draw pay should be identical.
iii. The senior Government servant should have been drawing equal or more pay than the junior before receiving ACP/Promotion.
iv. The stipulations as contained in DOPT's O.M. No. 4/7/92-Estt.(Pay-I) dated 4.11.1993 along with revision of pay scales may be observed while granting such a stepping up of pay.

....2-

4. All Ministries/Departments may give wide circulation to the contents of this O.M. for general guidance and appropriate action in the matter.

5. Hindi version would follow.

(Mukta Goel)
Director(E-I)
Tele: 23092479

To

All Ministries/Departments of the Government of India (As per standard list).

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3. Secretary, National Commission for Minorities.
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5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
6. Ministry of Finance (Department of Expenditure) w.r.t. ID No. 114760/E-III(A)/2012 dated 20.09.2012.
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(Mukta Goel)
Director(E-I)
Tele: 23092479

No.35034/10/2011-Estt.(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)
Establishment (D)

North Block, New Delhi
Dated: 13th June, 2012

OFFICE MEMORANDUM

Subject: Modified Assured Career Progression Scheme for the Central Government Civilian Employees – Clarification regarding grant of benefits of MACPS to officers who have later on inducted into Organized Group A Services -

****

In terms of clarification given on point of doubt no. 2 of Annexure of this Department's O.M. dated 09.09.2010, no benefits under the MACPS would be applicable to Group A officers of Organised Group A Services, as the officer under organized Group 'Á' Services have already been allowed parity of two years on non-functional basis with the officers of the Indian Administrative Service (IAS). In this regard, this Department is in receipt of a number of references from various Departments in respect of officers who are deprived of the benefits of MACPS due to their induction into the organised Group A Services at a later stage of their service.

2. The issue has been considered by this Department in consultation with Department of Expenditure. It has been decided to allow grant of financial up-gradations under MACPS with effect from the due date to those officers who are inducted to the Organized Group 'A' Services when they are nearing retirement subject to the condition that only at the time of retirement an evaluation of up-gradations/promotions earned by the officer would be made. In case such officers have already attained three financial upgradations under MACP Scheme, they shall not be entitled for NFU to the same grade from a later date.

3. Hindi version will follow.

(Mukta Goel)
Director (Estt.I)
Tel.No.23092479

To

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6. All Staff Side Members of the National Council (JCM), 13-C, Ferozeshah Road, N.Delhi.
7. Department of Expenditure w.r.to No. 7/32/2011-E.III A dated 07.06.2012
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(Mukta Goel)
Director (Estt.I)
Tel.No.23092479

FREQUENTLY ASKED QUESTIONS (FAQs) ON MODIFIED ASSURED CAREER PROGRESSION SCHEME

	Point of doubt	Clarification
1.	What is Modified Assured Career Progression Scheme (MACPS) ?	The MACP Scheme for Central Civilian Government Employees is in supersession of earlier ACP Scheme . Under the MACP Scheme three financial Up-gradations are allowed on completion of 10, 20, 30 years of regular service, counted from the direct entry grade. The MACPS envisages merely placement in the immediate next higher grade pay as given in Section I, Part –A of the first schedule of the CCS (Revised Pay) Rules 2008, in case no promotion has been earned by the employee during this period.
2.	From which date the MACPS is effective?	The MACPS is effective w.e.f. 01.09.2008 or on completion of 10, 20 & 30 years of continuous regular service, whichever is later. Financial upgradation will also be admissible whenever a person has spent 10 years continuously in the same grade pay. (Para 9 of OM dated 19/5/2009)
3.	Who are entitled for financial upgradation under the MACPS?	The MACPS is applicable to all Central Government Civilian Employees.

4	What norms are required to be fulfilled while granting the benefits under MACPS	The financial upgradation would be on non-functional basis subject to fitness in the hierarchy of pay band and grade pay within PB-1. Thereafter, only the benchmark of 'Good' would be applicable till the grade pay of Rs.6600 in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs.7600 and above. However, where the financial upgradation under the MACPS also happen to be in the promotional grade and benchmark for promotion is lower than the benchmark for granting the benefits under MACPS as mentioned in para 17 of the Scheme, the benchmark for promotion shall apply to MACP also. OM.No.35034/3/2008-Estt(D) dated 01/11/2010
5.	Whether Pay Band would be changed at the time of grant of financial upgradation under MACPS	Yes. OM.No.35034/3/2008-Estt.(D) dated 09/09/2010
6.	Whether the promotions in same grade would be counted for the purpose of MACPS?	The financial up-gradation under the MACPS is in the immediate next higher grade pay in the hierarchy of recommended revised pay bands and grade pay as given in CCS (Revised Pay) Rules, 2008. However if the promotional hierarchy as per recruitment rules is such that promotions are earned in the same grade pay , then the same shall be counted for the purpose of MACPS.
7.	How will the benefits of ACP be granted if due between 01.01.2006 and 31.08.2008	The revised pay structure has been changed w.e.f. 01.01.2006 and the benefits of ACPS have been allowed till 31.08.2008. Hence, the benefits of revised pay structure would be allowed for the purpose of ACPS. (OM No.35034/3/2008-Estt. dated 9.9.2010).

8.	Whether adhoc appointment would be counted towards qualifying service for MACPS	No. Only continuous regular service is counted towards qualifying service for the purpose of MACPS. The regular service shall commence from the date of joining of a post in direct entry grade on a regular basis. (Para 9 of the MACPS)
9.	Whether State Government service shall be reckoned for the purpose of MACPS	No. Only regular service rendered in the Central Government's Department/Office is to be counted for the purpose of MACPS, as the Scheme is applicable to the Central Government Civilian Employees only. (MACPS , Para 10)
10.	What are the periods included in the regular service?	All period spent on deputation/foreign service, study leave and all other kind of leave, duly sanctioned by the competent authority shall be included in the regular service. (Para 11, MACPS)
11.	How is the MACPS to be extended to the employees of Autonomous and Statutory Bodies.	Procedure prescribed in OM No.35034/3/2010-Estt(D), Dated 03/08/2010would be followed by the administrative Ministries/Departments concerned for extension of the MACPS to the employees of Autonomous and Statutory Bodies under their control.
12.	Whether the cases of grant of financial upgradation allowed under the ACPS between 01.09.2008 and 19.05.2009, the date of issue of the Scheme are be reviewed?	Yes. Since the benefits of ACPS have been discontinued w.e.f. 01.09.2008, the cases settled between 01.09.2008 and 19.05.2009, in terms of previous ACP Scheme shall be reviewed.
13.	Whether the past continuous regular service in another Govt. Deptt. in a post carrying same grade pay prior to regular appointment in a new Deptt. without a break shall be counted towards qualifying regular service for the purpose of MACPS.	Yes. (Para 9, MACPS)

14.	Upto what grade pay the benefits under the MACPS is allowed?	The benefits of MACPS are being up-to HAG scale of Rs.67000-79000/. (DOPT's O.M.No.35034/3/2008-Estt.(D) dated 24.12.2010)
15.	How the cases of pre-revised pay scales (Rs.5000-8000 & Rs.5500-9000 and Rs.6500-10500 & Rs.7450-11500) merged w.e.f. 01.01.2006 are to be decided under MACPS?	The cases would be regulated in accordance with para 5 of Annexure-I of MACPS. The Ministries/ Departments are expected to re-organise cadres and frame common RRs for the post in merged scales.
16.	Whether 'Non-functional Scale' of Rs.8000-13500 (revised to grade pay of Rs.5400 in PB-3) would be viewed as one financial upgradation for the purpose of MACPS.	Yes, in terms of para 8.1 of Annexure-I of MACPS dated 19.05.2009.
17.	Whether 'time bound promotion' scheme including 'in-situ promotion' scheme can run concurrently with MACPS.	No. (Para 13 of MACPS)
18.	Whether Staff Car Driver Scheme can run concurrently with MACPS	DOPT vide O.M. No.35011/03/2008-Estt.(D),30/07/2010 has extended the benefits of MACPS to Staff Car Drivers as a fall back option.
19.	Whether the placement of erstwhile Gr. D employees as Staff Car Driver, ordinary grade, would count as a promotion?	No. The model RRs for Staff Car Drivers provide deputation/ absorption as a method of appointment for erstwhile Gr. D employees . The placement as staff Car Driver is not in the hierarchy hence the same would not be counted as promotion under MACPS. The regular service for the MACPS would be from the date of appointment as Staff Car Driver.

20.	Whether designation, classification or higher status would change on account of financial upgradation under MACPS	There shall be no change in the designation, classification or higher status on grant of financial upgradation under MACPS, as the upgradation under the Scheme is purely personal and merely placement in the next higher grade pay. (Para 16 of Annexure-I of MACPS refers)
21	If a financial upgradation under the MACPS is deferred due to the reason of the employees being 'unfit' or due to departmental proceedings, etc, whether this would have consequential effect on the subsequent financial upgradation.	Yes, this would have consequential effect on the subsequent financial upgradation, which would also get deferred to the extent of delay in grant of financial upgradation. (MACPS, Para 15)
22.	Whether the stepping up of pay would be admissible if a junior is getting more pay than the senior on account of grant of financial upgradation under MACPS.	No stepping up of pay in the band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACPS. (Para 10 of OM dated 19/5/2009)
23.	Whether the regular service rendered by an employee if declared surplus in his/her organisation and appointed in the same grade pay or lower grade pay shall be counted towards the regular service in a new organization for the purpose of MACPS.	Yes. (refer para 23 of Annexure-I of MACPS).
24.	In case of transfer including unilateral transfer own request, whether regular service rendered in previous organisation/office shall be counted alongwith the regular service in the new organization for the purpose of MACPS.	Yes. OM No.35034/3/2008-Estt(D) dated 01/11/2010

25.	If a regular promotion has been offered but was refused by the employees before becoming entitled to a financial upgradation under the MACPS, whether financial upgradation shall be allowed to such a Government servant.	If a regular promotion has been offered but was refused by the Government employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed and as such an employee has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal. (Para 25 of MACPS)

Department of Personnel & Training
Establishment D Section

Frequently Asked Questions (FAQs) on Modified Assured Career Progression Scheme (MACPS)

Sl.No.	Doubts	Clarification
26	Whether the benefits of ACPS would be allowed in respect of isolated cases due between 01.01.2006 and 31.08.2008 where the pre-revised pay scales of Rs.5000-8000 & Rs.5500-9000 and Rs.6500-10500 & Rs.7450-11500 have been merged into single grade pay of Rs.4200 and Rs.4600 respectively w.e.f. 01.01.2006?	Yes. Since the pre-revised Rs.5000-8000 & Rs.5500-9000 and Rs.6500-10500 & Rs.7450-11500 (isolated cases) have been merged into single grade pay of Rs.4200 and Rs.4600 respectively w.e.f. 01.01.2006, the benefits of 1st and 2nd financial upgradations under the ACPS should be considered/allowed in the grade pays of Rs.4600 and Rs.4800 in PB-2, as the case may be, due between 01.01.2006 and 31.08.2008 in respect of isolated cases in terms of para 5 of Annexure-I of MACPS dated 19.05.2009.
27 (i)	In a hypothetical situation cadre hierarchy was as follows: Rs.5000-8000 (revised GP 4200) Rs.5500-9000 (revised GP 4200) Rs.6500-10500 (revised GP 4600) Rs.7450-11500 (revised GP 4600) Rs.10000-15200 (revised GP 6600) What would be the 1st financial upgradation under the ACPS for a Government employee recruited in pre-revised pay scale of Rs.5000-8000, who has completed his 12 years of regular service on 12.04.2007 (between 1.1.2006 and 31.8.2008);	In terms of clarification given on point of doubt no.3 issued vide DOPT's O.M. No.35034/3/2008-Estt.(D) dated 9.9.2010, the benefits of ACPS would be applicable in the new pay structure adopted w.e.f. 1.1.2006 in the promotional hierarchy. (i): Since the pre-revised pay scales Rs.5000-8000 & Rs.5500-9000 have been merged and placed in PB-2 with grade pay of Rs.4200, 1st financial upgradation would be allowed in the grade pays of Rs.4600, subject to fulfillment of promotional norms as stipulated in condition no.6 of Annexure-I ACPS dated 9.8.1999, in terms of clarification given on point of doubt no.1 of ACPS dated 10.02.2000.

(ii)	What would be 2nd financial upgradation for employee recruited in 5000-8000, who has completed 24 years of regular service on 12.04.2007 (between 1.1.2006 and 31.8.2008)	Since the pre-revised pay scales Rs.6500-10500 & Rs.7450-11500 have been merged and placed in PB-2 with grade pay of Rs.4600, 2nd financial upgradation would be allowed in the grade pay of Rs.6600, subject to fulfillment of promotional norms (after framing of RRs post merger) as stipulated in condition no.6 of Annexure-I ACPS dated 9.8.1999, in terms of clarification given on point of doubt no.1 of ACPS dated 10.02.2000.
(iii)	If a Government servant recruited in the pre-revised pay scale of Rs.5000-8000 has been promoted in the promotional hierarchy in the pre-revised pay scale of Rs.5500-9000 prior to 1.1.2006 (and he has put in 14 years of regular service) **then would there be any claim for financial upgradation under ACPS**	(iii): The pre-revised pay scales Rs.5000-8000 & Rs.5500-9000 have been merged and placed in PB-2 with grade pays of Rs.4200 w.e.f. 1.1.2006. Hence, the promotion would be ignored as he has completed his 12 years of regular service and the benefit of 1st ACP would accordingly be allowed in the promotional hierarchy i.e. in the grade pay of Rs.4600 w.e.f. 01.01.2006.
(iv)	If the above Government servant had put in 22 years as on 31.08.2008, then what would be the entitlement in MACP	(iv): As given above, the 1st ACP would be in PB-2 grade pay of Rs.4600 after ignoring the previous promotion. Thereafter, since employee has completed more than 20 years of regular service on 01.09.2008, he would be entitled for 2nd financial upgradation under the MACPS in the immediate next higher grade pay of Rs.4800 in PB-2 subject to fulfillment of condition as stipulated in para 17 of Annexure-I of MACPS dated 19.05.2009.

No.35034/9/2010-Estt.(D)

भारत सरकार

Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances and Pensions

(कार्मिक और प्रशिक्षण विभाग)

(Department of Personnel & Training)

स्थापना (घ)/Establishment (D)

नॉर्थ ब्लॉक, नई दिल्ली

North Block, New Delhi

Dated: 10th February, 2011

OFFICE MEMORANDUM

Subject: Review of Cadre structuring - Regarding.

****

In pursuance of the decision taken in the 2nd meeting of the National Anomaly Committee held on 27.03.2010, a Joint Committee to examine the anomalies pertaining to the Modified Assured Career Progression Scheme (MACPS) was constituted vide Department of Personnel & Training (DOPT)'s O.M. No.11/1/2010-JCA dated 03.05.2010.

2. The issue of providing an option to organisations/cadres to have a choice for the benefits under the earlier ACPS or the MACPS was also discussed in the meeting of the Joint Committee. While the issue would require further deliberations, it is re-iterated that MACPS (as was the case with the ACPS) is a fall back option in the event of promotions not taking place. Cadre structure needs to be reviewed periodically to harmonise the functional needs of the organisation and career progression of employees. Accordingly, all concerned are advised to review the cadre structure in a time bound manner with a view to mitigate problem of stagnation.

3. All Ministries/Departments may give wide circulation to the contents of this O.M. for guidance and appropriate action in the matter.

4. Hindi version will follow.

(Smita Kumar)
Director (Estt.I)
Tel.No.23092479

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4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.

5. Secretary, Staff Side, National Council (JCM), 13C, Ferozshah Road, New Delhi.

6. All Staff Side Members of the National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

7. Department of Expenditure (Implementation Cell).

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Director (Estt.I)
Tel.No.23092479

No.35034/3/2008-Estt.(D)

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कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances and Pensions

(कार्मिक और प्रशिक्षण विभाग)

(Department of Personnel & Training)

स्थापना (घ)/Establishment (D)

नॉर्थ ब्लॉक, नई दिल्ली

North Block, New Delhi

Dated: 24th December, 2010

OFFICE MEMORANDUM

Subject: Modified Assured Career Progression Scheme (MACPS) for the Central Government Civilian Employees – Extension of the benefits to Officers of HAG Scale of ₹67,000-79,000/-.

*****

Reference is invited to the Department of Personnel & Training's O.M. of even number dated the 19th May, 2009, wherein the financial upgradation under the Modified Assured Career Progression Scheme (MACPS) has been allowed upto the highest grade pay of ₹12000 in the Pay Band -4. Consequent upon introduction of the new HAG scale of ₹67,000-79,000 in replacement of ₹37,400-67000 with grade pay of ₹12000 in PB-4, it is clarified that the benefits of financial upgradation under the MACPS shall be available to aforementioned HAG scale also.

2. All Ministries/Departments may give wide circulation to the contents of this O.M. for general guidance and appropriate action in the matter.

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(Smita Kumar)
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5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

6. Ministry of Finance (Department of Expenditure). w.r.t U.O. No.889273/JS(Pers.)/2010 dated 23.12.2010.

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No.35034/3/2008-Estt. (D) (Vol.II)

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Government of India

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

Ministry of Personnel, Public Grievances and Pensions

(कार्मिक और प्रशिक्षण विभाग)

(Department of Personnel & Training)

स्थापना (घ)/Establishment (D)

नॉर्थ ब्लॉक, नई दिल्ली

North Block, New Delhi the 1st November, 2010

OFFICE MEMORANDUM

Subject: Modified Assured Career Progression Scheme for the Central Government Civilian Employees – Clarification regarding.

.....

A Joint Committee is set up to examine the anomalies pertaining to the Modified Assured Career Progression Scheme (MACPS) vide Department of Personnel & Training O.M. No.11/1/2010-JCA dated 03.05.2010.

2. During the joint committee meeting it was pointed out by the Staff Side that the word 'new organization' of the last line of para 24 of Annexure-I of MACPS dated 19.05.2009 was not in consonance with the spirit of the Scheme. The issue has been examined and it is clarified that in case of transfer 'including unilateral transfer on request, regular service rendered in previous organisation/office shall be counted alongwith the regular service in the new organisation/office for the purposes of getting financial upgradations under the MACPS. However, financial upgradation under the MACPS shall be allowed in the immediate next higher grade pay in the hierarchy of revised pay bands as given in CCS (Revised Pay) Rules, 2008. Para 24 of MACPS stands amended to this extent.

3. The Staff Side also raised an issue on the 'benchmark' for MACP as given in para 17 of Annexure-I of MACPS dated 19.05.2009, which provides that the financial upgradation would be on non-functional basis subject to fitness, in the hierarchy of grade pay within the PB-1. Thereafter for upgradation under the MACPS, the benchmark of 'good' would be applicable till the grade pay of Rs. 6600/- in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs.7600 and above. It was pointed out that in some cases the promotion to the next higher grade was made on the basis of 'fitness' as the method of promotion as specified in the relevant recruitment rules, was 'non-selection'. Therefore, in such cases benchmarks should not be insisted upon under the MACPS. The issue has been examined and it is clarified that where the financial upgradation under MACPS also happen to be in the promotional grade and benchmark for promotion is lower than the benchmark for granting the benefits under MACPS as mentioned in para 17 ibid, the benchmark for promotion shall apply to MACP also.

4. All Ministries/Departments may give wide circulation to the contents of this O.M. for general guidance and appropriate action in the matter.

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4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
5. Secretary, Staff Side, National Council (JCM), 13C, Ferozshah Road, New Delhi.
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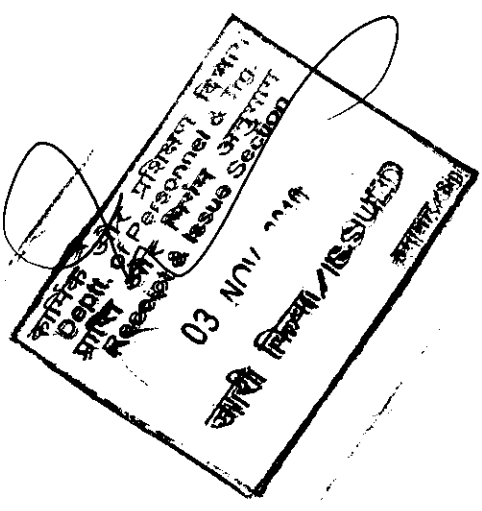
A.K. SRIVASTAVA
Under Secretary (Estt.-D)



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Ministry of Personnel, Public Grievances and Pensions
(कार्मिक और प्रशिक्षण विभाग)
(Department of Personnel & Training)
स्थापना (घ)/Establishment (D)

नॉर्थ ब्लॉक, नई दिल्ली
North Block, New Delhi
Dated: 9th September, 2010

OFFICE MEMORANDUM

SUBJECT:- MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES - CLARIFICATIONS REGARDING.

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number dated the 19th May, 2009 regarding the Modified Assured Career Progression Scheme (MACPS). Consequent upon introduction of the Scheme, clarifications have been sought by various Ministries/Departments about certain issues in connection with implementation of the MACPS. The doubts raised by various quarters have been duly examined and point-wise clarifications have accordingly been indicated in the Annexure.

2. The MACPS should strictly be implemented in keeping with the Department of Personnel and Training Office Memorandum of even number dated 19.05.2009 read with the aforesaid clarifications (Annexure).

3. All Ministries/Departments may give wide circulation to the contents of this O.M. for general guidance and appropriate action in the matter.

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(Smita Kumar)
Director (Estt.I)
Tel.No.23092479

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5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

6. Ministry of Finance (Department of Expenditure) w.r.t. U.O. No.16(1)/Legal/2010 dated 06.09.2010.

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(Smita Kumar)
Director (Estt.I)
Tel.No.23092479

Annexure

[Reference:- Office Memorandum No.35034/3/2008-Estt.(D) dated 09.09.2010]

S. No.	Point of doubt	Clarification
1	Whether the Pay Band would change in the hierarchy of Pay Bands & Grade Pay on grant of the benefits under MACPS?	**Yes.** The upgradations under MACPS is to be granted in the immediate next higher grade pay in the hierarchy of recommended revised pay band and grade pay as prescribed in the CCS (RP) Rules, 2008.
2	Whether the benefits of MACPS would be allowed to the Government servants who have been later on inducted in the Organized Group "A" Service.	**No.** The benefits under MACPS is not applicable to Group 'A' officer of Organised Group 'A' Services, as the officer under Organized Group 'A' Services have already been allowed parity of two years on non-functional basis with the officers of Indian Administrative Service (IAS).
3.	How will the benefits of ACP be granted if due between 01.01.2006 and 31.08.2008?	The new MACPS has come into existence w.e.f. 01.09.2008. However, the pay structure has been changed w.e.f. 01.01.2006. Therefore the previous ACPS would be applicable in the new pay structure adopted w.e.f. 01.01.2006. **Para 6.1 of Annexure-I of MACPS is only for exercising option for coming over to the revised pay structure and not for grant of benefits under MACPS.** The following illustrations would explain the position: **(A) In the case of isolated post:** Date of appointment in entry Grade in the pre-revised pay scale of **Rs.4000-6000:** 01.10.1982 1st ACP granted on 09.08.1999 **:Rs.4500-7000 (pre-revised)** 2nd ACP due on 01.10.2006 **:Rs.5000-8000 (pre-revised)** **[revised PB-2 Grade Pay of Rs.4200]** 3rd financial upgradation under the MACPS would be due on 01.10.2012 (on completion of 30 years of continuous regular service) in the immediate next higher grade pay in the hierarchy of recommended revised pay band and grade pay i.e. Grade Pay of Rs.4600 in PB-2.

		(B) <u>In the case of normal promotional hierarchy:</u> Date of appointment in entry Grade in the pre-revised pay scale of **Rs.5500-9000: 01.10.1982** 1st ACP granted on 09.08.1999 **:Rs.6500-10500 (pre-revised)** 2nd ACP due on 01.10.2006 (as per the existing hierarchy) **:Rs.10000-15200 (pre-revised).** **Therefore, 2nd ACP would be in PB-3 with Grade Pay of Rs.6600 (in terms of hierarchy available).** 3rd financial upgradation under MACPS would be due on 01.10.2012 in the immediate next higher grade pay in the hierarchy of recommended revised pay band and grade pay of Rs.7600.
4	Whether the benefits of MACPS would be granted from the date of entry grade or from the date of their regular service/approved service counted under various service rules.	The benefits under MACPS would be available from the date of actual joining of the post in the entry grade.
5	In a case where a person is appointed to an ex-cadre post in higher scale on deputation followed by absorption, whether the period spent on deputation period would be counted as continuous service in the grade or not for the purpose of MACPS.	(i) Where a person is appointed on direct recruitment/deputation basis from another post in the same grade, then past regular service as well as past promotions/ACP, in the earlier post, will be counted for computing regular service for the purpose of MACPS in the new hierarchy. (ii) However, where a person is appointed to an ex-cadre post in higher scale initially on deputation followed by absorption, while the service rendered in the earlier post, which was in a lower scale cannot be counted, there is no objection to the period spent initially on deputation in the ex-cadre post prior to absorption being counted towards regular service for the purposes of grant of financial upgradation under MACPS, as it is in the same Pay band/grade pay of the post.

6	Whether the pay scale/grade pay of substantive post would be taken into account for appointment/selection to a higher post on deputation basis or the pay scale/grade pay carrying by a Government servant on account of financial upgradation(s) under ACP/MACP Scheme.	The pay scale/grade pay of substantive post would only be taken into account for deciding the eligibility for appointment/selection to a higher post on deputation basis.
7	In a case where 1st/2nd financial upgradations are postponed on account of the employees not found fit or due to departmental proceedings, etc. whether this would have consequential effect on the 2nd/3rd financial upgradation or not.	Yes. If a financial upgradation has been deferred/postponed on account of the employee not found fit or due to departmental proceedings, etc., the 2nd/3rd financial upgradations under MACPS would have consequential effect. **(Para 18 of Annexure-I of MACPS referred).**
8	In a case where the Government servant have already earned three promotions and still stagnated in one grade for more than 10 years, whether he would be entitle for any further upgradation under MACPS.	No. Since the Government servant has already earned three promotions, he would not be entitled for any further financial upgradation under MACPS.
9	Whether the pre-revised pay scale of Rs.2750-4400 in respect of Group 'D' non-matriculate employees, would also be taken as merged to grade pay of Rs.1800 for the purpose of MACPS in view of merger of pre-revised pay scales of Rs.2550-3200, Rs.2610-3540, Rs.2610-4000 and Rs.2650-4000, which have been upgraded and replaced by the revised pay structure of grade pay of Rs.1800 in the pay band **PB-1.**	Yes.

10	If a Govt. Servant on deputation earns upgradation under MACPS in the parent cadre, whether he would be entitled for deputation (duty) allowance on the pay and emoluments granted under the MACPS or not?	No. While eligibility of an employee for appointment against ex-cadre posts in terms of the provisions of the RRs of the ex-cadre post will continue to be determined with reference to the post/pay scale of the post held in the parent cadre on regular basis (and not with reference to the higher scale granted under ACPS/MACPS), such an officer, in the event of his selection, may be allowed to opt to draw the pay in the higher scale under ACP/MACP Scheme without deputation allowance during the period of deputation, if it is more beneficial than the normal entitlements under the existing general order regulating pay on appointment on deputation basis.
11	Since the pay scales of Group "D" employees have been merged and placed in the Grade Pay of Rs.1800, whether they are entitled for grant of increment @ 3% during pay fixation at every stage.	Yes, On the analogy of point 22 of Annexure-I of MACPS, the pay of such Group "D" employees who have been placed in the Grade Pay of Rs.1800 w.e.f. 01.01.2006 shall be fixed successively in the next three immediate higher grade pays in the hierarchy of revised pay-bands and grade pays allowing the benefit of 3% pay fixation at every stage.

No.35034/3/2010-Estt (D)
भारत सरकार
Government of India
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
Ministry of Personnel, Public Grievances and Pensions
(कार्मिक और प्रशिक्षण विभाग)
(Department of Personnel & Training)
स्थापना (घ)/Establishment (D)

नॉर्थ ब्लॉक, नई दिल्ली
North Block, New Delhi
Dated: 3rd August, 2010

OFFICE MEMORANDUM

Subject: Modified Assured Career Progression Scheme for the central Government civilian employees – Clarification regarding.

*****

The undersigned is directed to invite reference to the Department of Personnel & Training (DOP&T)'s Office Memorandum of even number dated the 19th May, 2009 on the subject cited above. Consequent upon introduction of the Modified Assured Career Progression Scheme (MACPS), in view of para 14 of the Annexure-I of the Scheme, a number of proposals/references seeking extension of the Scheme to Central Autonomous/Statutory Bodies under various Ministries/Departments have been received by the Department of Expenditure. The Department of Expenditure has felt that keeping the large number of Central Autonomous/Statutory Bodies in view, it would be appropriate to delegate the power the approving such proposals to the administrative Ministries/Departments concerned. The Department of Expenditure has accordingly approved for extending the benefits of the MACPS to the Central Autonomous/Statutory Bodies under various Ministries/Departments subject to them satisfying the following four conditions:

(i) The earlier ACP Scheme was also implemented/adopted by the said Autonomous/Statutory Body.

(ii) The proposal to adopt MACP Scheme has been approved by the Governing Body/Board of Directors.

(iii) The Administrative Ministry/Financial Adviser of the Ministry has concurred with the proposal.

(iv) The financial implications of adoption of MACP Scheme have been taken into account by the Organisation/Body and the additional financial implications can be met by it within the existing Budget Grants.

2. As per the revised arrangement, the proposal shall be processed by the Financial Advisor concerned in the first instance and subject to it meeting the requirements spelt out at (i), (ii) and (iv) above, he would obtain the orders of the administrative Head/Secretary concerned for approving the extension of MACPS to such a body.

Contd....2/-

3. Above is brought to the notice of all concerned Ministry/Department in continuation of para 14 of Annexure-I of MACPS dated 19.05.2009.

4. Hindi version will follow.

(A.K. Srivastava)
Under Secretary to the Government of India

To

1. All Ministries/Departments of the Government of India

2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/ UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi

3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.

4. Secretary, National Commission for Minorities.

5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.

6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

7. All Staff Side Members of the National Council (JCM).

8. Ministry of Finance, Department of Expenditure [E.III (A) Branch) w.r.t. their I.D. No.7/13/2010-E.III (A) dated 18.06.2010.

9. Establishment (D) Section - **100 copies**

10. NIC, DOP&T, North Block, New Delhi for up-loading of the OM in DOP&T's website.

11. Hindi Section for Hindi version.

(A.K. Srivastava)
Under Secretary to the Government of India

No.11/1/2010-JCA
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
******

North Block, New Delhi,
Dated the 3rd May 2010

OFFICE MEMORANDUM

Subject: Constitution of a Joint Committee to examine the Anomalies pertaining to the Modified Assured Career Progression Scheme.

The undersigned is directed to refer the discussions during the second meeting of the National Anomaly Committee held on 27th March 2010 and to state that it has been decided to constitute a Joint Committee to examine the anomalies pertaining to the Modified Assured Career Progression Scheme (MACPS). The Composition of the Joint Committee will be as under:

Official Side	**Staff Side**
1. Joint Secretary (Estt), DoP&T- Chairman.	1. Shri M. Raghvahiya
2. Joint Secretary (Pers), Deptt. Of Expenditure.	2. Shri S.K. Vyas
3. Director (E-I), DoPT.	3. Shri C. Srikumar
4. Director/ DS(JCA), DoPT – Member Secy.	4. Shri Umraomal Purohit

2. The Joint Committee shall examine all the anomalies pertaining to MACPS forwarded by the Secretary, Staff Side and submit its report to the Chairman of the National Anomaly Committee.

(DINESH KAPILA)
Deputy Secretary (JCA)

To
Chairman and all Members of the Joint Committee on MACPS.

Copy also to:

1. **PPS to Secretary, Department of Personnel & Training, North Block, New Delhi.**
2. **All Members of the National Anomaly Committee.**
3. **Secretary, Staff Side, National Council (JCM), 13-C, Firoz Shah Road, New Delhi.**
4. **NIC, DoP&T with the request that this O.M. may be placed on the website.**

No.35034/3/2008-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
16th November, 2009

OFFICE MEMORANDUM

SUBJECT:- MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES - CLARIFICATIONS REGARDING.

Reference is invited to the Department of Personnel and Training (DOPT)'s Office Memorandum of even number dated the 19th May, 2009 regarding the Modified Assured Career Progression Scheme (MACPS). Consequent upon the implementation of Sixth Pay Commissions recommendations, the four pre-revised Group 'D' pay scales viz., Rs.2550-3200, Rs.2610-3540, Rs.2610-4000 and Rs.2650-4000 have been upgraded and replaced by the revised pay structure of grade pay of Rs.1800 in the pay band PB-1. As per the recommendations of Sixth CPC, Government servants in these four pre-revised Group 'D' scales have been granted the Group 'C' revised pay structure of grade pay of Rs.1800 in the pay band PB-1. It has been decided on the analogy of point-5 of Annexure-I of MACPS dated 19.05.2009 that promotions earned or upgradations granted under ACP Scheme of August,-1999 in the past to the four pay scales mentioned above, which now carry the grade pay of Rs.1800/- shall be ignored for the purpose of MACPS. However, promotions/financial upgradations earned by existing Group 'D' employees to grade pay of Rs.1900 (pre-revised scale of Rs.3050-75-3590-80-4590) shall be counted for the purpose of MACPS.

2. Hindi version would follow.

Alok Ranjan
(Alok Ranjan)
Director (Establishment)

To

1. All Ministries/Departments of the Government of India (As per standard list).

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi

2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.

3. Secretary, National Commission for Minorities

4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes

5 Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi

6. All Staff Side Members of the National Council (JCM)

7. Establishment (D) Section - **100 copies.**

8. NIC [for uploading this OM on the website of DOPT (ACP)].

Alok Ranjan

(Alok Ranjan)
Director (Establishment)

IMMEDIATE

No.35034/3/2008-Estt. (D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

.....

North Block, New Delhi, the 19th May, 2009

OFFICE MEMORANDUM

SUBJECT: - MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.

******

The Sixth Central Pay Commission in Para 6.1.15 of its report, has recommended Modified Assured Career Progression Scheme(MACPS). As per the recommendations, financial upgradation will be available in the next higher grade pay whenever an employee has completed 12 years continuous service in the same grade. However, not more than two financial upgradations shall be given in the entire career, as was provided in the previous Scheme. The Scheme will also be available to all posts belonging to Group "A" whether isolated or not. However, organised Group "A" services will not be covered under the Scheme

2. The Government has considered the recommendations of the Sixth Central Pay Commission for introduction of a MACPS and has accepted the same with further modification to grant three financial upgradations under the MACPS at intervals of 10, 20 and 30 years of continuous regular service .

3. The Scheme would be known as "***MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS) FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.*** This Scheme is in supersession of previous ACP Scheme and clarifications issued there under and shall be applicable to all regularly appointed Group "A", "B", and "C" Central Government Civilian Employees **except officers of the Organised Group "A" Service.** The status of Group "D" employees would cease on their completion of prescribed training, as recommended by the Sixth Central Pay Commission and would be treated as Group "C" employees. Casual employees, including those granted 'temporary status' and employees appointed in the Government only on adhoc or contract basis shall not qualify for benefits under the aforesaid Scheme. The details of the MACP Scheme and conditions for grant of the financial upgradation under the Scheme are given in **Annexure-I.**

4. An Screening Committee shall be constituted in each Department to consider the case for grant of financial upgradations under the MACP Scheme. The Screening Committee shall consist of a **Chairperson** and **two members.** The members of the Committee shall comprise officers holding posts which are at least one level above the grade in which the MACP is to be considered and not below the rank of Under Secretary equivalent in the Government. The Chairperson should generally be a grade above the members of the Committee.

Contd..P-2/-

5. The recommendations of the Screening Committee shall be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

6. In order to prevent undue strain on the administrative machinery, the Screening Committee shall follow a **time-schedule** and meet twice in a financial year – preferably in the first week of ***January*** and first week of ***July*** of a year for advance processing of the cases maturing in that half. Accordingly, cases maturing during the first-half (April-September) of a particular financial year shall be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year.

7. However, to make the MACP Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee within a month from the date of issue of these instructions to consider the cases maturing upto 30th June, 2009 for grant of benefits under the MACPS.

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

9. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the MACP Scheme shall be given by the Department of Personnel and Training (Establishment-D). The scheme would be operational **w.e.f. 01.09.2008**. In other words, financial upgradations as per the provisions of the earlier ACP Scheme (of August, 1999) would be granted till 31.08.2008.

10. No stepping up of pay in the pay band or grade pay would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.

11. It is clarified that no past cases would be re-opened. Further, while implementing the MACP Scheme, the differences in pay scales on account of grant of financial upgradation under the old ACP Scheme (of August 1999) and under the MACP Scheme within the same cadre shall not be construed as an anomaly.

12. Hindi version will follow.

(S.Jainendra Kumar)
Deputy Secretary to the Govt. Of India

To

All Ministries/Departments of the Government of India

Contd...P-3/-

Copy to :-

1. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/ Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal (Principal Bench), New Delhi.
2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3. Secretary, National Commission for Minorities.
4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes
5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi
6. All Staff Side Members of the National Council (JCM)
7. Establishment (D) Section - 1000 copies
8. NIC, DoPT, North Block for up-loading of the OM in DoPT website.

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ANNEXURE-I

MODIFIED ASSURED CAREER PROGRESSION SCHEME (MACPS)

1. There shall be three financial upgradation s under the MACPS, counted from the direct entry grade on completion of 10, 20 and 30 years service respectively. Financial upgradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same grade-pay.

2. The MACPS envisages merely placement in the immediate next higher grade pay in the hierarchy of the recommended revised pay bands and grade pay as given in Section 1 , Part-A of the first schedule of the CCS (Revised Pay) Rules, 2008. Thus, the grade pay at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive grades, be different than what is available at the time of regular promotion. In such cases, the higher grade pay attached to the next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion.

3. The financial upgradation s under the MACPS would be admissible up-to the highest grade pay of Rs. 12000/ in the PB-4.

4. Benefit of pay fixation available at the time of regular promotion shall also be allowed at the time of financial upgradation under the Scheme. Therefore, the pay shall be raised by 3% of the total pay in the pay band and the grade pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same grade pay as granted under MACPS. However, at the time of actual promotion if it happens to be in a post carrying higher grade pay than what is available under MACPS, no pay fixation would be available and only difference of grade pay would be made available. **To illustrate, in case a Government Servant joins as a direct recruit in the grade pay of Rs. 1900 in PB-1 and he gets no promotion till completion of 10 years of service, he will be granted financial upgradation under MACPS in the next higher grade pay of Rs. 2000 and his pay will be fixed by granting him one increment plus the difference of grade pay (i.e. Rs. 100). After availing financial upgradation under MACPS, if the Government servant gets his regular promotion in the hierarchy of his cadre, which is to the grade of Rs. 2400, on regular promotion, he will only be granted the difference of grade pay between Rs. 2000 and Rs. 2400. No additional increment will be granted at this stage.**

5. Promotions earned/upgradations granted under the ACP Scheme in the past to those grades which now carry the same grade pay due to merger of pay scales/upgradations of posts recommended by the Sixth Pay Commission shall be ignored for the purpose of granting upgradations under Modified ACPS.

Contd..P-5/-

Illustration-1

The pre-revised hierarchy (in ascending order) in a particular organization was as under:-

Rs. 5000-8000, Rs. 5500-9000 & Rs. 6500-10500.

(a) A Government servant who was recruited in the hierarchy in the pre-revised pay scale Rs. 5000-8000 and who did not get a promotion even after 25 years of service prior to 1.1.2006, in his case as on 1.1.2006 he would have got two financial upgradations under ACP to the next grades in the hierarchy of his organization, i.e., to the pre-revised scales of Rs. 5500-9000 and Rs. 6500-10500.

(b) Another Government servant recruited in the same hierarchy in the pre-revised scale of Rs. 5000-8000 has also completed about 25 years of service, but he got two promotions to the next higher grades of Rs. 5500-9000 & Rs. 6500-10500 during this period.

In the case of both (a) and (b) above, the promotions/financial upgradations granted under ACP to the pre-revised scales of Rs. 5500-9000 and Rs. 6500-10500 prior to 1.1.2006 will be ignored on account of merger of the pre-revised scales of Rs. 5000-8000, Rs. 5500-9000 and Rs. 6500-10500 recommended by the Sixth CPC. As per CCS (RP) Rules, both of them will be granted grade pay of Rs. 4200 in the pay band PB-2. After the implementation of MACPS, two financial upgradations will be granted both in the case of (a) and (b) above to the next higher grade pays of Rs. 4600 and Rs. 4800 in the pay band PB-2.

6. In the case of all the employees granted financial upgradations under ACPS till 01.01.2006, their revised pay will be fixed with reference to the pay scale granted to them under the ACPS.

6.1 In the case of ACP upgradations granted between 01.01.2006 and 31.08.2008, the Government servant has the option under the CCS (RP) Rules, 2008 to have his pay fixed in the revised pay structure either (a) w.e.f. 01.01.2006 with reference to his pre-revised scale as on 01.01.2006; or (b) w.e.f. the date of his financial upgradation under ACP with reference to the pre-revised scale granted under ACP. In case of option (b), he shall be entitled to draw his arrears of pay only from the date of his option i.e. the date of financial upgradation under ACP.

6.2 In cases where financial upgradation had been granted to Government servants in the next higher scale in the hierarchy of their cadre as per the provisions of the ACP Scheme of August, 1999, but whereas as a result of the implementation of Sixth CPC's recommendations, the next higher post in the hierarchy of the cadre has been upgraded by granting a higher grade pay, the pay of such employees in the revised pay structure will be fixed with reference to the higher grade pay granted to the post. **To illustrate, in the case of Jr. Engineer in CPWD, who was granted 1st ACP in his hierarchy to the grade of Asstt. Engineer in the pre-revised scale of Rs.6500-10500 corresponding to the revised grade pay of Rs.4200 in the pay band PB-2, he will now be granted grade pay of Rs.4600 in the pay band PB-2 consequent upon upgradation of the post of Asstt. Enggs. In CPWD by granting them the grade pay of Rs.4600 in PB-2 as a result of Sixth CPC's recommendation. However, from the date of implementation of the MACPS, all the financial upgradations under the Scheme should be done strictly in accordance with the hierarchy of grade pays in pay bands as notified vide CCS (Revised Pay) Rules, 2008.**

Contd..P-6/-

7. With regard to fixation of his pay on grant of promotion/financial upgradation under MACP Scheme, a Government servant has an option under FR22 (1) (a) (1) to get his pay fixed in the higher post/ grade pay either from the date of his promotion/upgradation or from the date of his next increment viz. 1st July of the year. The pay and the date of increment would be fixed in accordance with clarification no.2 of Department of Expenditure's O.M. No.1/1/2008-IC dated 13.09.2008.

8. Promotions earned in the post carrying same grade pay in the promotional hierarchy as per Recruitment Rules shall be counted for the purpose of MACPS.

8.1 Consequent upon the implementation of Sixth CPC's recommendations, grade pay of Rs. 5400 is now in two pay bands viz., PB-2 and PB-3. The grade pay of Rs. 5400 in PB-2 and Rs.5400 in PB-3 shall be treated as separate grade pays for the purpose of grant of upgradations under MACP Scheme.

9. **'Regular service'** for the purposes of the MACPS shall commence from the date of joining of a post in direct entry grade on a regular basis either on direct recruitment basis or on absorption/re-employment basis. Service rendered on adhoc/contract basis before regular appointment on pre-appointment training shall not be taken into reckoning. However, past continuous regular service in another Government Department in a post carrying same grade pay prior to regular appointment in a new Department, without a break, shall also be counted towards qualifying regular service for the purposes of MACPS only (and not for the regular promotions). However, benefits under the MACPS in such cases shall not be considered till the satisfactory completion of the probation period in the new post.

10. **Past service** rendered by a Government employee in a State Government/statutory body/Autonomous body/Public Sector organisation, before appointment in the Government shall not be counted towards Regular Service.

11. 'Regular service' shall include all periods spent on deputation/foreign service, study leave and all other kind of leave, duly sanctioned by the competent authority.

12. The MACPS shall also be applicable to work charged employees, if their service conditions are comparable with the staff of regular establishment.

13. Existing time-bound promotion scheme, including in-situ promotion scheme, Staff Car Driver Scheme or any other kind of promotion scheme existing for a particular category of employees in a Ministry/Department or its offices, may continue to be operational for the concerned category of employees if it is decided by the concerned administrative authorities to retain such Schemes, after necessary consultations or they may switch-over to the MACPS. However, these Schemes shall not run concurrently with the MACPS.

14. The MACPS is directly applicable only to Central Government Civilian employees. It will not get automatically extended to employees of Central Autonomous/Statutory Bodies under the administrative control of a Ministry/Department. Keeping in view the financial implications involved, a conscious decision in this regard shall have to be taken by the respective Governing Body/Board of Directors and the administrative Ministry concerned and where it is proposed to adopt the MACPS, prior concurrence of Ministry of Finance shall be obtained.

Contd...P-7/-

15. If a financial upgradations under the MACPS is deferred and not allowed after 10 years in a grade pay, due to the reason of the employees being unfit or due to departmental proceedings, etc., this would have consequential effect on the subsequent financial upgradation which would also get deferred to the extent of delay in grant of first financial upgradation.

16. On grant of financial upgradation under the Scheme, there shall be no change in the designation, classification or higher status. However, financial and certain other benefits which are linked to the pay drawn by an employee such as HBA, allotment of Government accommodation shall be permitted.

17. The financial upgradation would be on non-functional basis subject to fitness, in the hierarchy of grade pay within the PB-1. Thereafter for upgradation under the MACPS the benchmark of 'good' would be applicable till the grade pay of Rs. 6600/- in PB-3. The benchmark will be 'Very Good' for financial upgradation to the grade pay of Rs. 7600 and above.

18. In the matter of disciplinary/ penalty proceedings, grant of benefit under the MACPS shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of the CCS (CCA) Rules, 1965 and instructions issued thereunder.

19. The MACPS contemplates merely placement on personal basis in the immediate higher Grade pay /grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Therefore, no reservation orders/roster shall apply to the MACPS, which shall extend its benefits uniformly to all eligible SC/ST employees also. However, the rules of reservation in promotion shall be ensured at the time of regular promotion. For this reason, it shall not be mandatory to associate members of SC/ST in the Screening Committee meant to consider cases for grant of financial upgradation under the Scheme.

20. Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/grade pay under the MACPS.

21. Pay drawn in the pay band and the grade pay allowed under the MACPS shall be taken as the basis for determining the terminal benefits in respect of the retiring employee.

22. If Group "A" Government employee, who was not covered under the ACP Scheme has now become entitled to say third financial upgradation directly, having completed 30 year's regular service, his pay shall be fixed successively in next three immediate higher grade pays in the hierarchy of revised pay-bands and grade pays allowing the benefit of 3% pay fixation at every stage. Pay of persons becoming eligible for second financial upgradation may also be fixed accordingly.

Contd..P-8/-

23. In case an employee is declared surplus in his/her organisation and appointed in the same pay-scale or lower scale of pay in the new organization, the regular service rendered by him/her in the previous organisation shall be counted towards the regular service in his/her new organisation for the purpose of giving financial upgradation under the MACPS.

24. In case of an employee after getting promotion/ACP seeks unilateral transfer on a lower post or lower scale, he will be entitled only for second and third financial upgradations on completion of 20/30 years of regular service under the MACPS, as the case may be, from the date of his initial appointment to the post in the new organization.

25. If a regular promotion has been offered but was refused by the employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed as such an employee has not been stagnated due to lack of opportunities. If, however, financial upgradation has been allowed due to stagnation and the employees subsequently refuse the promotion, it shall not be a ground to withdraw the financial upgradation. He shall, however, not be eligible to be considered for further financial upgradation till he agrees to be considered for promotion again and the second the next financial upgradation shall also be deferred to the extent of period of debarment due to the refusal.

26. Cases of persons holding higher posts purely on adhoc basis shall also be considered by the Screening Committee alongwith others. They may be allowed the benefit of financial upgradation on reversion to the lower post or if it is beneficial vis-a-vis the pay drawn on adhoc basis.

27. Employees on deputation need not revert to the parent Department for availing the benefit of financial upgradation under the MACPS. They may exercise a fresh option to draw the pay in the pay band and the grade pay of the post held by them or the pay plus grade pay admissible to them under the MACPS, whichever is beneficial.

28. **Illustrations**

A (i) If a Government servant (LDC) in PB-I in the Grade Pay of Rs.1900 gets his first regular promotion (UDC) in the PB-I in the Grade Pay of Rs.2400 on completion of 8 years of service and then continues in the same Grade Pay for further 10 years without any promotion then he would be eligible for 2nd financial upgradation under the MACPS in the PB-I in the Grade Pay of Rs.2800 after completion of 18 years (8+10 years).

(ii) In case he does not get any promotion thereafter, then he would get 3rd financial upgradation in the PB-II in Grade Pay of Rs.4200 on completion of further 10 years of service i.e. after 28 years (8+10+10).

(iii) However, if he gets 2nd promotion after 5 years of further service in the pay PB-II in the Grade Pay of Rs.4200 **(Asstt. Grade/Grade "C")** i.e. on completion of 23 years (8+10+5years) then he would get 3rd financial upgradation after completion of 30 years i.e. 10 years after the 2nd ACP in the PB-II in the Grade Pay of Rs.4600.

Contd...P-9/-

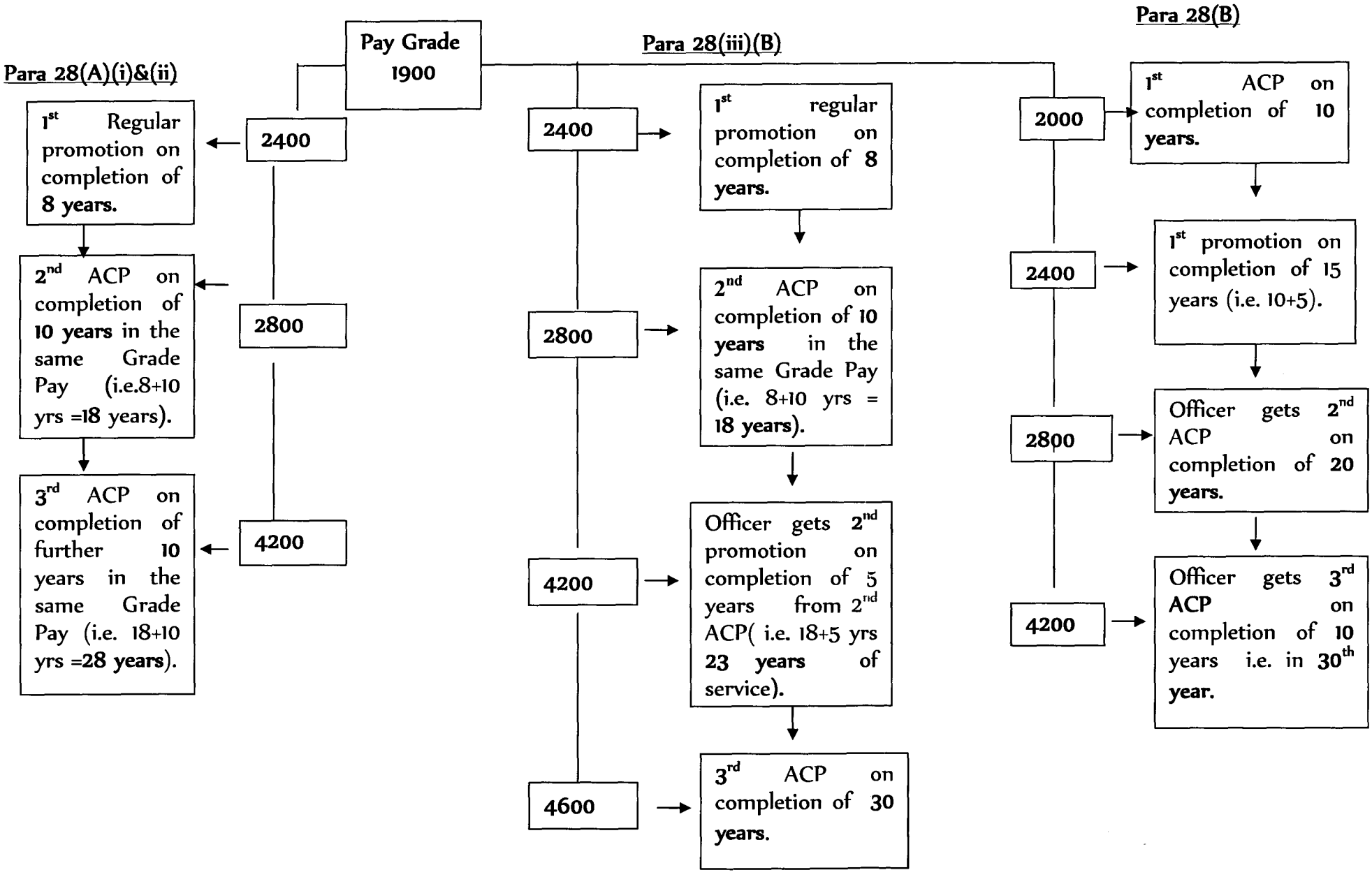
In the above scenario, the pay shall be raised by 3% of the total pay in the Pay Band and Grade Pay drawn before such upgradation. There shall, however, be no further fixation of pay at the time of regular promotion if it is in the same Grade Pay or in the higher Grade Pay. Only the difference of grade pay would be admissible at the time of promotions.

B. If a Government servant (LDC) in PB-1 in the Grade Pay of Rs.1900 is granted 1st financial upgradation under the MACPS on completion of 10 years of service in the PB-1 in the Grade Pay of Rs.2000 and 5 years later he gets 1st regular promotion (UDC) in PB-1 in the Grade Pay of Rs.2400, the 2nd financial upgradation under MACPS (in the next Grade Pay w.r.t. Grade Pay held by Government servant) will be granted on completion of 20 years of service in PB-1 in the Grade Pay of Rs.2800. On completion of 30 years of service, he will get 3rd ACP in the Grade Pay of Rs. 4200. However, if two promotions are earned before completion of 20 years, only 3rd financial upgradation would be admissible on completion of 10 years of service in Grade Pay from the date 2nd promotion or at 30th year of service, whichever is earlier.

C. If a Government servant has been granted either two regular promotions or 2nd financial upgradation under the ACP Scheme of August, 1999 after completion of 24 years of regular service then only 3rd financial upgradation would be admissible to him under the MACPS on completion of 30 years of service **provided that he has not earned third promotion in the hierarchy.**

(S.Jainendra Kumar)
Deputy Secretary to the Govt. Of India

ILLUSTRATIONS



No.35034/1/2000-Estt(D)
Government of India
Ministry of Personnel , Public. Grievances. & Pensions
(Department of Personnel and Training)

New Delhi-100001
Dated September 12, 2003

No.35034/1/2000-Estt(D)
Government of India
Ministry of Personnel, P. G. and Pensions
(Department of Personnel and Training)

.....

New Delhi-110001
September 12, 2003

OFFICE MEMORANDUM

Subject:- ACP Scheme for the Central Government civilian employees.

.....

The undersigned is directed to say that in this Department's Office Memorandum No. 35034/1/1999-Estt (D) dated 9.8.1999, introducing the Assured Career Progression Scheme (ACPS) for Central Government employees, condition no. 7 (Annexure-I) provides that in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (standard/common) pay scales as indicated in Annexure-II. This list does not include some of the non-standard pay scales.

2. One of the prescribed pay scales is Rs. 12000-375-18000, figuring at S.No. 17 of the Annexure-II. Therefore, officers holding isolated Gr. 'A' posts in the grades of Rs. 10,000-325-15200 (S-19) are entitled to first and second financial upgradations in the scales of Rs. 12000-375-16500 (S-21) and Rs. 12,000-375-18000 (S-23) respectively. Similarly holders of isolated Gr. A posts in the grades of Rs. 12000-375-16500 (S-21) and Rs. 12750-375-16500 (S-22) are entitled to first and second financial upgradations in the grade of Rs. 12000-375-18000 (S-23) and Rs 14300-18300 (S-24) respectively.

3. A number of references have been received seeking a review of the decision to include the scale of Rs. 12000-375-18000 (S-23) in the list of standard/common grades on the ground that it is not a standard/common grade and same considerations on the basis of which the pay scale of Rs. 12750-375-16500 (S-22) was excluded from the list of standard/common grades should have applied to this scale also. It has also been pointed out that grant of financial upgradation under ACPS in the scale of Rs. 12000-18000 (S-23) to those who are already drawing pay in the scale of Rs. 12000-375-16500 (S-21), either by virtue of holding a post in this grade on isolated basis or under ACPS, does not provide any financial relief in a true sense to the stagnating officer as the two scales are essentially analogous grades.

4. The matter has been considered in consultation with the Ministry of Finance, Department of Expenditure. It has been decided to delete the pay scale of Rs. 12,000-375-18,000 (S-23) from the list of standard/common pay scales in Annexure-II of DoPT O.M. dated 9.8.1999 (ACP Scheme) with effect from the date of introduction of the Scheme itself. Consequently, the benefits under ACPS may be allowed as under:

Contd...2/-

(i) holder of an isolated Group-'A' post in the scale of Rs. 10,000-325-15,200 will be eligible for first financial up gradation on completion of 12 years in the grade of Rs. 12,000-375-16,500. He will be eligible for second financial up gradation on completion of further 12 years to the grade of Rs. 14,300-400-18,300.

(ii) holder of an isolated Group-'A' post in the scales of Rs. 12,000-375-16,500/Rs. 12,750-375-16,500/Rs. 12,000-375-18,000 will be eligible for one financial upgradation on completion of 12 years of service in the grade of Rs. 14,300-400-18,300. However, he will not be eligible for any further upgradation under ACP Scheme, as the scale of Rs. 14,300-400-18,300 is the highest scale applicable under the ACP Scheme.

5. Revised benefits, in terms of the above decision, may be allowed with effect from 9.8.99 or from the date of completion of the 12/24 years of service, whichever is later, subject to clearance by the Screening Committee.

6. Hindi version will follow.

(Alok Sarena)
Director

All Ministries/Departments of Government of India.

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2) All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.
3) All Offices in DOPT.
4) Secretary, National Commission for Minorities, New Delhi.
5) Secretary, National Commission for Scheduled Castes/Scheduled Tribes.
6) Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.
7) Facilitation Centre, DoP&T – ***20 copies***.
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10) Deptt. of Expenditure (IC) w.r.t. I.D. No. 169/2/2003-IC dated 29.7.2003 – **5 copies.**

संख्या 35034/2/2001-स्थापना (घ)

भारत-सरकार

कार्मिक, लोक-शिकायत तथा पेंशन-मंत्रालय

(कार्मिक और प्रशिक्षण-विभाग)

नई दिल्ली - 110 001.

दिनांक जून 01, 2001

कार्यालय-ज्ञापन

विषयः सुनिश्चित कॅरिअर-प्रोन्नयन की योजना के अंतर्गत केन्द्रीय सरकार के समूह 'घ' सिविल कर्मचारियों को वित्तीय उन्नयन दिए जाने के बारे में स्पष्टीकरण ।

अधोहस्ताक्षरी को यह निवेदन करने का निदेश हुआ है कि सुनिश्चित कॅरिअर-प्रोन्नयन की योजना के अंतर्गत केन्द्रीय सरकार के समूह 'घ' सिविल कर्मचारियों को देय वित्तीय उन्नयन के बारे में संदेह के मुद्दे संख्या 9 के उत्तर में कार्मिक और प्रशिक्षण-विभाग द्वारा अपने दिनांक फरवरी 10, 2000 के कार्यालय-ज्ञापन संख्या 35034/1/97-स्थापना (घ) (खण्ड iv) द्वारा जारी किए गए स्पष्टीकरण की वित्त-मंत्रालय, व्यय-विभाग के दिनांक फरवरी 12, 2001 के कार्यालय ज्ञापन संख्या 6/1/98-आई.सी.-। (प्रति संलग्न) के मद्देनज़र समीक्षा कर ली गई है जिसके द्वारा औद्योगिक और कार्यशाला से संबद्ध श्रेणियों और रेलवे में कार्यरत समूह 'घ' के कर्मचारियों से भिन्न, अन्य सभी समूह 'घ' कर्मचारियों के संबंध में लागू, संशोधन से पहले के दीर्घीकृत 775-12-871-14-955-15-1030-20-1150 रूपए के वेतनमान के प्रतिस्थापन में, 01.01.1996 से 2610-60-2910-65-3300-70-4000 रूपए का दीर्घीकृत **वेतनमान-2 क** लागू किया गया है । तद्नुसार, यह तय किया गया है कि कार्मिक और प्रशिक्षण-विभाग के दिनांक अगस्त 09, 1999 के कार्यालय-ज्ञापन संख्या 35034/1/97-स्थापना (घ) द्वारा लागू की गई, सुनिश्चित कॅरिअर-प्रोन्नयन की योजना के अन्तर्गत, केन्द्रीय सरकार के समूह 'घ' सिविल कर्मचारियों को **संशोधित पद-क्रम के ग्रेडों/वेतनमानों** में वित्तीय उन्नयन, जहाँ कहीं लागू संशोधित दीर्घीकृत **वेतनमान - 2 क** को ध्यान में रखकर दिए जाएँ बशर्ते कि सुनिश्चित कॅरिअर-प्रोन्नयन की योजना में विनिर्दिष्ट पदोन्नति के मानदण्डों से जुड़ी अपेक्षाएँ पूरी किए जाने सहित सभी शर्तें पूरी की जा रही हों । फिर भी यह वित्तीय उन्नयन दिया जाना निम्नलिखित के अधीन रहेगा :-

(i) 12 वर्ष की नियमित सेवा पूरी कर लेने पर पहला वित्तीय उन्नयन **कम से कम** 2610-60-2910-65-3300-70-4000 रूपए के **वेतनमान-2 क** में हो ।

.....2/-

(ii) 24 वर्ष की नियमित सेवा पूरी कर लेने पर दूसरा वित्तीय उन्नयन **कम से कम** 2750-70-3800-75-4400 रूपए के **वेतनमान - 4** में हो । फिर भी, केन्द्रीय सरकार के जो समूह 'घ' सिविल कर्मचारी मैट्रिक-पास हों और अवर श्रेणी-लिपिक के पद पर पदोन्नति के पात्र हों, उन्हें दूसरा वित्तीय उन्नयन **कम से कम** 3050-75-3950-80-4590 रूपए के **वेतनमान - 5** में दिया जाए ।

2. उपर्युक्त निर्णय, सुनिश्चित कॅरिअर-प्रोन्नयन की योजना लागू किए जाने की तारीख़ अर्थात् अगस्त 09, 1999 से कार्यान्वित किया जाए ।

3. सुनिश्चित कॅरिअर-प्रोन्नयन की योजना के अंतर्गत समूह 'घ' कर्मचारियों को पहले से ही दे दिए गए वित्तीय उन्नयनों की समीक्षा की जाए और उपर्युक्त निर्णय के मद्देनज़र उन्हें संशोधित कर दिया जाए ।

4. कुछ मंत्रालयों/विभागों/संगठनों में **वेतनमान - 2/वेतनमान - 3** के स्तर पर शुरू में भर्ती किए गए समूह 'घ' कर्मचारियों के निर्धारित शैक्षिक अर्हता अर्थात् मैट्रिक-पास नहीं होने के बावजूद उन्हें सुनिश्चित कॅरिअर-प्रोन्नयन की योजना के अंतर्गत अवर श्रेणी लिपिक-ग्रेड का **वेतनमान - 5** दे दिया गया है । ऐसा **उन्नयन ग़लती से दिया गया है, क्योंकि अगस्त 09, 1999 को अधिसूचित, सुनिश्चित कॅरिअर-प्रोन्नयन की योजना की शर्त संख्या 6 के अनुसार, संगत भर्ती-नियमों/सेवा-नियमों में नियमित पदोन्नति करने हेतु विनिर्दिष्ट किसी शैक्षिक अर्हता सहित,** पदोन्नति के मानदण्डों से जुड़ी सभी अपेक्षाएँ पूरी करना, पद-क्रम के ग्रेडों में वित्तीय उन्नयनों का लाभ दिए जाने के संबंध में अनिवार्य अपेक्षा है । **अतः, ऐसे मामलों की समीक्षा की जाए और पहले से ही कर दिए गए अतिरिक्त भुगतान की तुरन्त वसूली की जाए ।**

5. सभी मंत्रालय/विभाग, इस मामले में सामान्य मार्गदर्शन और समुचित कार्रवाई हेतु इस निर्णय का व्यापक परिचालन करें ।

(कृष्ण कांत झा)
निदेशक (स्थापना)

सेवा में,

भारत-सरकार के सभी मंत्रालय/विभाग ।

F.No.35034/1/97-Estt(D)(Vol.IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
July 18, 2001

OFFICE MEMORANDUM

Subject: - ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES - CLARIFICATIONS REGARDING

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number dated August 9, 1999 regarding the Assured Career Progression Scheme (ACPS) and subsequent Office Memorandum dated February 10, 2000 clarifying the various points of doubt received from various quarters.

2. Some more situations in which a doubt persists in various organizations in regard to applicability/implementation of ACP Scheme have been brought to the notice of this Department. These have been duly examined and appropriate advice has been conveyed in individual cases. However, as it is observed that similar doubts are being received from various other Ministries/Departments/Organizations, it has been considered appropriate to issue a second set of clarificatory orders containing point-wise clarification to the additional points of doubt.

3. *Cases where the ACP Scheme has already been implemented shall be reviewed/rectified if the same are not found to be in accordance with the scheme/clarifications.*

3. All Ministries/Departments may give wide circulation to these clarificatory instructions for general guidance and appropriate action in the matter.

4. Hindi version would follow.

(R.K. GOEL)

DEPUTY SECRETARY TO THE GOVT OF INDIA

To

All Ministries/Departments of the Government of India

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2. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions.

3. Secretary, National Commission for Minorities, New Delhi.

4. Secretary, National Commission for Scheduled Castes/Scheduled Tribes.

5. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi.

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ANNEXURE

[Reference: Office Memorandum No. 35034/1/97-Estt(D)(Vol.IV) dated 18.7.2001]

S.No.	Point of doubt	Clarification
33.	An employee was promoted from Grade 'A' to Grade 'C'. Grade 'B' was introduced in the hierarchy in between Grade 'A' and Grade 'C' subsequent to such promotion. Will he be entitled to any more financial upgradation under the ACP Scheme (ACPS) considering that he is already placed in the third level of the hierarchy?	The reply is in the affirmative. The employee has got only one promotion in his career as per the hierarchy existing at the time of his promotion. The subsequent creation of the post in Grade 'B' will not, therefore, make any material difference in the situation in relation to the case of this employee for the purpose of grant of second financial upgradation under ACPS The newly created Grade 'B' would, as such, need to be ignored in his case. However, persons in Grade 'A', who become entitled to financial upgradation only after introduction of Grade 'B' in the hierarchy, will be entitled for grant of financial upgradation only in Grade 'B' subject to fulfillment of the other stipulations and conditions specified in the ACP Scheme introduced on 9.8.1999
34.	An employee has superannuated after 9.8.1999, i.e. the date from which ACPS was introduced. He had completed the required eligibility service as on 9.8.1999 for grant of financial upgradation but he retired on superannuation before the Screening Committee could meet to assess his suitability for grant of benefits under ACPS. Will he be entitled for financial upgradation under ACPS?	In terms of condition no. 3 of the ACP Scheme introduced *vide* O.M. dated 9.8.1999, the financial benefit under the ACPS shall be granted from the date of completion of the eligibility period prescribed under the ACPS or from the date of issue of the instructions whichever is later. Therefore, in respect of employees who had completed eligibility service as on 9.8.1999 but retired prior to meeting of the first Screening Committee meeting, if the assessment to decide grant of financial upgradation is based on ACRs and other service records, the employees who retired after 9.8.1999 may also be considered by the Screening Committee and, if recommended for grant of financial upgradation, such employees may be allowed the benefit of ACPS from the due date. If, however, the assessment also includes passing of a trade test/skill test/written examination (as prescribed for regular promotion) under ACPS and the employee had not qualified in such tests already, then it may not be possible to consider the retired persons, as assessment based on such tests is not possible after the date of superannuation.

35.	Whether placement/appointment in higher scales of pay based on the recommendations of the Pay Commissions or Committees set up to rationalise the cadres is to be reckoned as promotion/financial upgradation and offset against the two financial upgradations applicable under the ACP Scheme?	Where all the posts are placed in a higher scale of pay, with or without a change in the designation; without requirement of any new qualification for holding the post in the higher grade, not specified in the Recruitment Rules for the existing post, and without involving any change in responsibilities and duties, then placement of all the incumbents against such upgraded posts is not be treated as promotion/upgradation. Where, however, rationalisation/restructuring involves creation of a number of new hierarchical grades in the rationalised set up and some of the incumbents in the pre-rationalised set up are placed in the hierarchy of the restructured set up in a grade higher than the normal corresponding level taking into consideration their length of service in existing pre-structured/pre-rationalised grade, then this will be taken as promotion/upgradation. If the rationalised/restructured grades require possession of a specific nature of qualification and experience, not specified for the existing posts in pre-rationlised set up, and existing incumbents in pre-rationalised scales/pre-structured grades, who are in possession of the required qualification/ experience are placed directly in the rationalised upgraded post, such placement will also not be viewed as promotion/upgradation. However, if existing incumbents in the pre-rationalised grades who do not possess the said qualification/ experience are considered for placement in the corresponding rationalised grade only after completion of specified length of service in the existing grade, then such a placement will be taken as promotion/upgradation. Where placement in a higher grade involves assumption of higher responsibilities and duties, then such upgradation will be viewed as promotion/upgradation. Where only a part of the posts are placed in a higher scale and rest are retained in the existing grade, thereby involving redistribution of posts, then it involves creation of another grade in the hierarchy requiring framing of separate recruitment rules for the upgraded posts. Placement of existing incumbents to the extent of upgradations involved, in the upgraded post will also be treated as promotion/upgradation

		and offset against entitlements under the ACPS. For any doubts in this regard, matter should be referred to the Department of Personnel and Training (Establishment 'D' Section) giving all relevant details.
36.	An employee was initially appointed on deputation in a grade higher than the grade of the post held on regular basis and was subsequently absorbed against the ex-cadre post. Will such initial period of deputation in the higher grade prior to date of absorption be counted towards residency period/ 'regular service' for purposes of ACPS?	In reply to points of doubt No. 4 to 6 in DoP&T O.M. dated 10.2.2000, it has been stated that where a person is appointed on direct recruitment/transfer basis from another post in the same grade, then past regular service as well as past promotions, in the earlier post, will be counted for computing regular service for the purpose of ACPS in the new hierarchy. The reason being that so long as service is in the same scale during the period in question, it is immaterial whether he has been holding different posts in the same scale. However, if the appointment is made to a post in a higher grade, then such appointment , whether by direct recruitment or by transfer or initially on deputation followed by absorption, will be treated as direct recruitment and past service/promotion (which was in a different scale) will not be counted In the case where a person is appointed to an ex-cadre post in higher scale initially on deputation followed by absorption, while the service rendered in the earlier post, which was in a lower scale can not be counted, there is no objection to the period spent initially on deputation in the ex-cadre post prior to absorption being counted towards regular service for the purposes of grant of financial upgradation under ACPS as it is in the same scale of pay and same post.
37.	Whether it is necessary to have SC/ST members in the Screening Committees set up for grant of ACPS?	As clarified *vide* condition no. 12 of ACP Scheme (vide DoP&T O.M. dated 9.8.1999), reservation orders/roster shall not apply to the ACP Scheme. Consequently, it is not necessary to have an officer from SC/ST communities on the Screening Committee constituted for deciding the suitability of the employee for upgradations under ACPS.
38.	A person has refused a vacancy-based promotion offered to him prior to his becoming eligible for financial upgradation under ACPS, on personal grounds. Will he be eligible for financial upgradation under ACPS?	The ACP Scheme has been introduced to provide relief in cases of acute stagnation where the employees, despite being eligible for promotion in all respects, are deprived of regular promotion for long periods due to non-availability of vacancies in the higher grade. Cases of holders of isolated posts

	A person had refused a regular promotion for personal reasons. He has since completed 24 years' of service. Will he be entitled for 2nd financial upgradation?	have also been covered under ACPS, as they do not have any promotional avenues. However, where a promotion has been offered before the employee could be considered for grant of benefit under ACPS but he refuses to accept such promotion, then he cannot be said to be stagnating as he has opted to remain in the existing grade on his own volition. As such, there is no case for grant of ACPS in such cases. The official can be considered for regular promotion again after the necessary debarment period. In the second case also, since in terms of condition No. 10 of the ACPS, on grant of ACPS, the employee shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy, the officer will have to give in writing his acceptance of the regular promotion when offered again after the debarment period before he can be considered for grant of second financial upgradation under ACPS.
39.	An employee is appointed to a lower grade as a result of unilateral transfer on personal request in terms of FR 15(2). Will the period of service rendered in the higher post count for the purposes of ACPS?	Condition no. 14 of the ACPS (DoP&T O.M. dated 9.8.1999), inter-alia, states that in case of transfer including unilateral transfer on request, regular service rendered in previous organisation shall be counted along with regular service in the new organisation for the purposes of getting financial upgradation under the Scheme. This condition covers cases where a unilateral transfer is to a lower post. However, financial upgradations under the ACPS shall be allowed in the hierarchy of the new post.
40.	An employee drawing pay in the scale of Rs.800-1150 (pre-revised) was declared surplus and was re-deployed as Peon in a Ministry through the Surplus Cell in the scale of Rs.750-940 (pre-revised). However, he was allowed to draw pay in the scale of Rs.800-1150 as personal to him even after redeployment in the lower grade. What shall be his entitlements under ACPS?	As the employee has remained in the scale of Rs.800-1150 all along and has not availed any promotion, he is entitled to two financial upgradations in a scale higher than Rs.800-1150 (pre-revised) irrespective of the post actually held after redeployment. Since in the Ministry, a Group 'D' employee is eligible for promotion to the grade of LDC provided he is a matriculate and as a post in the scale of Rs.825-1200 (S-4) is not in the normal hierarchy in the Secretariat, such an employee can be considered for two financial upgradations in the grades of LDC and UDC provided he is a matriculate Otherwise he will get only one financial upgradation in the revised scale of Rs.825-1200 (Rs.2750-4400 revised). Cases of other persons re-deployed to lower posts through the Surplus Cell may also be regulated accordingly.

41.	A cadre consists of 4 Grades - 'A', 'B', 'C' and 'D' (in ascending order). Upon restructuring of a cadre, Grade 'B' is abolished from a date subsequent to 9.8.1999. Employees recruited in Grade 'A', who are eligible for financial upgradation on or after 9.8.1999 but before the date of effect of restructuring, get first/second financial upgradation in Grade 'B' and Grade 'C' respectively but those who become eligible for financial upgradation after the restructuring has been effected are entitled to first financial upgradation in Grade 'C' and second financial upgradation in Grade 'D'. This is anomalous. The cases of earlier set of employees should be reviewed and they may be allowed financial upgradations as applicable to the latter category of employees.	The benefit of ACP Scheme is to be allowed as per the hierarchy existing, as on the date the employees become eligible for financial upgradation under ACPS. . Cadres/hierarchical structures are never static and are always subject to review based on recommendations of Pay Commissions/Expert Committees or otherwise and it is not possible to review the entitlements under ACPS already earned every time a cadre is reviewed. ACPS is only a temporary solution to provide relief to stagnating employees and the lasting solution for stagnation lies in review of cadre structures, as regular promotions will be earned in such restructured grades. All the employees will benefit from such cadre restructuring.
42.	An employee in Grade 'A' is eligible for promotion simultaneously to Grades 'B', 'C' and 'D' (in ascending order) with varying requirements of length of service in the present grade. In other words, he has multiple channels of promotion. What shall be his eligibility under the ACP?	Provisions in the existing Recruitment Rules in various organisations providing for multiple channels for promotion are not consistent with the guidelines on framing of the Recruitment Rules. All such Rules should be reviewed immediately so as to provide only a single channel of promotion. However, till such a review is undertaken, the first financial upgradation in such cases shall be allowed with reference to the lowest promotional Grade which is Grade 'B' If he does not earn any promotion in 24 years, his second financial upgradation will be as per the hierarchy of Grade 'B'. However, if he has already earned one regular promotion, then his second financial upgradation shall be as per the hierarchy of the Grade to which he has been promoted.
43.	Whether service rendered in an autonomous body/statutory body/ State Government prior to appointment in Central Government as a direct recruit prior to appointment in the Central Government will be counted while computing regular service for the purpose of grant of financial upgradations under the ACP Scheme?	ACP Scheme is applicable to Central Government Civilian employees and for the purpose of financial upgradations under the ACP Scheme, only the regular service rendered after regular appointment in a Central Government civilian post is to be counted. Therefore, service rendered in an autonomous body/statutory body/State Government is not to be counted for the purpose. Correspondingly, promotions earned in these bodies prior to appointment in the Central Government are also to be ignored. The clarification in reply to point of doubt no. 4 to 6 in DoP&T O.M. dated 10.2.2000 providing for counting of past service in another organisation in the same

		grade is only in relation to past service in a civilian post held in the Central Government.
44.	On the basis of recommendations of the Fifth Central Pay Commission, a uniform pay structure has been introduced for Stenographers in the non-Secretariat organisations whereby the posts have been distributed in the ratio of 40:40:20 in the grades of Stenographer Grade-III (Rs.4000-6000), Stenographer Grade-II (Rs.5000-8000) and Stenographers Grade-I (Rs.5500-9000) However, in a particular non-Secretariat organisation, there is only an isolated post of Stenographer in the scale of Rs.4000-6000. Will he be entitled to financial upgradations in the scale of Rs.4500-7000 and Rs.5000-8000 as per Annexure II to O.M. dated 9.8.1999 or can he be allowed financial upgradations in the grades of Stenographer Grade-II and Stenographer Grade-I ?	In reply to point of doubt No. 10 in DoP&T O.M. dated 10.2.2000, it has been stated that the scales of pay for ACPS for isolated posts shall be same as those applicable for similar posts in the same Ministry/Department/Cadre except where the Pay Commission has recommended specific pay scales for mobility under ACPS. Such cases may be specifically examined by respective Ministries/Departments in consultation with the Department of Personnel and Training. In the case of remaining isolated posts, the pay scales contained in Annexure-II of O.M. dated August 9, 1999 shall apply. Thus, hierarchy in Annexure-II of O.M. dated August, 9, 1999 applies where Pay Commission has not made any specific recommendation regarding scales to be allowed under the ACPS and where it is not possible to identify similar posts in same organisation. In the case of stenographers in non-Secretariat organisations, which is a common category post, the Pay Commission has recommended a uniform grade structure for which has been accepted by the Government. Since the isolated post of Stenographer in scale of Rs.4000-6000 in a subordinate office is comparable to corresponding posts of Stenographer Grade-III in other non-Secretariat organisations under the same Ministry, the uniform pay (grade) structure for Stenographers may be adopted for the purpose of allowing financial upgradations to the said isolated post. In the instant case of an isolated post of Stenographer (Rs.4000-6000) in a non-Sect organisation, first and the second financial upgradations may be allowed in the scales of Rs.5000-8000 (Steno Grade-II) and Rs.5500-9000 (Stenographer Grade-I) respectively provided he is otherwise eligible. A similar approach can be adopted in respect of all other isolated posts belonging to common categories for which Pay Commission has similarly recommended a uniform grade structure which has been accepted and notified in part 'B' of the Ministry of Finance notification dated September 30, 1997 or agreed to by the Government subsequently. If such an isolated post is in a Central Ministry/Department, then the structure as recommended and accepted for similar common category posts in the Central

		Ministry/ Department may be adopted. If the isolated post is in a non-Secretariat organisation, then the uniform hierarchy as recommended for similar posts in the non-Secretariat organisations may be followed.
45.	In certain organisations, an employee after his selection on direct recruitment basis or even on promotion is required to undergo an induction training before he is given a functional post. Whether such induction training shall count towards the eligibility service for ACPS?	If under the relevant Recruitment/Service Rules, the induction training counts towards eligibility service for regular promotion, the same will also be counted towards the 12-years/24 years residency period/regular service required for financial upgradations under ACP Scheme.
46.	A person is working in the immediate promotional grade on ad-hoc basis. Is he eligible for financial upgradation under the ACP Scheme? Will his pay be refixed.?	An ad-hoc promotion is made only in an exigency of work where the post cannot be kept vacant and such appointment is to be discontinued as soon as a regular incumbent is appointed. In terms of existing guidelines, continuation of such arrangement beyond one year is also subject to prior concurrence of DoP&T. Thus such an employee can be reverted to the original regular post at any moment. Therefore, case of an employee holding the higher promotional grade/any other post on ad-hoc basis, for grant of financial upgradation under ACPS cannot be ignored. Upon being recommended for grant of financial upgradation in the higher grade, his pay may be refixed with reference to the pay drawn in the post held on regular basis under FR 22 (I)(a)(i) subject to a minimum benefit of Rs. 100 as per the provisions of the ACPS. If, on pay fixation under ACPS, the pay gets fixed at a stage higher than the pay already drawn on ad-hoc basis, he may be allowed such higher pay.
47.	An employee was allowed promotion in a higher grade in terms of the Ministry of Finance O.M No. 10(1)/E.III/88 dated September 13, 1991. However, on introduction of ACPS, the benefit of the said O.M. is to be withdrawn so as to allow the benefits under the ACPS in terms of the stipulation that no time bound promotion/insitu promotion scheme can run concurrently with the ACPS. Will the benefit of higher grade drawn prior to 9.8.1999 will also be withdrawn?	No. It will only be a switchover from the existing scheme to the ACP Scheme as on 9.8.1999. While determining his entitlements under ACPS on or after 9.8.1999, pay benefits already drawn upto 9.8.1999 in the higher grade allowed under the Scheme of September 13, 1991 are not to be recovered.
48.	Whether sealed cover procedure as laid down *vide* DoP&T O.M. No. 22011/4/91-Estt (A) dated 14.9.1992 is	Yes. Condition no. 11 of the ACP Scheme issued vide DoP&T O.M. dated 9.8.1999 clearly states that in the matter of disciplinary/penalty proceedings, grant of

	to be followed in cases relating to ACP also?	benefits under the ACP Scheme shall be subject to rules governing normal promotion. Therefore, when the employee is exonerated, the recommendations of the Screening Committee placed in a sealed cover will be opened and its recommendations acted upon. If he has been recommended for grant of financial upgradation, the benefit of the same will be allowed from 9.8.1999 or from the date of completion of 12/24 years regular service, which ever is later. If, however, the employee is not exonerated and a formal penalty is imposed, sealed cover will not be opened and the case of employee will be considered only in the next meeting of the Screening Committee. If such Screening Committee, having regard to all relevant facts, recommends grant of financial upgradation, then such upgradation shall be allowed only on expiry of the period of penalty and not during the currency of the penalty. If penalty imposed is Censure or recovery of loss to the Government, then such upgradation shall be allowed from the date of meeting of the Screening Committee which met to consider his case subsequent to imposition of penalty. The next financial upgradation shall be allowed only on completion of 12 years regular service from the date from which the first upgradation under the ACP is allowed and not necessarily on completion of 24 years of service.
49.	Whether any period(s) of break-in-service under FR 17A declared during the career of an employee will have any adverse effect on his getting financial upgradation under the ACP Scheme?	Break in service under FR 17A incurs only 3 specific disabilities as specified in the relevant FR. It does not affect the normal regular promotions. Consequently, it will have no affect on financial upgradation under the ACP Scheme.
50.	Whether temporary service in respect of a person who was declared surplus and redeployed through the Surplus Cell will be counted with the subsequent regular service in the new Organisation for purposes of the ACP Scheme. What will be the position in respect of those temporary employees who at the time of retrenchment did not possess the required service to be taken on the rolls of Surplus cell and were terminated but were offered fresh appointment in a new organisation through the efforts of the parent Ministry/Department.	If the redeployment through the Surplus Cell is in the same/lower scale, such temporary service (and not an ad-hoc service) rendered prior to retrenchment may count towards regular service for purposes of ACPS in the new organisation. If the redeployment is in a higher grade, regular service will count only from the date of appointment in the new Organisation. However, this will not cover cases of those temporary employees who had put in less than the required length of service for being taken on the strength of the Surplus Cell and whose temporary service was terminated but were given preference in fresh appointment in the Government in terms of DoP&T O.M. dated 27.3.1976/29.6.78 read with DoP&T O.M.

		dated 22.1.1993. In their case, the past temporary service before retrenchment shall not count towards residency period for grant of ACPS
51.	Whether work charged staff is eligible to be covered under the ACPS?	If, in the matter of service conditions, work charged staff is comparable with the staff of regular establishment, there is no objection in extending the ACP Scheme to the work charged staff.
52.	Following the recommendations of the Pay Commission, feeder and promotional posts have been placed in the same scale. Consequently, hierarchy of a post comprises of Grades 'A', 'A' and 'C' i.e. the entry level and the first promotional grade are in the same scale. What shall be his entitlements under ACPS.	Normally, it is incorrect to have a feeder grade and a promotional grade in the same scale of pay. In such cases, appropriate course of action is to review the cadre structure. If as a restructuring, feeder and promotional posts are merged to constitute one single level in the hierarchy, then in such a case, next financial upgradation will be in the next hierarchical grade above the merged levels and if any promotion has been allowed in the past in grades which stand merged, it will have to be ignored as already clarified in reply to point of doubt No. 1 of O.M. dated 10.2.2000. However, if for certain reasons, it is inescapable to retain both feeder and promotional grades as two distinct levels in the hierarchy though in the same scale of pay, thereby making a provision for allowing promotion to a higher post in the same grade, it is inevitable that benefit of financial upgradation under ACPS has also to be allowed in the same scale. This is for the reason that under the ACPS, financial upgradation has to be allowed as per the 'existing hierarchy'. Financial upgradation cannot be allowed in a scale higher than the next promotional grade. However, as specified in condition No 9 of the ACP Scheme (vide DoP&T O.M. dated 10.2.2000, pay in such cases shall be fixed under the provisions of FR 22 (I)(a) (I) subject to a minimum benefit of Rs.100.
53.	If for promotion on regular basis, an employee has to possess a higher/ additional qualification, will it be necessary to insist on possession of these qualifications even while considering grant of financial upgradation under the ACPS?	In terms of condition No. 6 of, Annexure-I to DoP&T O.M. dated 9.8.1999, only those employees who fulfill all promotional norms are eligible to be considered for benefit under ACPS. Therefore, various stipulations and conditions specified in the recruitment rules for promotion to the next higher grade, including the higher/additional educational qualification, if prescribed, would need to be met even for consideration under ACPS.
54.	Whether EOL without medical certificate will count for computing regular service under ACPS	Unless the counting of such leave or any other kind of leave is specifically excluded under relevant rules governing promotions

		for being counted towards regular service for promotion (e.g. in some cases of promotions under Flexible Complementing Scheme), all kinds of leave including EOL without medical grounds normally counts towards regular service for promotion. EOL without medical grounds will be similarly treated while computing regular service for purposes of grant of financial upgradation under ACPS.
55.	A cadre has been restructured with proper sanction but the recruitment rules for the restructured grades are still to be framed. Whether the individuals be granted financial upgradation in the existing hierarchical order or in the revised hierarchical order introduced subsequently	Financial upgradation under ACP Scheme is to be allowed under the hierarchy existing as on 9.8.1999 or at the time one becomes eligible, which ever is later. Since a new hierarchy has come into being, financial upgradations may be allowed only in the restructured hierarchy. If model Recruitment Rules exist for such restructured grades, then Screening Committee may review cases on the basis of such model Rules? Otherwise, ACPS may be allowed after finalisation of Recruitment Rules but the benefit may be allowed from the due date.
56.	The Fifth Central Pay Commission has identified a number of common category posts spread across various Ministries/ Departments as well as in Offices outside the Secretariat as discussed in chapter 55 of its report and also in other Chapters and has made recommendations for adoption of uniform grade/cadre structure subject to functional needs of an individual organisation. In a large organisation, all the hierarchical levels as per uniform cadre/grade structure may be created while in a smaller office, a few levels of the uniform hierarchical structure may not be introduced keeping in view the functional needs of the organisation. Consequently, while in a larger organisation/cadre, promotions are allowed in consecutive hierarchical grades, in a smaller cadre, promotions involve substantial jumps though in such cases, the requirement of period of regular service in the feeder grade as specified in the Recruitment Rules may be longer. Since, under ACPS, the requirement of longer regular service in the feeder grade for promotion to such higher levels is not reckoned while considering financial upgradations, it results in a situation where persons belonging to common category and recruited at same time in same entry grades are entitled to financial	Financial upgradations under ACPS are to be allowed in the 'existing hierarchy'. However, in reply to point of doubt No. 2, it has already been clarified that existing hierarchy in relation to a cadre would mean the restructured grades recommended by the Fifth Central Pay Commission. Further, as an example, in reply to point of doubt no. 19, it has been stated that in order to secure upward mobility of library staff under the ACPS, it has been decided to adopt the pay structure as notified by the Ministry of Finance vide O.M. dated July 24, 1990 subject to the terms and conditions specified by them. Therefore, the ACPS already envisages that in respect of common category posts, if the Government has accepted a uniform standard hierarchical structure, then 'existing hierarchy' in relation to such common categories shall be the standard hierarchy as approved by the Government and not the hierarchy in a particular office, which, for functional considerations may not have all the grades. If such financial upgradations are allowed keeping purely such local hierarchy in view, it will result in vast disparities in entitlements under ACPS for identical category of posts which cannot be justified. It has the potential of generating huge disquiet and unrest, which will not be in public interest.

	upgradations in vastly different grades under ACPS. Is it not anomalous?	If, however, the Fifth Central Pay Commission has recommended a specific pay structure/ACP grades for a particular category in an organisation, which may seemingly belong to a common category, then the mobility under ACPS in respect of such specific posts in that organisation shall be through the grade structure/ACPS grades recommended for that organisation, if the same has been approved by the Government, and not the standard grade/hierarchical structure recommended for such common category.
57.	Whether an employee who has not been recommended for grant of financial upgradation under ACPS by a Screening Committee can be considered by the next Screening Committee to be held in the other half of the year or one held only on expiry of one year?	In para 6 of DoP&T O.M. dated 10.2.2000, it has been provided that the Screening Committee shall meet twice in a financial year – preferably in the first week of January and July for advance processing of the cases maturing in the respective half of the financial year concerned. Normally, a case, once considered, should be reviewed only in the Screening Committee to be held after one year. However, if an additional ACR report has become available in respect of such an employee before cases are processed for placing the other cases before the Screening Committee to be held in the second half, or if there is any other development which makes a material change in the matter of assessment from the position obtaining when the case was considered earlier by the Screening Committee, there is no objection to the case of such employee being considered in the subsequent Screening Committee to be held in the other half of the year. As regards date of effect for grant of ACPS in such cases, it is clarified that ACPS is applicable on 9.8.1999 or from date of completion of 12/24 years of regular service only in those cases where the employee is found fit for grant of ACPS at the first opportunity. If, however, he is found suitable only by a subsequent Screening Committee, the benefit of ACPS will be allowed to him only from the date of meeting of the Screening Committee in which he is recommended for grant of ACP. If the first financial upgradation is deferred in this manner, the second financial upgradation shall be allowed only after completion of 12 years of regular service from the date of first financial upgradation subject to fulfillment of the prescribed conditions. In this regard condition no. 4 of the Scheme is relevant.

58.	(i) An Inspector in a CPO in the pay scale of Rs.6500-10500 is entitled to benefits like Ration Allowance, Washing Allowance, Leave encashment for working on holidays, bonus etc. Some of these benefits are not admissible to incumbents of posts in the grade of Assistant Commandant (Rs.8000-13,500). Will the Inspector continue to get these benefits upon grant of financial upgradation in the grade of Assistant Commandant. (ii) Officers in the higher promotional grade are entitled to facilities like telephone at residence, reimbursement of cost of newspaper/magazines, which are not admissible to feeder grade post holder. Which such facilities are available when feeder grade holder is allowed financial upgradation under Caps in the grade of higher promotional post.	ACPS only allows financial upgradation and cannot be equated with regular promotion though normal promotion norms are insisted for grant of this financial upgradation. Even after grant of financial upgradation which is allowed as personal to the employee, he continues to hold the original post on regular basis, with same designation, classification, duties and responsibilities etc. In other words, except being allowed to draw pay in a higher grade the employee continues to be regular incumbent of the post to which he has been selected on regular basis as per the Recruitment Rules. Therefore, if there are certain perks and benefits, which are applicable to an employee as a result of his holding a particular post, the same will continue to be available to him, notwithstanding the fact that he may be placed in a higher grade on personal basis under ACPS. On the same analogy in the second case, except the entitlements like higher advance, HBA etc. which are linked to pay scale rather than status of the higher post, no privileges related to status of the higher post will be applicable in the event of grant of financial upgradation in the grade of the higher post. This has been clarified in condition No. 6 of the ACP Scheme introduced *vide* O.M. dated 9.8.1999 also.
59.	Where the Strength of Staff Car Drivers is not sufficient to introduce the Staff Car Driver Scheme notified by DoP&T, or where the organisation consciously decides to opt for the ACPS, how is the ACP to be regulated in case of such Staff Car Drivers.	As in the case of Stenographers discussed in point of doubt No. 44 above, Staff Car Drivers in such organisations may be allowed financial upgradations in the scales as applicable under the Staff Car Driver Scheme on completion of 12/24 years of regular service subject to passing of the trade tests as specified in the Scheme. However, where the Staff Car Driver Scheme is applicable, ACPS is not applicable.

IMMEDIATE

No.22034/4/99-Estt(D)
Government of India
Ministry of Personnel , Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi-110001
April 24, 2000

OFFICE MEMORANDUM

Subject:-Implementation of the Assured Career Progression Scheme – Regarding.

The undersigned is directed to invite reference to the Department of Personnel and Training (DoP&T) Office Memorandum (O.M.) dated August 9, 1999 regarding the **Assured Career Progression (ACP) Scheme** for the Central Government civilian employees. According to the time-schedule prescribed in paragraph 6.3 of the aforesaid instructions, the Screening Committee to consider the cases for grant of benefits under the ACP Scheme is required to meet twice in a financial year - preferably in the first week of January and July for advance processing of the cases. As per paragraph 6.4 of the aforesaid O.M., the first Screening Committee was to be set up within a month from the date of issue of the O.M. under reference to consider the cases that had already matured or were to mature up to 31.3.2000 for grant of benefits under the ACP Scheme. The next Screening Committee (as per paragraph 6.3 of the said O.M.) was required to meet in the first week of January, 2000 to process in advance the cases maturing for benefits under the ACP Scheme during the period from April 1 to September 30, 2000. To ensure expeditious implementation of the ACP Scheme, clarificatory instructions have also since been issued *vide* DoP&T Office Memorandum of even number dated February 10, 2000.

2. Ministries/Departments are requested to ensure that the required action and formalities in relation to the ACP Scheme are completed as per the prescribed time-schedule and the financial upgradations to the eligible employees are allowed on time. The pending cases may be decided without any further loss of time.

(K.K.JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India

2. President’s Secretariat / Vice President’s Secretariat / Prime Minister’s Office / Supreme Court / Rajya Sabha Secretariat / Lok Sabha Secretariat / Cabinet Secretariat / UPSC / CVC / C&AG / Central Administrative Tribunal (Principal Bench), New Delhi

3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions

4. Secretary, National Commission for Minorities

5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes

6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi

7. All Staff Side Members of the National Council (JCM)

8. Establishment (D) Section - **200 copies**

F.No.35034/1/97-Estt(D)(Vol.IV)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi 110001
February 10, 2000

OFFICE MEMORANDUM

Subject:-**ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES - CLARIFICATIONS REGARDING**

The undersigned is directed to invite reference to the Department of Personnel and Training Office Memorandum of even number dated August 9, 1999 regarding the Assured Career Progression Scheme (ACPS). Consequent upon introduction of the Scheme, clarifications have been sought by various Ministries/Departments about certain issues in connection with implementation of the ACPS. The doubts raised by various quarters have been duly examined and point-wise clarifications have accordingly been indicated in the Annexure.

2. The ACP scheme should strictly be implemented in keeping with the Department of Personnel and Training Office Memorandum of even number dated August 9, 1999 read with the aforesaid clarifications (Annexure). ***Cases where the ACP Scheme has already been implemented shall be reviewed/rectified if the same are not found to be in accordance with the scheme/clarifications***.

3. All Ministries/Departments may give wide circulation to these clarificatory instructions for general guidance and appropriate action in the matter.

4. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India

2. President’s Secretariat / Vice President’s Secretariat / Prime Minister’s Office / Supreme Court / Rajya Sabha Secretariat / Lok Sabha Secretariat / Cabinet Secretariat / UPSC / CVC / C&AG / Central Administrative Tribunal (Principal Bench), New Delhi

3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions

4. Secretary, National Commission for Minorities

5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes

6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi

7. All Staff Side Members of the National Council (JCM)

8. Establishment (D) Section - **1000 copies**

ANNEXURE

[Reference:-Office Memorandum No.35034/1/97-Estt(D)(Vol.IV) dated 10.2.2000]

S.No.	Point of doubt	Clarification
1.	Two posts carrying different pay scales constituting two rungs in a hierarchy have now been placed in the same pay-scale as a result of rationalisaton of pay-scales. This has resulted into change in the hierarchy in as much as two posts which constituted feeder and promotion grades in the pre-merged scenario have become one grade. The position may be clarified further by way of the following illustration: prior to the implementation of the Fifth Central Pay Commission recommendation, two categories of posts were in the pay-scales of Rs.1200-1800 and Rs.1320-2040 respectively; the latter being promotion post for the former. Both the posts have now been placed in the pay-scale of Rs.4000-6000. How the benefits of the ACP Scheme is to be allowed in such cases?	Since the benefits of upgradation under ACP Scheme (ACPS) are to be allowed in the existing hierarchy, the mobility under ACPS shall be in the hierarchy existing after merger of pay-scales by ignoring the promotion. An employee who got promoted from lower pay-scale to higher pay-scale as a result of promotion before merger of pay-scales shall be entitled for upgradation under ACPS ignoring the said promotion as otherwise he would be placed in a disadvantageous position vis-à-vis the fresh entrant in the merged grade.
2.	Some employees have been allowed selection grade/in-situ promotions though these grades are not a part of the defined hierarchy. Whether this is to be considered as promotion for the purpose of ACPS? Also, what will be the situation if selection grade has been allowed in lieu of higher pay-scale?	Mobility under ACPS is to be allowed in the 'existing hierarchy'. As such, if any selection grade/in-situ promotion has been allowed to employees which is not a part of the hierarchy, it shall not be counted as promotion for the purpose of ACPS. For illustration sake, junior engineers of CPWD appointed in the grade Rs.5000-8000/- are allowed the scale of Rs.5500-9000/- on completion of five years of regular service and the scale of Rs.6,500-10,500/- on completion of fifteen years of regular service. The scale of Rs.5500-9000/- is not a part of the defined hierarchy for them. In such cases, the pay-scale which is not a part of the hierarchy may be treated to have been withdrawn. However, fall in pay resulting out of this shall be protected by granting personal pay in the aforesaid direct entry grade to be adjusted against future increments. Moreover, as per Condition No.13 of ACPS, such existing (previous) schemes would be discontinued with the adoption of ACPS. However, in the case of common category of posts, the existing hierarchy in relation to a cadre would mean the restructured grades recommended by the Fifth Central Pay Commission.
3.	An isolated post of Jeep Driver in the pay–scale of Rs.3050-4590 has been allowed in-situ promotion in the grade of Rs.4000-6000 whereas as	In such isolated cases option should be either to follow the promotion scheme as formulated vide DoP&T O.M No.22036/ 1/92-Estt(D) dated 30.11.1993 read with O.M No.35034/3/97-

	per Annexure-II of the O.M. dated 9.8.1999 next scale is Rs.3200-4900. What should be the grade allowed under ACPS? Similarly, Despatch Rider in the pre-revised pay-scale of Rs.950-1400 and staff car driver in the pre-revised scale of Rs.950-1500 have been allowed revised pay-scale of Rs.3050-4590. What should be the benefit under ACPS?	Estt(D) dated 1.6.1998 or to grant benefits to the incumbents of such isolated post on a dynamic basis as per Condition No.7 of ACPS.
4.	In a case where a person is appointed to a post on transfer (absorption) basis from another post, whether 12 years and 24 years of service for the purpose of ACPS will count from the initial appointment or otherwise.	The benefits under ACPS are limited to higher pay scale and do not confer designation, duties and responsibilities of the higher post. Hence, the basic criterion to allow the higher pay scale under ACPS should be whether a person is working in the same pay scale for the prescribed period of 12/24 years. Consequently, so long as a person is in the same pay scale during the period in question, it is immaterial whether he has been holding different posts in the same pay scale. As such, if a Government servant has been appointed to another post in the same pay scale either as a direct recruit or on absorption (transfer) basis or first on deputation basis and later on absorbed (on transfer basis), it should not make any difference for the purpose of ACPS so long as he is in the same pay scale. In other words, past promotion as well as past regular service in the same pay scale, even if it was on different posts for which appointment was made by different methods like direct recruitment, absorption (transfer)/ deputation, or at different places should be taken into account for computing the prescribed period of service for the purpose of ACPS. Also, in case of absorption (transfer)/deputation in the aforesaid situations, promotions earned in the previous/present organisations, together with the past regular service shall also count for the purpose of ACPS. However, if the appointment is made to higher pay-scale either as on direct recruitment or on absorption (transfer) basis or first on deputation basis and later on absorbed (on transfer basis), such appointment shall be treated as direct recruitment and past service/promotion shall not count for benefits under ACPS. Needless to say, in cases of transfer on administrative ground, involving only change of station within the same department, the service rendered in the same grade at two stations may count for ACPS, as such transfers are within the same organisation, ordered generally for administrative/personal considerations and the
5.	Whether a Government servant, who is direct recruit in one grade and subsequently joins another post again as direct recruit, is eligible for first financial upgradation under ACPS after completion of 12 years of service counted from the first appointment or from the subsequent second appointment as direct recruit?	
6.	An employee appointed initially on deputation to a post gets absorbed subsequently, whether absorption may be termed as promotion or direct recruitment. What will be the case if an employee on deputation holds a post in the same pay-scale as that of the post held by him in the present cadre? Also, what will be the situation if he was holding a post in the parent cadre carrying a lower pay-scale?	

		service rendered in the earlier station counts as eligibility service for promotion.
7.	Whether the instructions on ACPS are applicable to the employees working in the instrumentalities like autonomous/ judicial / statutory bodies? Similarly, whether the orders are applicable to the employees working in industries governed by certified standing orders, Factories Act and Industrial Disputes Act, etc?	ACPS is applicable only to Central Government civilian employees and, as such, does not get automatically extended to autonomous/statutory bodies. A conscious decision in this regard shall have to be taken by the governing body/competent authority/ organisation concerned. In relation to others, specific cases shall be examined in consultation with the Department of Personnel and Training.
8.	Appointment on the basis of limited departmental examination by which an employee joined a new service should be treated as promotion or not. For example, in case of Group-D employees appointed as LDCs or Grade-D stenographers appointed from amongst LDCs should be treated as direct recruits or not in the respective higher grades.	If the relevant Recruitment Rules provide for filling up of vacancies of Stenographers Grade 'D'/Junior Stenographers by direct recruitment, induction of LDCs to the aforesaid grade through Limited Departmental Competitive Examination may be treated as direct recruitment for the purpose of benefit under ACPS. However, in such cases, service rendered in a lower pay-scale shall not be counted for the purpose of benefit under ACPS. The case of Grade 'D' employees who become LDCs on the basis of departmental examination stand on different footing. In their case, relevant Recruitment Rules prescribe a promotion quota to be filled up on the basis of departmental examination. Therefore, such appointments shall be counted as promotion for the purpose of ACPS. In such situations, past regular service shall also be counted for further benefits, if any, under the Scheme.
9.	A merged pre-revised pay-scale of Rs.775-1150 was allowed to Group-D employees as a result of an agreement with the Staff Side in the National Council of JCM. Those Group-D employees drawing Rs.1030/- (pre-revised) or above as basic pay have been allowed S-3 (revised) (Rs.2650-4000/-) and those drawing less have been allowed S-2 (revised) (Rs.2610-3540/-). The replacement scales of Rs.2610-3540/- and Rs.2650-4000 should be treated as one. Since S-4 (revised) (Rs.2750-4400/-) does not operate in the Central Secretariat, Group 'D' employees should be given second upgradation in S-5 i.e. Rs.3050-4590/-.	The issue of demerger of the integrated pay-scale of Rs.775-1150/- is already under consideration of the National Anomaly Committee. It has not been agreed either to treat the promotion to S-2 and S-3 as one or for merging the pay-scales. As the merger of the pay-scales earlier was as a result of an agreement only with a view to provide certain relief to the stagnating employees, it cannot, in itself, be the ground for allowing additional benefits. As such, an employee inducted in S-1 and now placed in S-2 shall be allowed one more upgradation i.e. in S-3 under ACPS. An employee inducted in S-1 and now placed in S-3 shall not be allowed any further upgradation as he has already availed of two financial upgradations.
10.	For isolated posts, the scale of pay for ACPS as recommended by the Pay Commission may be implemented and not the standard/ common pay-scales indicated vide	For isolated posts, the scales of pay for ACPS shall be the same as those applicable for similar posts in the same Ministry/ Department/Cadre except where the Pay Commission has recommended specific pay-scales for mobility

	Annexure-II of the Office Memorandum dated August 9, 1999.	under ACPS. Such specific cases may be examined by respective Ministries/ Departments in consultation with the Department of Personnel and Training. In the case of remaining isolated posts, the pay-scales contained in Annexure-II of the Office Memorandum dated August 9, 1999 (ACPS) shall apply.
11.	In the case of an employee appointed on ad-hoc basis and who is subsequently regularised, the ad-hoc service is counted towards increment. Whether the ad-hoc service may be counted for the ACPS also?	No. In terms of para 3.2 of the Office Memorandum dated August 9, 1999 (ACPS), only regular service which counts for the purpose of regular promotion in terms of relevant Recruitment/Service Rules shall count for the purpose of upgradation under ACPS.
12.	When an employee in Group-C scale is given financial upgradation in Group-B scale, whether it shall have the approval of the authority competent to appoint persons in the upgraded scale.	While the Scheme provides for only financial upgradations to an individual and not the upgradation of the post held by him, the classification of the post held by the officer should be with reference to the scale of pay of the post held by Government servant on regular basis and not with reference to the higher scale of pay granted to the Government servant on upgradation under ACPS. However, upgradation under ACPS may be allowed with the approval of the authority competent to make an appointment in the upgraded scales/grades.
13.	Whether ex-servicemen who have been re-employed after giving relaxation in age and educational qualifications prescribed in relevant Recruitment/Service Rules for particular post as direct recruit are to be allowed ACP benefits on completion of 12/24 years of service after re-employment in civilian post?	Yes. The ACPS is meant for the Central Government civilian employees. As such, ex-servicemen, re-employed as civilian employee, shall be entitled for upgradation under the Scheme on completion of 12/24 years of service after direct recruitment in the civil employment. Also, such category of persons would already be drawing pension on the basis of their service in the armed forces.
14.	An employee gets first promotion after 20 years of regular service. In terms of relevant Recruitment/Service Rules, required eligibility service is 8 years for the next promotion, whether upgradation under ACPS is to be allowed on completion of 24 years of service from direct recruitment i.e four years after the first promotion or on completion of 8 years of regular service after first promotion as per the Recruitment Rules.	Upgradations under the scheme are to be allowed on completion of 12/24 years of service counted from direct entry in the Government employment. If an employee gets first regular promotion on completion of 20 years of service, he will be entitled to second financial upgradation under ACPS on completion of 4 years of service after such first regular promotion, though the Recruitment/Service Rules prescribe higher length of regular service in the grade for next promotion.
15.	An employee who may have completed 29 years of service shall be entitled for two upgradations directly along with other employee who may have completed 24 years	Since the Assured Career Progression Scheme can have only prospective application, it is not permissible to allow notional benefit with retrospective effect. This would not lead to anomaly in as much as an employee having

	of service. This would create an anomaly in as much as 5 years of service of the former would get neutralised. Therefore, the upgradation could be allowed notionally from the date of completion of 12/24 years of regular service and actual financial benefit could be given from the date of meeting of the Screening Committee.	longer years of service may get his pay fixed at a higher/same stage vis-à-vis an employee having lesser length of service.
16.	The relevant Recruitment/Service Rules prescribe departmental examination/skill test for vacancy based promotion. However, this need not be insisted for upgradation under ACPS.	As per the scheme (Condition No.6), all promotion norms have to be fulfilled for upgradation under the Scheme. As such, no upgradation shall be allowed if an employee fails to qualify departmental/skill test prescribed for the purpose of regular promotion.
17.	An employee who has completed 24 years of service is to be allowed two upgradations directly. What will be the mode of fixation of pay of the employee?	The following illustration shall clarify the doubt: An incumbent in the pay-scale of Rs.4000-6000/- (S-7) has put in 24 years of regular service without a regular promotion. The incumbent shall be allowed two upgradations i.e. to S-8 and S-9. His pay shall first be fixed in S-8 and then in S-9. Pay fixation directly from S-7 to S-9 shall not be allowed.
18.	If special pay has been allowed in lieu of separate pay-scale, whether this should be treated as promotion for the purpose of ACPS and also whether the special pay is to be taken into account while fixing the pay under ACPS?	Special pay allowed shall not be counted as promotion for the purpose of ACPS. Also, the special pay drawn in the lower post, in lieu of a higher pay-scale shall be taken into account for fixation of pay under ACPS subject to the fulfillment of the following conditions as laid down vide Ministry of Finance Office Memorandum No.6(1)-E.III(B)65) dated 25.2.1965, re-produced as Government's decision No.32 under Appendix-8 of FR/SR(Part-1) (Thirteenth Edition):- (i)The special pay in the lower post should have been granted in lieu of separate higher scale (i.e. 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 the 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 kinds of cases referred to in 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.

(19) Point of doubt

Based on the categorisation of Libraries, Ministry of Finance vide Office Memorandum No. 19(1)/IC/86 dated 24th July, 1990 have prescribed the following pay-scales for posts in libraries:-

Post Pay-scales Pay-scales

(pre-revised) (revised)

Library and Information Assistant 1400-2600 5000-8000

Sr. Library and Information Assistant 1640-2900 5500-9000

Assistant Library and Information Officer 2000-3500 6500-10500

Library and Information Officer 3000-4500 10000-15200

Director (Library and Information) 4500-5700 14300-18300

In number of cases, depending on the work etc, there are only first two categories of posts in a library. What should be the channel for upward mobility under ACPS of the library staff in such cases?

Clarification

In order to secure uniformity in the upward mobility of the library staff under the ACPS, it has been decided to adopt the aforesaid pay-scales prescribed by the Ministry of Finance subject to the terms and conditions prescribed by them. Posts in the library, if held in different nomenclatures, may, as such, also be re-designated as per the said orders of the Ministry of Finance. However, grant of higher pay-scale under ACPS will, as per Condition No.6, not result in change in the designation etc of the beneficiary.

S.No.	Point of doubt	Clarification
20.	On upgradation under ACPS, pay of an employee shall be fixed under the provisions of FR 22(I)a(1). Whether an option for fixation of pay in the higher grade based on the date of increment may also be allowed?	Yes. The financial benefit allowed under ACPS shall be final and no pay fixation benefit shall accrue at the time of regular promotion. In other words, upgradation under ACPS shall be treated on par with regular promotion in so far as pay-fixation is concerned. Therefore, the option of pay-fixation in the next higher grade based on the date of increment may be allowed.
21.	In terms of DoP&T Office Memorandum No. 6(2)/23/77-Welfare dated 11th	The matter has been examined in consultation with Director(Canteen) and it

	December, 1979, all posts in the canteen and tiffin room being run departmentally by the Government of India were treated posts in connection with the affairs of the Union. Subsequently, vide Office Memorandum No.12/3/92-Director[C] dated 16.9.92, canteen employees were declared as Central Government employees with effect from 1.10.1991. Whether canteen employees will be treated as Government employees with effect from 1.10.79 (the date from which they were declared as holders of civil posts) or with effect from 1.10.1991 for the purpose of granting of upgradations under ACPS?	has been decided that the benefits of ACPS shall be extended to the canteen employees by reckoning from the date of their initial appointment as direct recruit on regular basis as the crucial date for granting the 1st/2nd upgradations. Needless to say, upgradations shall be allowed only in those cases where promotions have not been made even after putting in 12/24 years of regular service counted in the manner indicated above.
22.	(a)Annexure-I of ACPS stipulates that if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc, this would have consequential effect on the second upgradation which would also get deferred accordingly. In other words, the employee who has been denied the first financial upgradation (meaning withholding of this benefit) would again be penalised even after having completed 24 years of regular service. This certainly is a case of double jeopardy and should not be inflicted. (b)Annexure-I of ACPS unnecessarily provides for deferment of second financial upgradation by the period for which an employee is debarred from regular promotion in the higher grade. In other words, it connects the second upgradation under ACPS with regular promotion to the 1st ACP grade. This is quite unwarranted as the schemes of ACP and regular promotions are to run concurrently and parallel to each other and should, therefore, not be connected in the manner it has been done. This condition may, therefore, be withdrawn.	In regard to deferment of grant of ACP benefits on account of disciplinary proceedings or refusal of promotion, it is mentioned that the ACPS in the matter has to follow the same pattern as that obtains in the case of regular promotion. The basic idea behind making this provision is that there shall be uniformity of treatment both in the case of ACPS and regular promotions. Moreover, the Government has already modified/ moderated the Fifth Central Pay Commission recommendation that in case of refusal to accept regular promotion subsequently, the employee concerned should be reverted from the higher grade granted under ACPS. The Scheme adopted by the Government, as such, guards against this adverse effect and thereby has already brought about an improvement upon the Pay Commission recommendation in this regard.
23.	The administrative Ministry/Department, not the employees have been given option in the matter to choose between two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme. It is suggested that the said option should be exercised by the administrative Ministry/ Department after consulting the staff representatives in the forum of respective Departmental Councils.	The ACPS has been introduced after consulting all concerned including the Staff Side in the National Council of JCM and with the approval of the Cabinet. Hence, there is no need to associate the Staff Side while exercising the said preference by the administrative Ministry/Department concerned. However, their view point could be taken into account while exercising such preference. The Administration will, however, not be bound by it.

24.	(a)Appointment in LDC grade from Group 'D' should not be treated as promotion because LDC is not in the direct line of promotion for Group 'D' employees. Two services are altogether different. No Group 'D' employee can be appointed/promoted to a Group 'C' post like LDC etc who does not possess the educational qualifications prescribed in the Recruitment Rules. The Group 'D' employees have to satisfy certain minimum standards of selection and only then they are eligible for appointment to Group 'C' posts like LDC. Besides, Government have already agreed in the case of P&T Department not to treat appointment/ promotion of Postman as Postal Clerk etc as promotion for the purpose of OTB. OTBP is given to such employees (Postman etc) after completing period of residency as Postal Clerk. The same decision may be made applicable to ACP as well. (b)A number of Group 'D' employees are appointed as Despatch Riders/Staff Car Drivers, Gestener Operators etc. Since these posts are not in the direct line of promotion for Group 'D' employees and are in the normal course meant to be filled by direct recruitment, such appointments should not be treated as promotion for ACPS.	(a) As already clarified in relation to item at S.No.8, in the existing arrangement, specified quota of LDC vacancies are filled by Group-'D' staff on the basis of Limited Departmental Competitive Examination. As such, post of LDC may be treated as promotion post under ACPS for Group 'D' staff. (b) The appointment of Group 'D' employees as Despatch Rider/Staff Car Driver is on transfer basis in a higher pay-scale. This point has already been clarified in relation to items at S.Nos.4, 5 and 6 above.
25.	An employee may be given second upgradation under ACPS as soon as he completes 12 years of regular service from the date of his earlier promotion or as soon as he completes 24 years of regular service, whichever is earlier.	The periodicity of 12/24 years of regular service for grant of upgradations under ACPS cannot be relaxed. Grant of the first regular promotion prior to completion of 12 years of regular service from the direct entry grade shall have no bearing on the periodicity of the second upgradation under ACPS, which shall be granted only after completion of 24 years of regular service and only if the second regular promotion has not been earned in between.
26.	LDCs/UDCs in administrative offices of the Government of India are having over-lapping duties as well as over-lapping scales of pay. Both are inter-changeable. In fact, division in the duties is more artificial than real. Therefore, promotion of LDC to the post of UDC should not be treated as promotion for the purpose of ACPS.	Both the posts constitute two rungs in a hierarchy and, as such, promotion of LDCs as UDCs shall be treated as promotion for the purpose of ACPS. Moreover, ACPS is not designed to interfere with the existing cadre structure.
27.	The condition 8 of the Annexure-I of the DoP&T O.M. dated 9th August, 1999 operates very harshly against senior employees. It will give rise to serious anomalies in a situation where junior	The ACPS is to act as a 'safety net' to provide relief in cases of acute stagnation. The concept of "senior-junior" is quite alien to the idea behind the ACPS recommended by the Fifth Central Pay

	employee in a grade being direct recruit are given ACP upgradation on completing period of residency, claims of senior employees in the same grade and in the same department are ignored merely on the ground that they have already been promoted twice earlier. It would, as such, be very unfair to ignore the claim of seniors as that would lead to heart-burning and demoralisation.	Commission which had also quite specifically recommended against it. Benefits granted under the Scheme are "personal" in nature and in recognition of long hardships faced by stagnating employees. Moreover, it does not grant any status related benefits – nor does it change the seniority position. Senior will continue to be senior even if his junior has earned upgradations under ACPS. Relief granted to Government servants facing stagnation/hardships, as visualised by ACPS, cannot provide a ground for claiming identical relief by others who are not similarly circumstanced.
28.	All retirement and other terminal benefits would be granted on the basis of actual pay drawn in the upgraded ACP scale and condition No.6 of Annexure-I to the effect that it would not confer any privileges related to higher status would not be invoked to deny the retirement/terminal benefits based on the actual pay drawn in 1st/2nd ACP grades at the time of retirement.	Yes. The retirement/ terminal benefits would be on the basis of upgraded pay-scale, if any, granted under ACPS.
29.	Whether the upgradations under ACPS are to be allowed to the employees who are on deputation in other organisations/on training/ on study leave?	It has been clarified vide Condition No.6 of ACPS that such upgradation shall not entitle for deputation to higher posts. Therefore, as a corollary, upgradation under ACPS shall be allowed, in respect of employees who are on deputation, only on notional basis, as otherwise such upgradation in the cadre may have bearing on the deputation pay of the official. However, an employee will get the actual benefit on the basis of such notional pay-fixation under ACPS with prospective effect only on repatriation. Similarly, since an employee draws leave salary while on leave, he will get similar treatment as allowed to a person on deputation. However, upgradation under ACPS may be allowed to an employee who is on training as he is on duty for all practical purposes.
30.	Whether the benefit of past service will be extended to temporary status employees after their regularisation?	No, the benefit of past service shall not be extended to temporary status employees after their regularisation for the purpose of ACPS.
31.	What is an isolated post for the purpose of the ACP Scheme.	Isolated post is a ***stand alone*** post, having neither feeder grade nor promotional grade. As such, a post having no promotional grade but having a feeder grade and vice-versa shall not be treated as isolated post for the purpose of ACPS.

32.	Where the cadres/hierarchy is limited to two grades only, what should be the pay-scale for grant of second upgradation under ACPS?	Such a cadre/hierarchy shall not fall in the isolated category as defined at S.No.31 above. Hence, the standard/common pay-scales mentioned in Annexure-II of the Office Memorandum dated 9.8.1999 shall not be applicable in such cases. Action in such cases may, therefore, be taken as per following clarifications:- (i) If such cadre/hierarchy exists in the Ministry/ Department concerned, the second upgradation may be allowed in keeping with the pay-scale of an analogous grade of a cadre/post in the same Ministry/Department. However, if no such grade exists in the Ministry/Department concerned, comparison may be made with an analogous grade available in other Ministries/Departments. (ii) In the case of attached/subordinate offices, the second upgradation under ACPS may be given in keeping with the pay-scale of an analogous grade of a cadre/post of the concerned office. However, if no such cadre/post exists in the concerned office, comparison may be made with an analogous grade available in other attached/subordinate offices of the Ministry/Department concerned.

(K.K. JHA)
DIRECTOR(Establishment)

MOST IMMEDIATE

No.35034/1/97-Estt(D)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

North Block, New Delhi 110001
August 9, 1999

OFFICE MEMORANDUM

Subject:- *THE ASSURED CAREER PROGRESSION SCHEME FOR THE CENTRAL GOVERNMENT CIVILIAN EMPLOYEES.*

The Fifth Central Pay Commission in its Report has made certain recommendations relating to the Assured Career Progression (ACP) Scheme for the Central Government civilian employees in all Ministries/Departments. The ACP Scheme needs to be viewed as a '*Safety Net*' to deal with the problem of genuine stagnation and hardship faced by the employees due to lack of adequate promotional avenues. Accordingly, after careful consideration it has been decided by the Government to introduce the ACP Scheme recommended by the Fifth Central Pay Commission with certain ***modifications*** as indicated hereunder:-

2. **GROUP 'A' CENTRAL SERVICES**

2.1 In respect of Group 'A' Central services (Technical/Non-Technical), no financial upgradation under the Scheme is being proposed for the reason that promotion in their case must be earned. Hence, it has been decided that there shall be no benefits under the ACP Scheme for Group 'A' Central services (Technical/Non-Technical). Cadre Controlling Authorities in their case would, however, continue to improve the promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre review, etc. as per prescribed norms.

3. **GROUP 'B', 'C' AND 'D' SERVICES/POSTS AND ISOLATED**

POSTS IN GROUP 'A', 'B', 'C' AND 'D' CATEGORIES

3.1 While in respect of these categories also promotion shall continue to be duly earned, it is proposed to adopt the ACP Scheme in a modified form to mitigate hardship in cases of acute stagnation either in a cadre or in an isolated post. Keeping in view all relevant factors, it has, therefore, been decided to grant ***two***

financial upgradations [as recommended by the Fifth Central Pay Commission and also in accordance with the Agreed Settlement dated September 11, 1997 (in relation

to Group 'C' and 'D' employees) entered into with the Staff Side of the National Council (JCM)] under the ACP Scheme to Group 'B', 'C' and 'D' employees on completion of ***12 years*** and ***24 years*** (subject to condition no.4 in Annexure-I) of regular service respectively. Isolated posts in Group 'A', 'B', 'C' and 'D' categories which have no promotional avenues shall also qualify for similar benefits on the pattern indicated above. Certain categories of employees such as casual employees (including those with temporary status), ad-hoc and contract employees shall not qualify for benefits under the aforesaid Scheme. Grant of financial upgradations under the ACP Scheme shall, however, be subject to the **conditions** mentioned in Annexure-I.

3.2 'R**egular Service**' for the purpose of the ACP Scheme shall be interpreted to mean the eligibility service counted for regular promotion in terms of relevant Recruitment/Service Rules.

4. Introduction of the ACP Scheme should, however, in no case affect the normal (regular) promotional avenues available on the basis of vacancies. Attempts needed to improve promotion prospects in organisations/cadres on functional grounds by way of organisational study, cadre

reviews, etc as per prescribed norms should not be given up on the ground that the ACP Scheme has been introduced.

5. Vacancy based regular promotions, as distinct from financial upgradation under the ACP Scheme, shall continue to be granted after due screening by a regular Departmental Promotion Committee as per relevant rules/guidelines.

6. **SCREENING COMMITTEE**

6.1 A departmental Screening Committee shall be constituted for the purpose of processing the cases for grant of benefits under the ACP Scheme.

6.2 The **composition** of the Screening Committee shall be the same as that of the DPC prescribed under the relevant Recruitment/Service Rules for regular promotion to the higher grade to which financial upgradation is to be granted. However, in cases where DPC as per the prescribed rules is headed by the Chairman/Member of the UPSC, the Screening Committee under the ACP Scheme shall, instead, be headed by the Secretary or an officer of equivalent rank of the concerned Ministry/Department. In respect of isolated posts, the composition of the Screening Committee (with modification as noted above, if required) shall be the same as that of the DPC for promotion to analogous grade in that Ministry/Department.

6.3 In order to prevent operation of the ACP Scheme from resulting into undue strain on the administrative machinery, the Screening Committee shall follow a **time-schedule** and meet twice in a financial year – preferably in the first week of ***January*** and ***July*** for advance processing of the cases. Accordingly, cases maturing during the first-half (April-September) of a particular financial year for grant of benefits under the ACP Scheme shall be taken up for consideration by the Screening Committee meeting in the first week of January of the previous financial year. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year. For example, the Screening Committee meeting in the first week of January, 1999 would process the cases that would attain maturity during the period April 1, 1999 to September 30, 1999 and the Screening Committee meeting in the first week of July, 1999 would process the cases that would mature during the period October 1, 1999 to March 31, 2000.

6.4 To make the Scheme operational, the Cadre Controlling Authorities shall constitute the first Screening Committee of the current financial year within a month from the date of issue of these instructions to consider the cases that have already matured or would be maturing upto March 31, 2000 for grant of benefits under the ACP Scheme. The next Screening Committee shall be constituted as per the time-schedule suggested above.

7. Ministries/Departments are advised to explore the possibility of effecting savings so as to minimise the additional financial commitment that introduction of the ACP Scheme may entail.

8. The ACP Scheme shall become operational from the date of issue of this Office Memorandum.

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

10. The Fifth Central Pay Commission in paragraph 52.15 of its Report has also separately recommended a "Dynamic Assured Career Progression Mechanism" for different streams of doctors. It has been decided that the said recommendation may be considered separately by the administrative Ministry concerned in consultation with the Department of Personnel and Training and the Department of Expenditure.

11. Any interpretation/clarification of doubt as to the scope and meaning of the provisions of the ACP Scheme shall be given by the Department of Personnel and Training (Establishment-D).

12. All Ministries/Departments may give wide circulation to these instructions for guidance of all concerned and also take immediate steps to implement the Scheme keeping in view the ground

situation obtaining in services/cadres/ posts within their administrative jurisdiction;

13. Hindi version would follow.

(K.K. JHA)
Director(Establishment)

To

1. All Ministries/Departments of the Government of India

2. President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Supreme Court/Rajya Sabha Secretariat/Lok Sabha Secretariat/Cabinet Secretariat/UPSC/CVC/C&AG/Central Administrative Tribunal(Principal Bench), New Delhi

3. All attached/subordinate offices of the Ministry of Personnel, Public Grievances and Pensions

4. Secretary, National Commission for Minorities

5. Secretary, National Commission for Scheduled Castes/Scheduled Tribes

6. Secretary, Staff Side, National Council (JCM), 13-C, Ferozeshah Road, New Delhi

7. All Staff Side Members of the National Council (JCM)

8. Establishment (D) Section - **1000 copies**

ANNEXURE-I

CONDITIONS FOR GRANT OF BENEFITS UNDER THE ACP SCHEME

1. The ACP Scheme envisages merely placement in the higher pay-scale/grant of financial benefits (through financial upgradation) only to the Government servant concerned on personal basis and shall, therefore, neither amount to functional/regular promotion nor would require creation of new posts for the purpose;

2. The highest pay-scale upto which the financial upgradation under the Scheme shall be available will be Rs.14,300-18,300. Beyond this level, there shall be no financial upgradation and higher posts shall be filled strictly on vacancy based promotions;

3. The financial benefits under the ACP Scheme shall be granted from the date of completion of the eligibility period prescribed under the ACP Scheme or from the date of issue of these instructions whichever is later;

4. The first financial upgradation under the ACP Scheme shall be allowed after 12 years of regular service and the second upgradation after 12 years of regular service from the date of the first financial upgradation subject to fulfillment of prescribed conditions. In other words, if the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc this would have consequential effect on the second upgradation which would also get deferred accordingly;

5.1 Two financial upgradations under the ACP Scheme in the entire Government service career of an employee shall be counted against regular promotions (including in-situ promotion and fast-track promotion availed through limited departmental competitive examination) availed from the grade in which an employee was appointed as a direct recruit. This shall mean that two financial upgradations under the ACP Scheme shall be available only if no regular promotions during the prescribed periods (12 and 24 years) have been availed by an employee. If an employee has already got one regular promotion, he shall qualify for the second financial upgradation only on completion of 24 years of regular service under the ACP Scheme. In case two prior promotions on

regular basis have already been received by an employee, no benefit under the ACP Scheme shall accrue to him;

5.2 Residency periods (regular service) for grant of benefits under the ACP Scheme shall be counted from the grade in which an employee was appointed as a direct recruit;

6. Fulfillment of normal promotion norms (bench-mark, departmental examination, seniority-cum-fitness in the case of Group 'D' employees, etc.) for grant of financial upgradations, performance of such duties as are entrusted to the employees together with **retention of old designations**, financial upgradations as personal to the incumbent for the stated purposes and restriction of the ACP Scheme for financial and certain other benefits (House Building Advance, allotment of Government accommodation, advances, etc) only without conferring any privileges related to higher status (e.g. invitation to ceremonial functions, deputation to higher posts, etc) shall be ensured for grant of benefits under the ACP Scheme;

7. Financial upgradation under the Scheme shall be given to the next higher grade in accordance with the existing hierarchy in a cadre/category of posts without creating new posts for the purpose. However, in case of isolated posts, in the absence of defined hierarchical grades, financial upgradation shall be given by the Ministries/Departments concerned in the immediately next higher (**standard/common**) pay-scales as indicated in Annexure-II which is in keeping with Part-A of the First Schedule annexed to the Notification dated September 30, 1997 of the Ministry of Finance (Department of Expenditure). For instance, incumbents of isolated posts in the pay-scale S-4, as indicated in Annexure-II, will be eligible for the proposed two financial upgradations only to the pay-scales S-5 and S-6. Financial upgradation on a dynamic basis (i.e. without having to create posts in the relevant scales of pay) has been recommended by the Fifth Central Pay Commission only for the incumbents of isolated posts which have no avenues of promotion at all. Since financial upgradations under the Scheme shall be personal to the incumbent of the isolated post, the same shall be filled at its original level (pay-scale) when vacated. Posts which are part of a well-defined cadre shall not qualify for the ACP Scheme on 'dynamic' basis. The ACP benefits in their case shall be granted conforming to the existing hierarchical structure only;

8. The financial upgradation under the ACP Scheme shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no additional financial upgradation for the senior employee on the ground that the junior employee in the grade has got higher pay-scale under the ACP Scheme;

9. On upgradation under the ACP Scheme, pay of an employee shall be fixed under the provisions of FR 22(I) a(1) subject to a minimum financial benefit of Rs.100/- as per the Department of Personnel and Training Office Memorandum No.1/6/97-Pay.I dated July 5, 1999. The financial benefit allowed under the ACP Scheme shall be final and no pay-fixation benefit shall accrue at the time of regular promotion i.e. posting against a functional post in the higher grade;

10. Grant of higher pay-scale under the ACP Scheme shall be conditional to the fact that an employee, while accepting the said benefit, shall be deemed to have given his unqualified acceptance for regular promotion on occurrence of vacancy subsequently. In case he refuses to accept the higher post on regular promotion subsequently, he shall be subject to normal debarment for regular promotion as prescribed in the general instructions in this regard. However, as and when he accepts regular promotion thereafter, he shall become eligible for the second upgradation under the ACP Scheme only after he completes the required eligibility service/period under the ACP Scheme in that higher grade subject to the condition that the period for which he was debarred for regular promotion shall not count for the purpose. For example, if a person has got one financial upgradation after rendering 12 years of regular service and after 2 years therefrom if he refuses regular promotion and is consequently debarred for one year and subsequently he is promoted to the higher grade on regular basis after completion of 15 years (12+2+1) of regular service, he shall be eligible for consideration for the second upgradation under the ACP Scheme only after rendering ten more years in addition to two years of service already rendered by him after the first financial upgradation (2+10) in that higher grade i.e. after 25 years (12+2+1+10) of

regular service because the debarment period of one year cannot be taken into account towards the required 12 years of regular service in that higher grade;

11. In the matter of disciplinary/penalty proceedings, grant of benefits under the ACP Scheme shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of relevant CCS(CCA) Rules, 1965 and instructions thereunder;

12. The proposed ACP Scheme contemplates merely placement on personal basis in the higher pay-scale/grant of financial benefits only and shall not amount to actual/functional promotion of the employees concerned. Since orders regarding reservation in promotion are applicable only in the case of regular promotion, reservation orders/roster shall not apply to the ACP Scheme which shall extend its benefits uniformly to all eligible SC/ST employees also. However, at the time of regular/functional (actual) promotion, the Cadre Controlling Authorities shall ensure that all reservation orders are applied strictly;

13. Existing time-bound promotion schemes, including in-situ promotion scheme, in various Ministries/Departments may, as per choice, continue to be operational for the concerned categories of employees. However, these schemes, shall not run concurrently with the ACP Scheme. The Administrative Ministry/Department -- not the employees -- shall have the option in the matter to choose between the two schemes, i.e. existing time-bound promotion scheme or the ACP Scheme, for various categories of employees. However, in case of switch-over from the existing time-bound promotion scheme to the ACP Scheme, all stipulations (viz. for promotion, redistribution of posts, upgradation involving higher functional duties, etc) made under the former (existing) scheme would cease to be operative. The ACP Scheme shall have to be adopted in its totality;

14. In case of an employee declared surplus in his/her organisation and in case of transfers including unilateral transfer on request, the regular service rendered by him/her in the previous organisation shall be counted along with his/her regular service in his/her new organisation for the purpose of giving financial upgradation under the Scheme; and

15. Subject to Condition No. 4 above, in cases where the employees have already completed 24 years of regular service, with or without a promotion, the second financial upgradation under the scheme shall be granted directly. Further, in order to rationalise unequal level of stagnation, benefit of surplus regular service (not taken into account for the first upgradation under the scheme) shall be given at the subsequent stage (second) of financial upgradation under the ACP Scheme as a one time measure. In other words, in respect of employees who have already rendered more than 12 years but less than 24 years of regular service, while the first financial upgradation shall be granted immediately, the surplus regular service beyond the first 12 years shall also be counted towards the next 12 years of regular service required for grant of the second financial upgradation and, consequently, they shall be considered for the second financial upgradation also as and when they complete 24 years of regular service without waiting for completion of 12 more years of regular service after the first financial upgradation already granted under the Scheme.

(K.K. JHA)
Director(Establishment)

ANNEXURE-II

STANDARD/COMMON PAY-SCALES

As per Part-A of the First Schedule Annexed to the Ministry of Finance

(Department of Expenditure) Gazette Notification dated September 30, 1997

[REFERENCE PARA 7 OF ANNEXURE I OF THIS OFFICE MEMORANDUM]

S.No.	Revised pay-scales (Rs)	
1.	**S-1**	**2550-55-2660-60-3200**
2.	**S-2**	**2610-60-3150-65-3540**
3.	**S-3**	**2650-65-3300-70-4000**
4.	**S-4**	**2750-70-3800-75-4400**
5.	**S-5**	**3050-75-3950-80-4590**
6.	**S-6**	**3200-85-4900**
7.	**S-7**	**4000-100-6000**
8.	**S-8**	**4500-125-7000**
9.	**S-9**	**5000-150-8000**
10.	**S-10**	**5500-175-9000**
11.	**S-12**	**6500-200-10500**
12.	**S-13**	**7450-225-11500**
13.	**S-14**	**7500-250-12000**
14.	**S-15**	**8000-275-13500**
15.	**S-19**	**10000-325-15200**
16.	**S-21**	**12000-375-16500**
17.	**S-23**	**12000-375-18000**
18.	**S-24**	**14300-400-18300**

18.14 Annexure – Vigilance

No.DOPT-1732605007121
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-IA)
****

North Block, New Delhi
Dated 09 October, 2024

OFFICE MEMORANDUM

Subject:- Revised Guidelines regarding grant of 'Vigilance Clearance' to AIS Officers & Central Civil Services/Central Civil posts

No. 104/33/2024-AVD-IA

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Personnel & Training

North Block, New Delhi

Dated the 9th October 2024

OFFICE MEMORANDUM

Subject:- Revised Guidelines regarding grant of 'Vigilance Clearance' to AIS Officers & Central Civil Services/Central Civil posts.

D/o Personnel & Training (DoPT) has from time to time issued instructions / guidelines regarding grant of Vigilance Clearance to AIS officers &Central Civil Services/Central Civil posts. An effort has been made to revise the said guidelines for better understanding and guidance.

Part A-Grant of Vigilance Clearance to AIS Officers

2. These orders shall be applicable to vigilance clearance with respect to:

(i) Inclusion in the offer list

(ii) Empanelment

(iii) Ex-India study leave

(iv) Cases of inter-cadre transfer and extension thereof

(v) Any deputation, including inter-cadre deputation and extension thereof

(vi) Appointments to sensitive posts

(vii) Assignments to training programmes except mandatory training

(viii) Confirmation in service

(ix) Retirement on VRS where the Central Government is the competent authority for consideration of the case

(x) Post-retirement commercial employment

(xi) Pre-mature repatriation (voluntary)

In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

3. Vigilance clearance shall be denied on the following grounds:

(a) (I) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a preliminary inquiry as stipulated in para 6 of DoPT OM No. 104/76/2024-AVD-IA dated 09.10.2024 *Consolidated guidelines regarding handling of complaints in Ministries/ Departments/Organizations/State Governments*; or on the basis of any information that the concerned Government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

(i) Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(ii) Possession of assets disproportionate to known sources of income

(iii) Involvement in cases of misappropriation, forgery or cheating or other similar criminal offences

(iv) Moral turpitude

(v) Violation of AIS Conduct Rules, 1968

(II) Vigilance clearance shall be granted if preliminary inquiry, if so required, and as envisaged at (I) above is not initiated by the concerned Government within three months from the date of receipt of the complaint, or if the preliminary inquiry

after initiation remains pending for more than three months without completion.

(b) The officer is under suspension.

(c) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.

(d) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the chargesheet and the proceeding is pending.

(e) Orders for instituting a criminal case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government and the charge sheet is served within three months.

(f) Chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.

(g) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act,1988 (as amended in 2018) or any other criminal matter and the case is pending in the trial court.

(h) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.

(i) After investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.

(j) An FIR has been filed or a case registered by the concerned Government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.

(k) The officer fails to submit annual Immovable Property Return of the previous year latest by 31st January of the current year, as required under Rule 16 of the All India Services (Conduct) Rule, 1968.

(l) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three year after the currency of

the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List.

4. Vigilance clearance shall be decided on a case by case basis by the competent authority keeping in view the sensitivity of the purpose, gravity of the allegations/charges and facts and circumstances, in the following situations:

(a) Where a pre-investigation enquiry undertaken by any investigating agency against the officer in a criminal matter remains pending for more than three months.

(b) Where the investigating agency has not been able to complete its investigations and file charges even after a period of two year from the date of initiation of investigation. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for the other matters of the dispensation listed in Paragraph-2 above. Ministries/Departments will identify sensitive posts within their organizations forthwith. All posts of Joint Secretary and above (not equivalent) in the Ministries/Departments shall be treated as sensitive, inter alia.

(c) In cases where the Investigating Agency or the competent authority recommends closure of the case, but the closure of the case/FIR is not permitted by the Court.

(d) In cases where the Investigating Agency/IO holds the charges as proved but the State Government differs on the converse.

5. While considering cases for grant of vigilance clearance for the purpose of empanelment of AIS officers, the vigilance status will continue to be ascertained also from the respective State Governments. In respect of officers serving in connection with the affairs of the Central Government, the vigilance status will be obtained from the respective Ministry/Department as well. The comments of the CVC will also be obtained for all cases of empanelment of AIS officers.

6. The vigilance clearance will be issued with the approval of Head of Vigilance Division for officers upto the level of Deputy Secretary/Director in the Ministry/Department. For Joint Secretary/Additional Secretary/Secretary, vigilance clearance will be issued with the approval of the Secretary. In case of doubt,

orders of Secretary in the Ministry/Department concerned will be obtained keeping in view the purpose for which 'vigilance clearance' is required to be given.

Part B- Grant of Vigilance Clearance to members of Central Civil Services/Central Civil posts

7. These orders shall be applicable to vigilance clearance with respect to:

(i) Inclusion in the offer list

(ii) Empanelment

(iii) Ex-India study leave
(iv) Any deputation for which clearance is necessary and extension thereof
(v) Appointments to sensitive posts
(vi) Assignments to training programmes except mandatory training
(vii) Confirmation in service
(viii) Retirement on VRS
(ix) Post-retirement commercial employment

(x) Pre-mature repatriation (voluntary) from any deputation

In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

8. Vigilance clearance shall be denied on the following grounds:

(a) (I) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a preliminary inquiry as stipulated in para 6 of DoPT OM No. 104/76/2024-AVD-IA dated 09.10.2024 *Consolidated guidelines regarding handling of complaints in Ministries/ Departments/Organizations/State Governments*; or on the basis of any information that the concerned Government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

(i) Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his subordinates

have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.

(ii) Possession of assets disproportionate to known sources of income

(iii) Involvement in cases of misappropriation, forgery or cheating or other similar criminal offences

(iv) Moral turpitude

(v) Violation of CCS (Conduct Rules), 1964

(II) Vigilance clearance shall be granted if preliminary inquiry, if so required, and as envisaged at (I) above is not initiated by the concerned Government within three months from the date of receipt of the complaint, or if the preliminary inquiry after initiation remains pending for more than three months without completion.

(b) The officer is under suspension.

(c) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.

(d) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the chargesheet and the proceeding is pending.

(e) Orders for instituting a criminal case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government and the charge sheet is served within three months.

(f) Chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.

(g) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act,1988 (as amended in 2018) or any other criminal matter and the case is pending in the trial court.

(h) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.

(i) After investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.

(j) An FIR has been filed or a case registered by the concerned Government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.

(k) The officer fails to submit annual Immovable Property Return of the previous year latest by 31st January of the current year, as required under Rule 18 of the CCS (Conduct) Rule, 1964.

(l) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three year after the currency of the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List.

9. Vigilance clearance shall be decided on a case by case basis by the competent authority keeping in view the sensitivity of the purpose, gravity of the allegations/charges and facts and circumstances, in the following situations:

(a) Where a pre-investigation enquiry undertaken by any investigating agency against the officer in a criminal matter remains pending for more than three months.

(b) Where the investigating agency has not been able to complete its investigations and file charges even after a period of two year from the date of initiation of investigation. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for the other matters of the dispensation listed in Paragraph-7 above. Ministries/Departments will identify sensitive posts within their organizations forthwith. All posts of Joint Secretary and above (not equivalent) in the Ministries/Departments shall be treated as sensitive, inter alia.

(c) In cases where the Investigating Agency or the competent authority recommends closure of the case, but the closure of the case/FIR is not permitted by the Court.

(d) In cases where the Investigating Agency/IO holds the charges as proved but the Competent Administrative Authority differs on the converse.

10. While considering cases for grant of vigilance clearance for the purpose of empanelment of members of Central Civil Services/Central Civil posts, the vigilance status will continue to be ascertained also from the respective Cadre Authority. The comments of the CVC will also be obtained for all cases of empanelment of members of Central Civil Services/Central Civil posts.

11. The vigilance clearance will be issued with the approval of Head of Vigilance Division for officers upto the level of Deputy Secretary/Director in the Ministry/Department. For Joint Secretary/Additional Secretary/Secretary, vigilance clearance will be issued with the approval of the Secretary. In case of doubt, orders of Secretary in the Ministry/Department concerned will be obtained keeping in view the purpose forwhich 'vigilance clearance' is required to be given.

12. Insofar as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

संख्या. 104/33/2024-एवीडी-I(ए)

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

कार्मिक और प्रशिक्षण विभाग

नॉर्थ ब्लॉक, नई दिल्ली

दिनांकित: 9 अक्टूबर 2024

<u>कार्यालय ज्ञापन</u>

विषय:- अखिल भारतीय सेवा अधिकारियों तथा केंद्रीय सिविल सेवाओं/केंद्रीय सिविल पदों को 'सतर्कता निकासी' प्रदान करने के संबंध में संशोधित दिशानिर्देश।

कार्मिक और प्रशिक्षण विभाग (डीओपीटी) ने अ.भा.से. अधिकारियों तथा केंद्रीय सिविल सेवाओं/केंद्रीय सिविल पदों को सतर्कता निकासी प्रदान करने के संबंध में समय-समय पर अनुदेश/दिशानिर्देश जारी किए हैं। बेहतर समझ और मार्गदर्शन के लिए उक्त दिशानिर्देशों को यथासंशोधित करने का प्रयास किया गया है।

<u>भाग क- अखिल भारतीय सेवा अधिकारियों को सतर्कता निकासी प्रदान करना</u>

2. ये आदेश निम्नलिखित के संबंध में सतर्कता निकासी हेतु लागू होंगे:

i. प्रस्ताव सूची में समावेशन

ii. पैनलबद्धकरण

iii. भारत बाह्य अध्ययन छुट्टी

iv. अंतर-संवर्ग स्थानांतरण और उसके विस्तार के मामले

v. अंतर-संवर्ग प्रतिनियुक्ति और उसके विस्तार सहित कोई भी प्रतिनियुक्ति

vi. संवेदनशील पदों पर नियुक्तियां

vii. अनिवार्य प्रशिक्षण को छोड़कर प्रशिक्षण कार्यक्रमों के लिए असाइनमेंट

viii. सेवा में स्थायीकरण

ix. वीआरएस पर सेवानिवृत्ति, जहां केंद्र सरकार मामले पर विचार करने के लिए सक्षम प्राधिकारी है

x. सेवानिवृत्ति के पश्चात वाणिज्यिक रोजगार

xi. समयपूर्व प्रत्यावर्तन (स्वैच्छिक)

इन सभी मामलों में कोई भी निर्णय लिए जाने से पहले सतर्कता की स्थिति को सक्षम प्राधिकारी के समक्ष रखा तथा उसके द्वारा उस पर विचार किया जा सकता है।

3. निम्नलिखित आधारों पर सतर्कता निकासी से इनकार किया जाएगा:

(क)(I) अधिकारी के विरूद्ध कोई शिकायत प्राप्त हुई है और कार्मिक और प्रशिक्षण विभाग के दिनांक 09.10.2024 के कार्यालय ज्ञापन संख्या 104/76/2024-एवीडी-आईए के पैरा 6 *मंत्रालयों/विभागों/संगठनों/राज्य सरकारों में शिकायतों के निपटान के संबंध में समेकित दिशानिर्देश*; में यथाअनुबंधित अथवा संबंधित सरकार के पास पहले से ही मौजूद किसी भी ऐसी सूचना के आधार पर संबंधित सरकार द्वारा कम से कम प्रारंभिक जांच के आधार पर यह संस्थित हो गया है कि किसी अधिकारी के कृत्यों के बारे में सत्यापन योग्य आरोपों के लिए ऐसे प्रथम दृष्टया ठोस आधार हैं जिसमें सतर्कता की दृष्टि शामिल है। जैसे:

(i) भ्रष्टाचार, जिसमें किसी आधिकारिक कार्य के संबंध में अथवा किसी अन्य अधिकारी के साथ अपने प्रभाव का उपयोग करके कानूनी पारिश्रमिक के अलावा अन्य परितोषण की मांग करना और/अथवा स्वीकार करना शामिल है; अथवा किसी मूल्यवान वस्तु को बिना किसी विचार के अथवा किसी ऐसे व्यक्ति से अनुचित विचार के साथ प्राप्त करना, जिसके साथ उसका आधिकारिक व्यवहार है अथवा होने की संभावना है अथवा उसके अधीनस्थों का आधिकारिक व्यवहार है अथवा जहां वह प्रभाव डाल सकता है; अथवा भ्रष्ट या अवैध तरीकों से अथवा लोक सेवक के रूप में अपने पद का दुरूपयोग करके स्वयं के लिए या किसी अन्य व्यक्ति के लिए कोई मूल्यवान वस्तु अथवा आर्थिक लाभ प्राप्त करना।

(ii) आय के ज्ञात स्रोतों से असंगत परिसम्पत्ति का होना

(iii) दुर्विनियोजन, जालसाजी अथवा धोखाधड़ी अथवा अन्य समान आपराधिक अपराधों के मामलों में संलिप्तता

(iv) नैतिक अधमता

(v) अ.भा.से. आचरण नियमावली, 1968 का उल्लंघन

(II) सतर्कता निकासी तभी प्रदान की जाएगी जब प्रारंभिक जांच, यदि आवश्यक हो, और जैसा कि ऊपर (I) में परिकल्पित है, शिकायत प्राप्त होने की तारीख से तीन माह के भीतर संबंधित सरकार द्वारा शुरू नहीं की जाती है, अथवा यदि प्रारंभिक जांच शुरू होने के बाद तीन माह से अधिक समय तक पूरी हुई बिना लंबित रहती है।

(ख) अधिकारी निलंबित है।

(ग) अधिकारी का नाम सहमत सूची में है बशर्ते कि ऐसे सभी मामलों में एक वर्ष की अवधि के बाद स्थिति का अनिवार्य रूप से पुनरीक्षण किया जाएगा।

(घ) आरोप पत्र जारी होने के साथ अनुशासनिक प्राधिकारी के अनुमोदन के अनुसार अधिकारी के विरुद्ध अनुशासनात्मक कार्यवाही शुरू कर दी गई है और कार्यवाही लंबित है।

(ङ) अधिकारी के विरुद्ध आपराधिक मामला संस्थापित करने अथवा छानबीन/पूछताछ/जांच की स्वीकृति के आदेश अनुशासनिक प्राधिकारी/सरकार द्वारा अनुमोदित कर दिए गए हैं और आरोप पत्र तीन माह के भीतर तामील कर दिया गया है।

(च) जांच अभिकरण द्वारा किसी आपराधिक मामले में न्यायालय में आरोपपत्र दायर कर दिया गया है और मामला लंबित है।

(छ) सक्षम प्राधिकारी द्वारा भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथासंशोधित) अथवा किसी अन्य आपराधिक मामले के तहत अभियोजन की संस्वीकृति प्रदान कर दी गई है और मामला ट्रायल कोर्ट में लंबित है।

(ज) अधिकारी, भ्रष्टाचार के आरोपों में एक ट्रेप/छापे के मामले में संलिप्त है और जांच लंबित है।

(झ) किसी निजी शिकायत के आधार पर दर्ज की गई प्राथमिकी पर जांच के पश्चात, जांच अभिकरण द्वारा अधिकारी के विरुद्ध न्यायालय में आरोप पत्र दायर किया गया है।

(ञ) संबंधित सरकार द्वारा अधिकारी के विरुद्ध प्राथमिकी (एफआईआर) दर्ज की गई है अथवा मामला पंजीकृत किया गया है, बशर्ते कि आरोप पत्र प्राथमिकी/मामला दर्ज करने/पंजीकृत करने की तारीख से तीन माह के भीतर तामील कर दिया गया हो।

(ट) अधिकारी अखिल भारतीय सेवा (आचरण) नियमावली, 1968 के नियम 16 के तहत यथापेक्षित मौजूदा वर्ष की 31 जनवरी तक पिछले वर्ष की वार्षिक अचल संपत्ति विवरणी (रिटर्न) जमा करने में विफल रहता है।

(ठ) ऐसे मामलों में जहां किसी अधिकारी पर लघु शास्ति लगाई गई है, शास्ति की अवधि जारी रहने के पश्चात तीन वर्ष तक की अवधि के लिए सतर्कता निकासी नहीं दी जाएगी। ऐसे मामलों में जहां किसी अधिकारी पर बड़ी शास्ति लगाई गई है, दंड जारी रहने की अवधि के पश्चात पांच वर्ष की अवधि के लिए सतर्कता निकासी नहीं दी जाएगी। शास्ति जारी रहने के पश्चात अधिकारी के प्रदर्शन पर बारीकी से नजर रखी जानी चाहिए और यदि अधिकारी का नाम सहमत सूची अथवा ओडीआई सूची में सम्मिलित किया जाता है तो सतर्कता निकासी से इनकार किया जाता रहेगा।

4. सक्षम प्राधिकारी द्वारा निम्नलिखित स्थितियों में प्रयोजन की संवेदनशीलता, आरोपों/अभियोगों की गंभीरता और तथ्यों और परिस्थितियों को ध्यान में रखते हुए मामला दर मामला सतर्कता निकासी का निर्णय लिया जाएगा:

(क) जहां किसी आपराधिक मामले में अधिकारी के विरूद्ध किसी भी जांच अभिकरण द्वारा की गई पूर्व-अन्वेषण जांच, तीन महीने से अधिक समय तक लंबित रहती है।

(ख) जहां जांच आभिकरण, जांच शुरू होने की तारीख से दो साल की अवधि के बाद भी अपनी जांच पूरी नहीं कर पाया है और आरोप दायर नहीं कर पाया है। तथापि, ऐसी सतर्कता निकासी, अधिकारी को केवल गैर-संवेदनशील पदों पर नियुक्त किए जाने और संवर्ग में समयपूर्व प्रत्यावर्तन के लिए विचार किए जाने हेतु हकदार बनाएगी न कि उपर्युक्त पैरा -2 में सूचीबद्ध व्यवस्था के अन्य मामलों के लिए। मंत्रालय/विभाग अपने संगठनों के भीतर संवेदनशील पदों की पहचान तत्काल करेंगे। मंत्रालयों/विभागों में संयुक्त सचिव और उससे ऊपर के पदों (समकक्ष नहीं) को अन्य बातों के साथ-साथ संवेदनशील माना जाएगा।

(ग) ऐसे मामलों में, जहां जांच अभिकरण या सक्षम प्राधिकारी मामले को बंद करने की संस्तुति करता है, परन्तु न्यायालय द्वारा मामले/प्राथमिकी को बंद करने की अनुमति नहीं दी जाती है।

(घ) ऐसे मामलों में जहां जांच अभिकरण/जांच अधिकारी आरोपों को सिद्ध मान लेता है लेकिन राज्य सरकार की राय इस मामले पर अलग है।

5. अ.भा.से. अधिकारियों के पैनलबद्धकरण के प्रयोजनार्थ सतर्कता निकासी प्रदान करने के मामलों पर विचार करते समय, संबंधित राज्य सरकारों से भी सतर्कता स्थिति को सुनिश्चित किया जाता रहेगा। केन्द्र सरकार के कार्यों से जुड़े सेवारत अधिकारियों के संबंध में भी सतर्कता की स्थिति संबंधित मंत्रालय/विभाग से प्राप्त की जाएगी। अखिल भारतीय सेवा अधिकारियों के पैनलबद्ध किए जाने के सभी मामलों के संबंध में केन्द्रीय सतर्कता आयोग की टिप्पणियां भी प्राप्त की जाएंगी।

6. मंत्रालय/विभाग में उप सचिव/निदेशक स्तर तक के अधिकारियों के लिए सतर्कता प्रभाग के प्रमुख के अनुमोदन से सतर्कता निकासी जारी की जाएगी। संयुक्त सचिव/अपर सचिव/सचिव के लिए सतर्कता निकासी, सचिव के अनुमोदन से जारी की जाएगी। संदेह की स्थिति में, संबंधित मंत्रालय/विभाग में सचिव के आदेश उस प्रयोजन को ध्यान में रखते हुए प्राप्त किए जाएंगे जिसके लिए 'सतर्कता निकासी' दी जानी है।

भाग ख- केन्द्रीय सिविल सेवा/केन्द्रीय सिविल पदों के सदस्यों को सतर्कता निकासी प्रदान करना

7. ये आदेश निम्नलिखित के संबंध में सतर्कता निकासी हेतु लागू होंगे:

i. प्रस्ताव सूची में समावेशन

ii. पैनलबद्धकरण

iii. भारत बाह्य अध्ययन छुट्टी

iv. अंतर-संवर्ग स्थानांतरण और उसके विस्तार के मामले

v. अंतर-संवर्ग प्रतिनियुक्ति और उसके विस्तार सहित कोई भी प्रतिनियुक्ति

vi. संवेदनशील पदों पर नियुक्तियां

vii. अनिवार्य प्रशिक्षण को छोड़कर प्रशिक्षण कार्यक्रमों के लिए असाइनमेंट

viii. सेवा में स्थायीकरण

ix. वीआरएस पर सेवानिवृत्ति, जहां केंद्र सरकार मामले पर विचार करने के लिए सक्षम प्राधिकारी है

x. सेवानिवृत्ति के पश्चात वाणिज्यिक रोजगार

xi. समयपूर्व प्रत्यावर्तन (स्वैच्छिक)

इन सभी मामलों में कोई भी निर्णय लिए जाने से पहले सतर्कता की स्थिति को सक्षम प्राधिकारी के समक्ष रखा तथा उसके द्वारा उस पर विचार किया जा सकता है।

8. निम्नलिखित आधारों पर सतर्कता निकासी से इनकार किया जाएगा:

(क)(I) अधिकारी के विरूद्ध कोई शिकायत प्राप्त हुई है और कार्मिक और प्रशिक्षण विभाग के दिनांक 09.10.2024 के कार्यालय ज्ञापन संख्या 104/76/2024-एवीडी-आईए के पैरा 6 *मंत्रालयों/विभागों/संगठनों/राज्य सरकारों में शिकायतों के*

निपटान के संबंध में समेकित दिशानिर्देश, में यथाअनुबंधित अथवा संबंधित सरकार के पास पहले से ही मौजूद किसी भी ऐसी सूचना के आधार पर संबंधित सरकार द्वारा कम से कम प्रारंभिक जांच के आधार पर यह संस्थित हो गया है कि किसी अधिकारी के कृत्यों के बारे में सत्यापन योग्य आरोपों के लिए ऐसे प्रथम दृष्टया ठोस आधार हैं जिसमें सतर्कता की दृष्टि शामिल है। जैसे:

(i) भ्रष्टाचार, जिसमें किसी आधिकारिक कार्य के संबंध में अथवा किसी अन्य अधिकारी के साथ अपने प्रभाव का उपयोग करके कानूनी पारिश्रमिक के अलावा अन्य परितोषण की मांग करना और/अथवा स्वीकार करना शामिल है; अथवा किसी मूल्यवान वस्तु को बिना किसी विचार के अथवा किसी ऐसे व्यक्ति से अनुचित विचार के साथ प्राप्त करना, जिसके साथ उसका आधिकारिक व्यवहार है अथवा होने की संभावना है अथवा उसके अधीनस्थों का आधिकारिक व्यवहार है अथवा जहां वह प्रभाव डाल सकता है; अथवा भ्रष्ट या अवैध तरीकों से अथवा लोक सेवक के रूप में अपने पद का दुरूपयोग करके स्वयं के लिए या किसी अन्य व्यक्ति के लिए कोई मूल्यवान वस्तु अथवा आर्थिक लाभ प्राप्त करना।

(ii) आय के ज्ञात स्रोतों से असंगत परिसम्पत्ति का होना

(iii) दुर्विनियोजन, जालसाजी अथवा धोखाधड़ी अथवा अन्य समान आपराधिक अपराधों के मामलों में संलिप्तता

(iv) नैतिक अधमता

(v) अ.भा.से. आचरण नियमावली, 1968 का उल्लंघन

(II) सतर्कता निकासी तभी प्रदान की जाएगी जब प्रारंभिक जांच, यदि आवश्यक हो, और जैसा कि ऊपर (I) में परिकल्पित है, शिकायत प्राप्त होने की तारीख से तीन महीने के भीतर संबंधित सरकार द्वारा शुरू नहीं की जाती है, अथवा यदि प्रारंभिक जांच शुरू होने के बाद तीन महीने से अधिक समय तक पूरी हुई बिना लंबित रहती है।

(ख) अधिकारी निलंबित है।

(ग) अधिकारी का नाम सहमत सूची में है बशर्ते कि ऐसे सभी मामलों में एक वर्ष की अवधि के बाद स्थिति का अनिवार्य रूप से पुनरीक्षण किया जाएगा।

(घ) आरोप पत्र जारी होने के साथ अनुशासनिक प्राधिकारी के अनुमोदन के अनुसार अधिकारी के विरुद्ध अनुशासनात्मक कार्यवाही शुरू कर दी गई है और कार्यवाही लंबित है।

(ङ) अधिकारी के विरुद्ध आपराधिक मामला संस्थापित करने अथवा छानबीन/पूछताछ/जांच की स्वीकृति के आदेश अनुशासनिक प्राधिकारी/सरकार द्वारा अनुमोदित कर दिए गए हैं और आरोप पत्र तीन माह के भीतर तामील कर दिया गया है।

(च) जांच अभिकरण द्वारा किसी आपराधिक मामले में न्यायालय में आरोपपत्र दायर कर दिया गया है और मामला लंबित है।

(छ) सक्षम प्राधिकारी द्वारा भ्रष्टाचार निवारण अधिनियम, 1988 (2018 में यथासंशोधित) अथवा किसी अन्य आपराधिक मामले के तहत अभियोजन की संस्वीकृति प्रदान कर दी गई है और मामला ट्रायल कोर्ट में लंबित है।

(ज) अधिकारी, भ्रष्टाचार के आरोपों में एक ट्रेप/छापे के मामले में संलिप्त है और जांच लंबित है।

(झ) किसी निजी शिकायत के आधार पर दर्ज की गई प्राथमिकी पर जांच के पश्चात, जांच अभिकरण द्वारा अधिकारी के विरुद्ध न्यायालय में आरोप पत्र दायर किया गया है।

(ञ) संबंधित सरकार द्वारा अधिकारी के विरुद्ध प्राथमिकी (एफआईआर) दर्ज की गई है अथवा मामला पंजीकृत किया गया है, बशर्ते कि आरोप पत्र प्राथमिकी/मामला दर्ज करने/पंजीकृत करने की तारीख से तीन माह के भीतर तामील कर दिया गया हो।

(ट) अधिकारी अखिल भारतीय सेवा (आचरण) नियमावली, 1968 के नियम 16 के तहत यथापेक्षित मौजूदा वर्ष को 31 जनवरी तक पिछले वर्ष की वार्षिक अचल संपत्ति विवरणी (रिटर्न) जमा करने में विफल रहता है।

(ठ) ऐसे मामलों में जहां किसी अधिकारी पर लघु शास्ति लगाई गई है, शास्ति की अवधि जारी रहने के पश्चात तीन वर्ष तक की अवधि के लिए सतर्कता निकासी नहीं दी जाएगी। ऐसे मामलों में जहां किसी अधिकारी पर बड़ी शास्ति लगाई गई है, दंड जारी रहने की अवधि के पश्चात पांच वर्ष की अवधि के लिए सतर्कता निकासी नहीं दी जाएगी। शास्ति जारी रहने के पश्चात अधिकारी के प्रदर्शन पर बारीकी से नजर रखी जानी चाहिए और यदि अधिकारी का नाम सहमत सूची अथवा ओडीआई सूची में सम्मिलित किया जाता है तो सतर्कता निकासी से इनकार किया जाता रहेगा।

9. सक्षम प्राधिकारी द्वारा निम्नलिखित स्थितियों में प्रयोजन की संवेदनशीलता, आरोपों/अभियोगों की गंभीरता और तथ्यों और परिस्थितियों को ध्यान में रखते हुए मामला दर मामला सतर्कता निकासी का निर्णय लिया जाएगा:

(क) जहां किसी आपराधिक मामले में अधिकारी के विरूद्ध किसी भी जांच अभिकरण द्वारा की गई पूर्व-अन्वेषण जांच, तीन महीने से अधिक समय तक लंबित रहती है।

(ख) जहां जांच अभिकरण, जांच शुरू होने की तारीख से दो साल की अवधि के बाद भी अपनी जांच पूरी नहीं कर पाया है और आरोप दायर नहीं कर पाया है। तथापि, ऐसी सतर्कता निकासी, अधिकारी को केवल गैर-संवेदनशील पदों पर नियुक्त किए जाने और संवर्ग में समयपूर्व प्रत्यावर्तन के लिए विचार किए जाने हेतु हकदार बनाएगी न कि उपर्युक्त पैरा -2 में सूचीबद्ध व्यवस्था के अन्य मामलों के लिए। मंत्रालय/विभाग अपने संगठनों के भीतर संवेदनशील पदों की पहचान तत्काल करेंगे। मंत्रालयों/विभागों में संयुक्त सचिव और उससे ऊपर के पदों (समकक्ष नहीं) को अन्य बातों के साथ-साथ संवेदनशील माना जाएगा।

(ग) ऐसे मामलों में, जहां जांच अभिकरण या सक्षम प्राधिकारी मामले को बंद करने की संस्तुति करता है, परन्तु न्यायालय द्वारा मामले/प्राथमिकी को बंद करने की अनुमति नहीं दी जाती है।

(घ) ऐसे मामलों में जहां जांच अभिकरण/जांच अधिकारी आरोपों को सिद्ध मान लेता है लेकिन राज्य सरकार की राय इस मामले पर अलग है।

10. केंद्रीय सिविल सेवाओं/केंद्रीय सिविल पदों के सदस्यों को पैनल में शामिल करने के उद्देश्य से सतर्कता निकासी प्रदान करने के मामलों पर विचार करते समय, संबंधित संवर्ग प्राधिकारी से भी सतर्कता स्थिति सुनिश्चित की जाती रहेगी। केन्द्रीय सिविल सेवाओं/केन्द्रीय सिविल पदों के सदस्यों को पैनल में शामिल करने के सभी मामलों हेतु सीवीसी की टिप्पणियां भी प्राप्त की जाएगी।

11. मंत्रालय/विभाग में उप सचिव/निदेशक स्तर तक के अधिकारियों के लिए सतर्कता स्वीकृति सतर्कता प्रभाग के प्रमुख के अनुमोदन से जारी की जाएगी। संयुक्त सचिव/अपर सचिव/सचिव के लिए सतर्कता निकासी सचिव के अनुमोदन से जारी की जाएगी। संदेह की स्थिति में, संबंधित मंत्रालय/विभाग में सचिव के आदेश उस उद्देश्य को ध्यान में रखते हुए प्राप्त किए जाएंगे, जिसके लिए 'सतर्कता निकासी' दी जानी आवश्यक है।

12. जहां तक भारतीय लेखापरीक्षा और लेखा विभाग में कार्यरत कार्मिकों का संबंध है, ये अनुदेश भारत के नियंत्रक एवं महालेखा परीक्षक के परामर्श के पश्चात जारी किए गए हैं।

(Sign of Authority)
Rupesh Kumar
Under Secretary
23094799

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18.15 Annexure - Deputation/transfer

No. 6/8/2009-Estt. (Pay II)

Government of India

Ministry of Personnel Public Grievances & Pensions

Department of Personnel & Training

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New Delhi the 17th June, 2010

OFFICE MEMORANDUM

Subject: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts under the Central Government/ State Governments/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.

.....

The undersigned is directed to refer to this Department's O.M. No.2/29/91-Estt. (Pay II) dated 5th January, 1994 as amended/revised from time to time. A need has been felt to consolidate all these orders in one place and accordingly, it has been decided, in consultation with Department of Expenditure, to bring out a self contained O.M. in supersession of OM dated 5.1.94 and subsequent amendments on the subject, incorporating the provisions of earlier orders with suitable modifications, wherever necessary.

2. Application

2.1 These orders will apply to all Central Government 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 Government or under the State Governments/ Union Territories Administration/ Local Bodies or under Central/ State PSUs/Autonomous Bodies etc. set up or controlled by Central/State Governments provided the foreign service under such PSUs/autonomous bodies has been permitted in relaxation of appointment on immediate absorption basis. These orders will also cover the cases of regular appointment on deputation/foreign service of employees of State Government/local bodies etc. as well as PSUs/Autonomous Bodies of Central/State Governments as per recruitment rules in the Central Government.

2.2 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 under the Central Staffing Scheme (CSS) for whom separate orders as issued from time to time will continue to apply;

(c) Deputation to posts operated outside India;

(d) Appointments of a specific category of employees to a specified class of posts, such as appointments made in the Personal Staff of Ministers etc., in respect of which special orders are already in existence. However, the terms and conditions set out in this O.M. will apply to those cases to the extent these are not specifically covered under such special 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 will be admissible – e.g. (i) interim arrangements in the event of conversion of a Government 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 terms 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 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 The following types of appointments will not be treated as deputation/foreign service for the purposes of these orders:

(a) appointment of serving employees made either by promotion or by direct recruitment from amongst open market candidates whether on permanent or temporary basis.

(b) permanent appointment made by transfer.

(c)Temporary appointment made on the basis of personal requests of employees.

(d) Arrangements necessitated by staff imbalances arising on re-organisation of offices on the same or different stations, subject to the specific condition that no deputation (duty) allowance will be admissible in such cases.

3.3 A person in a higher Grade Pay/scale of pay shall not be appointed on deputation to a post in lower Grade Pay/scale of pay if the deputation is from Central Government to Central Government and also in cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar.

3.4 However, no appointment on deputation/foreign service shall be made from/to Central Government/ an organisation where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar, if the basic pay in the parent cadre increased by one increment plus dearness allowance(s) including interim relief if any, admissible to a person in the parent cadre post exceeds the basic pay plus dearness allowance (s) including interim relief, if any, at the maximum of the pay scale of the ex-cadre post. In the revised pay structure, the maximum of the scale would mean the sum of the Grade Pay of the ex-cadre post and maximum of the Pay Band PB 4 i.e. Rs. 67000. For example, if the ex-cadre post

is in the Grade Pay of Rs. 4200, then the maximum would be Rs. 71200 i.e. Rs. 4200 plus Rs. 67000 (maximum of PB 4).

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/her basic pay in the parent cadre plus deputation (duty) allowance thereon plus personal pay, if any. However, in case of Government employees on deputation/ foreign service to CPSEs, this option will not be allowed and their pay will be governed in terms of the orders issued by Department of Public Enterprises vide OM dated 26.11.2008 and clarifications issued thereafter.

4.2 The borrowing authority shall 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.

4.4 However, the employee may revise the option under the following circumstances which will be effective from the date of occurrence of the same:

(a) When he/she receives proforma promotion or is appointed to non-functional selection grade or up-gradation of scale in the parent cadre;

(b) When he/she is reverted to a lower grade in the 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 employee, in the event of proforma promotion/appointment to non-functional Selection Grade/revision/upgradation of scales of pay in the parent cadre, his/her pay will be re-fixed 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 re-fixed is less.

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

4.5. 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 re-fixed 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 pay in the scale of pay attached to the ex-cadre post, his/ her pay may be fixed as under:

(i) Deputation from Central Government to Central Government

If the scale of pay/Grade Pay of the ex-cadre post is higher, the pay may be fixed after adding one increment to the existing pay in the Pay Band of the parent cadre post. The grade pay corresponding to the ex-cadre post would thereafter be granted in addition to this pay in the pay band. However, in cases where the fixation of pay in the ex-cadre post involves change of Pay Band also, if the pay in the pay band after adding the increment is less than the minimum of the pay band corresponding to the grade pay of the ex-cadre post, the pay in the pay band will be fixed at the minimum of the Pay Band.

In case the Grade Pay/scale of employee's cadre post and the ex-cadre post are identical, the employee would continue to draw his/her existing basic pay.

In case the Grade pay of the ex-cadre post is upto Rs 10000, the Basic Pay, from time to time after pay fixation should not exceed the maximum of the pay band PB-4 (Rs.67000) plus the grade pay of the post held on deputation. In case the ex-cadre post is in the HAG or HAG+ pay scale, the Basic Pay, from time to time after pay fixation should not exceed Rs. 79000 or Rs.80000 respectively.

(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 the same index level and the DA pattern is also same, the pay may be fixed as under (i) above.

(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 one increment to the pay in the parent cadre post in the scale of his regular parent post (and if he/she 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 the ex-cadre post as above equal the emoluments drawn in the cadre.

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 post should be fixed under the normal rules with reference to the pay in the cadre post only. However, in respect of appointments to ex-cadre posts carrying Grade Pay identical to that of the ex-cadre post(s) held on an earlier occasion(s), it may be ensured that the pay drawn in subsequent appointment should not be less than the pay drawn earlier.

5.3 In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay scale/grade pay 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/Grade Pay attached to the ex-cadre posts.

Note-1: The term parent post and 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/her regular post. During the period of deputation/ foreign service, he/she shall earn notional increments in the parent cadre post. On reversion, if he/she is re-appointed to the higher post on regular or adhoc basis his pay will get fixed with reference to the pay admissible in the lower post on the date of such re-appointment. 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 extant rules in so far as Central Government 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 Government, if governed by similar rules in parent organisation.

Note-3: Pay of an 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.

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

6. Deputation (duty) Allowance

6.1 The deputation (duty) allowance admissible shall be at the following rates:

(a) In case of deputation within the same station, the allowance will be paid at the rate of 5% of basic pay subject to a maximum of Rs.2000 p.m.; and

(b) In other cases, Deputation (Duty) Allowance will be payable at the rate of 10% of the employee's basic pay subject to a maximum of Rs.4000/- p.m.

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

Basic Pay, from time to time, plus Deputation (Duty) Allowance shall not exceed the maximum of the pay band PB-4 (Rs.67000) plus the grade pay of the post held on deputation in case the Grade Pay of the post held on deputation is upto Rs 10000. In case the post held on deputation is in the HAG or HAG+ pay scales, the Basic Pay, from time to time, plus Deputation (Duty) Allowance should not exceed Rs. 79000 and Rs.80000 respectively.

Note: Basic Pay in the revised pay structure means the pay drawn in the prescribed pay band plus the applicable grade pay but does not include any other type of pay like special pay/allowance etc.

The rates of deputation (duty) allowance as above shall take effect from 1.9.2008.

Note: 1 The term 'same station' for the purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.

Note: 2 Where 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 the condition of living there being particularly ardous or unattractive. Where special rate is more favourable than that given in Para 6.1 above, employees deputed to the area will be given the benefit of the special rate.

6.3.1 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 organisation without reverting to his parent cadre, and if the second ex-cadre post is at the same station as the first one, the rate of deputation (duty) allowance would remain unchanged.

6.3.2 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 be refixed as per 6.1 (b).

7. <u>Admissibility of pay, allowances & benefits while on deputation/foreign service</u>

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 allowance 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 allowance 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 allowance is attached to the scale of pay of the ex-cadre post and the employee has opted to draw pay in that scale, then, in addition to the pay in that scale, he will also be entitled to draw such special allowance. However, such special allowance will not be admissible if he has opted to draw pay in the parent cadre scale/grade pay plus deputation (duty) 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/she opts to draw pay in the parent cadre scale/grade pay plus deputation (duty) allowance. No deputation (duty) allowance on this personal pay will however, be admissible.

7.5 Increments - The employee will draw increment in the parent cadre grade or in the scale of pay /grade pay attached to the deputation post as the case may be, depending on whether he has opted for the parent cadre pay plus deputation (duty) allowance or the pay scale /grade pay of the deputation post. If he has opted for pay scale/grade pay of the deputation post, notional increments shall also continue to accrue to him in the post held on regular basis in the parent cadre/ organisation for the purpose of regulation of pay on repatriation to the parent post at the end of the 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/Transport Allowance
(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 to draw pay in the pay scale/grade pay of the ex-cadre post or the parent grade plus deputation (duty) allowance.

(ii) Medical Facilities – This will be regulated in accordance with the rules of the 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/Pension/NPS Contribution.

(i) As at present, allocation of leave salary and pension contribution between different Ministries/Departments of Central Government and between Central and State Government has been dispensed with. In such cases of deputation from Central Government to State Government 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 lending 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 Government employees on foreign service terms to Central Public Sector Undertakings/ State Public Sector Undertakings and Autonomous Bodies/ etc., leave salary contribution (except for the period of leave availed of 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 Government.

(iii) In cases of reverse deputation from Central Public Sector Undertakings/ State Public Sector Undertakings/ Autonomous Bodies/local bodies to Central Government, the question regarding leave salary and pension contribution will be decided by mutual consent.

(iv) In case of employees covered under New Pension Scheme (NPS), the borrowing department shall make matching contribution to the NPS account of the employee.

8. Tenure of deputation/foreign service.

8.1 The period of deputation/foreign service shall be as per the Recruitment Rules of the ex-cadre post or 3 years in case no tenure regulations exist for the ex-cadre post.

8.2. In case where the period of deputation/foreign service prescribed in the recruitment rules of the ex-cadre post is 3 years or less, the Administrative Ministry/borrowing organisation may grant extension upto the 4th year after obtaining orders of their Secretary (in the Central Government)/Chief Secretary (in the State Government)/ equivalent officer (in respect of other cases) and for the fifth year with the approval of the Minister of the borrowing Ministry/Department and in respect of other organisations with the approval of the Minister of the borrowing Ministry/Department with which they are administratively concerned.

8.3.1 The borrowing Ministries/Departments/Organisations may extend the period of deputation upto the fifth year where absolutely necessary in public interest, subject to the following conditions:

(i) The extension would be subject to the prior approval of the lending organisation, the consent of the official concerned and wherever necessary, the approval of the UPSC/ State Public Service Commission and Appointment Committee of Cabinet (ACC).

(ii) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action for seeking concurrence of lending organisation, individual concerned etc. six months before the date of expiry of tenure. In no case it should retain an official beyond the sanctioned term unless prior approval of the competent authority to grant further extension has been obtained.

(iii) No further extension beyond the fifth year shall be considered.

8.3.2 Where extension is granted up to the fifth year, the official concerned will continue to be allowed deputation (duty) allowance, if he/she has opted to draw deputation (duty) allowance.

8.4 There shall be a mandatory 'cooling off' period of three years after every period of deputation/foreign service up to Joint Secretary level posts and one year for Additional Secretary level posts.

8.5 A Central Government employee shall be eligible for deputation/foreign service to posts in State Government/ State Government Organisations/Government of UTs/ Government of UT's Organisations/ Autonomous Bodies, Trusts, Societies, PSUs etc. not controlled by the Central Government only after he has completed 9 years of service and is clear from the vigilance angle.

8.6 If during the period of deputation/ foreign service, on account of proforma promotion in the parent cadre the official concerned becomes entitled to a higher Pay Scale/ Pay Band & Grade Pay in the parent cadre vis-a-vis that of the ex-cadre post, the official shall complete his/her normal /extended tenure of deputation already sanctioned with the approval of the competent authority. The pay shall be regulated as under:

(a) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted till the time he completes the normal/extended period of deputation (if he gets proforma promotion in the extended period) already sanctioned, if he so opts. No extension in the period of deputation shall be allowed to him after completing the sanctioned period of deputation.

(b) If he draws the pay in the pay band + Grade pay attached to the deputation post, on reversion to his parent cadre, his pay may be fixed by allowing him notional increments in his regular post in the parent department + the Grade pay attached to it.

(c) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post on getting financial upgradation under the ACP/MACP scheme, the officer may be allowed to draw the pay in the pay band + Grade Pay to which he becomes entitled to under the ACP/MACPS, if opted for by him, as laid down in Para 27 of Annexure I to the DOPT OM No. 35034/3/2008 -Estt. (D) dated 19th May, 2009.

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 an advance notice of at least three months to 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. Date of Effect

These orders will take effect from 1.1.2006 and shall be applicable to all officers who were on deputation on 1.1.2006 or appointed thereafter except for the revised rates of deputation (duty) allowance which shall be applicable from 1.9.2008 as mentioned below Para 6.1 of this OM.

12. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders will apply for deputation outside Indian Audit and Accounts Department as concurred in by the Comptroller and Auditor General of India.

13. Hindi version will follow.

(Rita Mathur)
Director

To

All Ministries/ Departments of the Govt. of India etc.
(As per standard list)

Copy to NIC: To upload the O.M. on the Department's website in "What's new" and also in "Establishment" sub-head "deputation".

ANNEXURE I

CHECK - LIST

(vide para 8.4)

1. Name of the officer.

2. Name of the parent office.
Designation of the post held in parent office & pay scale of that post

3. Present basic pay in the parent cadre post

4. Designation & pay scale of the post held on deputation and the present basic pay in the ex-cadre post.

5. Has the officers been given NBR proforma promotion/?. If so, pay scale of the post to which promoted.

6. Normal period of deputation prescribed in Recruitment Rules for the ex-cadre post.

7. Date of appointment on deputation.

8. Is the officer drawing grade pay + d(d)a? If so, has the d(d)a been stopped during the 5th year/2nd year in excess of the period prescribed in the Recruitment Rules.

9. Whether the extension for Ist year/2nd year in excess of period prescribed in the RRs of the post has been given with the approval of the Secy. and Minister incharge of the administrative Ministry/Department respectively.

10. Does the proposed extension also requires the approval of UPSC/ACC?

11. What is the specific public interest involved in the proposed extension?

12. Whether the concurrence of lending organisation/ individual concerned has been obtained for the proposed extension?

13. Efforts made to select a suitable replacement for the officer?

14. According to Recruitment Rules can the post be filled up by promotion? If so, are there any eligible officers available from the feeder cadre (if there is one) and if so, why are they not being considered for promotion instead of seeking further extension for existing incumbent?

15. Any other relevant information considered necessary.

Signature and Designation

F.No.4/78/2006-P&PW (D)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Pension & Pensioners' Welfare)

3rd Floor, Lok Nayak Bhawan
New Delhi-110 003.
Dated the 12th October, 2015

OFFICE MEMORANDUM

Subject: **Deputation of Central Government servants to posts in Central Autonomous Bodies – Review of Policy.**

The undersigned is directed to say that in accordance with the instructions contained in this Department of OM of even number dated 31.10.2007, appointment of Central Government employees in Central Autonomous Bodies can be made on immediate absorption basis only. Appointment of Central Government servants on deputation to the posts in the Central Autonomous Bodies can be made only after obtaining exemption from Rule of Immediate Absorption in respect of those posts from Department of Pension & Pensioners' Welfare.

2. Keeping in view the difficulties being faced by Autonomous Bodies in filling up the posts due to the application of Rule of Immediate Absorption, the matter has been reviewed in consultation with Department of Personnel & Training and Department of Expenditure. In partial modification of the instructions contained in this Department's OM dated 31.10.2007, it has been decided to allow appointment of Central Government employees to posts in Central Autonomous Bodies on deputation basis without seeking exemption from Rule of Immediate Absorption, if the Recruitment Rules for the posts specifically provide for the appointment of Central Government employee on deputation. This relaxation will be subject to the following conditions:

i. The general principle of public interest shall be overriding factor in providing deputation as a method of recruitment. The general criteria for providing deputation as a method of recruitment would be non-availability of suitable persons for joining a post on regular basis from within or outside the organization. In other words deputation as a method of recruitment would be provided only if there are not enough posts in the feeder grade for appointment by promotion or if the candidates from Central Government are not likely to join the Autonomous Body on immediate absorption basis.

ii. Deputation as a method of recruitment may generally be provided in respect of the following categories of posts in the Autonomous Bodies.

a) Posts requiring specialized personnel in connection with **scientific research or development of technology.**

Contd..2/-

b) Posts in executive or senior management level i.e. post carrying a Grade pay of not less than Rs.7600/- in Central Autonomous Body having very close inter-action with policies and programmes of the Government.

c) Posts where the nature of the work requires employment of Government officers for security reasons or vigilance purposes.

d) Posts in newly established/temporary organizations (upto a period of 5 years from the date of establishment).

e) Posts limited in number particularly in specialized fields where creation of a regular cadre is not feasible.

f) The number of posts to be exempted may be decided in each CAB on a case to case basis.

iii. The recruitment rules for a post in an Autonomous Body, which provide for deputation from Central Government employees, must have the approval of the Competent Authority in the Administrative Ministry /Department.

iv. In case the recruitment rules for a post in the Autonomous Body have not been notified or recruitment rules do not provide for deputation as a method of recruitment, then the existing instructions regarding seeking exemption from the rule of immediate absorption would continue to apply.

v. The recruitment rules must specify the maximum number/percentage of posts in a particular grade that can be filled on deputation. Appointment on deputation beyond the number specified in the Recruitment Rules would not be made by the autonomous body.

vi. In case it is proposed to make recruitment by deputation of Government employees in excess of the deputation quota provided in the recruitment rules, specific approval of Administrative Ministry for making such recruitment by deputation would be obtained. If such a relaxation is approved by the Administrative Ministry, no further exemption from rule of immediate absorption would be required.

vii. There should be an entry in recruitment rules to the effect that the exemption from rule of immediate absorption is not required for appointment on deputation.

3. The above appointments would be treated as appointment on non-Central Staffing Scheme (non-CSS) posts. Thus, the ceiling on deputation period relating to CSS plus non-CSS will apply on such appointments.

4. All other provisions in the OM dated 31.10.2007, which have not been specifically modified in this O.M., would continue to be applicable.

Contd..3/-

5. The instructions regarding other clearances, including cadre clearance, required for appointment on deputation of Government employees to autonomous bodies would continue to be applicable.

6. All administrative Ministries/Departments are requested to take note of the above decisions and also to bring the same to the notice of the Autonomous bodies under their administrative control for strict compliance by all concerned.

7. This issues with the approval of competent authority.

8. Hindi version will follow.

(Harjit Singh)
Dy. Secretary to the Government of India
Tel. No.24624752

To

All Ministries/Departments of Government of India
(As per mailing list)

Copy to NIC.

18.16 Annexure - Technical resignation and lien

No.DOPT-1669266628362
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
ESTT.(Estt. C)
******

(Dated 24 November, 2022)

OFFICE MEMORANDUM

Technical Resignation and Lien

This Department has issued various instructions from time to time regarding Technical Resignation and Lien. It is now decided to consolidate these instructions at one place for better understanding and guidance, as under:

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

(i) the Government servant should intimate the details of such application immediately on their joining;

(ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned bythe employee, his application would have been forwarded through proper channel.

(DOPT's O.M. No. 13/24/92-Estt(Pay-1) dated 22.01.1993)

2.2 Carry forward of Leave benefits

(i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave(CCL) as well as all other leaves of the kind due & admissible will be carried forward.

(ii) As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

2.3 Carry forward of LTC

Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as define in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 Applicability of Pension Scheme

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment terms of Rule 26(2) of CCS (Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M. No. 28/30/2004-P&PW(B) dated 26.07.2005)

2.8 New Pension Scheme

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

2.9 Transfer of Service Book from parent Department to present Department.

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

2.10 Need for Medical examination.

In cases 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 he need not be required to undergo a fresh examination.

2.11 Verification of Character & Antecedents

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employment in that office did not render him unsuitable for employment under Government. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be dated carried out in full/afresh, in accordance with O.M. No. 18011/9(s)/78-Estt(B) 2nd July, 1982.

3.1 Lien

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to 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.

3.1.2 The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

(DOPT's O.M. No. 18011/1/86-Estt (D) dated 28.03.1998)

3.2 Lien on a post

A Government servant who has acquired a lien on a 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 is he is transferred

substantively to a post on lower pay, in which case his lien is transferred the new post from the date on which he is relieved of his duties in the old post;

(d) while on leave; and

(e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another Central Government office/State Government

(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in unless he exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

(iv) Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

(DOPT O.M. No. 8/4/70-Estt(C) dated 06.03.1974)

3.4 Termination of Lien

3.4.1 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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.

3.4.2 A Government employee'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.

3.4.3 No lien shall be retained:

a. where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and

b. on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

(Notification No. 28020/1/96-Estt(C) dated 09.02.1998)

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

(Notification No. 28020/1/96-Estt(C) dated 09.02.1998)

3.6 Joining Time, Joining Time Pay & Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 For appointment to posts under the Central Government on results of a competition 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 the CCS(Joining Time) Rules, 1979. Joining time will be included as qualifying service in the new job.

3.6.2 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 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.

3.6.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance(TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled for joining time pay under Joining Time Rules.

4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.

5. In case any reference to the relevant OM is required, the same may be accessed by clicking the hyperlink given below:

	OM No.	Subject
1	28020/1/2010-Estt.(C) dt. 17/08/2016	Technical Resignation and Lien - Consolidated guidelines.
2	28020/1/2010-Estt(C) dt. 26/12/2013	Consolidated Instructions on Technical Resignation and Lien - regarding
3	28020/1/96-Estt(C) dt. 09/02/1998	Notification on Lien
4	28016/5/85-Estt(C) dt. 31/01/1986	Appointment of Central Government servants in the Central Public Enterprises on immediate absorption basis-terms and conditions of.
5	28015/2/80-Estt(C) dt. 22/07/1980	Forwarding of applications of Government Servants working in a Department/Offices of the Central Govt. question regarding the retention of lien in this parent Department.

6	8/4/70-Estt(C) dt. 06/03/1974	Forwarding of application of Central Government Servants for posts under the State Government procedure for.
7	60/37/63-Estt(A) dt. 14/07/1967	Forwarding of applications of Government servants working in a Department/Office of the Central Government to posts in other Central Government Department/Offices-question regarding the retention of lien in the parent department.
8	4-(3)-E-IV/A/63 dt. 01/10/1963	Termination of Lien of permanent Government servants on foreign service in the event of their permanent absorption under the foreign employer.

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No. 28020/1/2010-Estt.(C)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)
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North Block, New Delhi
Dated 17th August, 2016

OFFICE MEMORANDUM

Subject: Technical Resignation & Lien- Consolidated guidelines.

The undersigned is directed to refer to this Department's OM of even number dated the 26th December, 2013 on the above subject and to say that guidelines/ instructions regarding Technical Resignation have been issued from time to time. It is now proposed to further consolidate these instructions, as the Department continues to receive frequent references on these issues.

2.1 Technical Resignation

2.1.1 As per the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965, the resignation is treated as a technical formality where a Government servant has applied through proper channel for a post in the same or some other Department, and is on selection, required to resign the previous post for administrative reasons. The resignation will be treated as technical resignation if these conditions are met, even if the Government servant has not mentioned the word "Technical" while submitting his resignation. The benefit of past service, if otherwise admissible under rules, may be given in such cases. Resignation in other cases including where competent authority has not allowed the Government servant to forward the application through proper channel will not be treated as a technical resignation and benefit of past service will not be admissible. Also, no question of benefit of a resignation being treated as a technical resignation arises in case of it being from a post held on *ad hoc* basis.

2.1.2 This benefit is also admissible to Government servants who have applied before joining the Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfillment of the following conditions:

(i) the Government servant should intimate the details of such application immediately on their joining;

(ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under the Government for which he applied before joining the Government service;

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

(DOPT's O.M.No.13/24/92-Estt(Pay-1) dated 22.01.1993)

2.2 Carry forward of Leave benefits

(i) In terms of Rule 9(2) of the CCS (Leave) Rules, 1972, technical resignation shall not result in the lapse of leave to the credit of the Government servant. The balance of unutilized Child Care Leave(CCL) as well as all other leaves of the kind due & admissible will be carried forward.

(ii) As per rule 39-D of the CCS(Leave) Rules,1972, in case of permanent absorption in PSUs/ Autonomous Bodies/ State Government etc., the Government servant shall be granted cash equivalent of leave salary in respect of EL & HPL at his credit subject to overall limit of 300 days.

2.3 Carry forward of LTC

Entitlement to LTC may be carried forward in case of a Central Government Servant who joins another post after having submitted Technical Resignation. In case of a Government Servant who resigns within 8 years of his appointment and joins another post in the Government after Technical Resignation, the Government Servant will be treated as a fresh recruit for a period of 8 years from the date of his initial appointment under Government. Thus if a Government Servant joins another Department after serving in Government for 4 years, he will be treated as a fresh recruit for 4 years in the new Department.

2.4 Pay Protection, eligibility of past service for reckoning of the minimum period for grant of Annual Increment

In cases of appointment of a Government servant to another post in Government on acceptance of technical resignation, the protection of pay is given in terms of the Ministry of Finance OM No. 3379-E.III (B)/65 dated the 17th June, 1965 read with proviso to FR 22-B. Thus, if the pay fixed in the new post is less than his pay in the post he holds substantively, he will draw the presumptive pay of the pay he holds substantively as defined in FR-9(24). Past service rendered by such a Government servant is taken into account for reckoning of the minimum period for grant of annual increment in the new post/ service/ cadre in Government under the provisions of FR 26 read with Rule 10 of CCS (RP) Rules, 2016. In case the Government servant rejoins his earlier posts, he will be entitled to increments for the period of his absence from that post.

2.5 GPF transfer

Transfer of GPF on technical resignation would be governed by Rule 35 of the General Provident Fund (Central Services) Rules, 1960.

2.6 Seniority

On technical resignation, seniority in the post held by the Government servant on substantive basis continues to be protected. However, in case of a Government servant deciding to rejoin his substantive post, the period spent in another department which he had joined after submitting his technical resignation will not count for minimum qualifying service for promotion in the higher post.

2.7 Applicability of Pension Scheme

In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other Departments and on selection they are asked to tender technical resignation, the past services are counted towards pension if the new post is in a pensionable establishment in terms of Rule 26(2) of CCS(Pension) Rules 1972. They will thus continue to be covered under the CCS(Pension) Rules, 1972 even if they join the new post after 1.1.2004.

(Department of Pension & Pensioners Welfare's O.M.No.28/30/2004-P&PW(B) dated 26.07.2005)

2.8 New Pension Scheme

In case of 'Technical Resignation' of Government servant covered under National Pension System (NPS), the balance standing to their Personal Retirement Account (PRA) along-with their PRAN will be carried forward to the new office.

2.9 Transfer of Service Book from parent Department to present Department.

As per SR- 198, the Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office.

2.10 Need for Medical examination.

In cases 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 he need not be required to undergo a fresh examination.

2.11 Verification of Character & Antecedents

In the case of a person who was originally employed in an office of the Central Government, if the period intervening between date of discharge from his previous office and the date of securing a new appointment, is less than a year, it would be sufficient if the appointing authority, before making the appointment, satisfies itself by a reference to the office in which the candidate was previously employed that (a) that office have verified his character and antecedents; and (b) his conduct while in the employ in that office did not render him unsuitable for employment under Government. If however, more than a year has lapsed after the discharge of the person from his previous office, verification should be carried out in full/afresh, in accordance with O.M.No.18011/9(s)/78-Estt(B) dated 2nd July,1982.

3.1 Lien

3.1.1 Lien is defined in FR 9(13). It represents the right of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefit of having a lien in a post/service/cadre is enjoyed by all employees who are confirmed in the post/service/cadre of entry or who have been promoted to a higher post, declared as having completed the probation where it is prescribed. It is also available to 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.

3.1.2 The above right will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service.

(DOPT's O.M.No.18011/1/86-Estt (D) dated 28.03.1998)

3.2 Lien on a post

A Government servant who has acquired a lien on a 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) while on leave; and
(e) while under suspension.

A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

3.3 Retention of lien for appointment in another central government office/ State Government

(i) A permanent Government servant appointed in another Central Government Department/Office/ State Government, has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

(ii) The exceptional cases may be when the Government servant is not confirmed in the department/office where he has joined within a period of 2 years. In such cases he may be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

(iii) Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (i) and (ii) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

(iv) Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

(DOPT O.M.No.8/4/70-Estt(C) dated 06.03.1974)

3.4 Termination of Lien

3.4.1 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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post. It will not be correct to deny a Government servant lien to a post he was holding substantively on the plea that he had not requested for retention of lien while submitting his Technical Resignation, or to relieve such a Government servant with a condition on that no lien will be retained.

3.4.2 A Government employee'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.

3.4.3 No lien shall be retained:

a. where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and

b. on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.5 Transfer of Lien

The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

(Notification No.28020/1/96-Estt(C) dated 09.02.1998)

3.6 Joining Time, Joining Time Pay &Travelling Allowance

Provisions relating to joining time are as follows:

3.6.1 For appointment to posts under the Central Government on results of a competition 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 the CCS(Joining Time) Rules,1979. Joining time will be included as qualifying service in the new job.

3.6.2 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 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.

3.6.3 For appointments to posts under the Central Government on the basis of results of a competition and /or interview open to Government servants and others, Central Government employees and permanent/ provisionally permanent State Government employees shall be entitled to Transfer Travelling Allowance(TTA). However, temporary Central Government employees with less than 3 years of regular continuous service would not be entitled for TTA, as they are not entitled joining time pay under Joining Time Rules.

4. All Ministries/ Departments are requested to bring the instructions/ guidelines to the notice of all concerned.

(Mukesh Chaturvedi)
Director (Estt.)
Telefax: 23093176

To
All Secretaries of Ministries / Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. Central Vigilance Commission, New Delhi.
11. Central Bureau of Investigation, New Delhi.
12. All Union Territory Administration
13. Secretary, Staff side, National Council (JCM), 13 C, Ferozeshah Road, New Delhi.
14. ADG (M&C), Press Information Bureau, DoP&T.
15. NIC Cell with request to upload it under OMs and Orders, Establishment, Lien and also 'What is New'.
16. Hindi Section, DOP&T.

(Mukesh Chaturvedi)
Director (Estt.)

No.28020/1/2010-Estt(C)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the December 26th, 2013

OFFICE MEMORANDUM

Subject: Consolidated Instructions on Technical Resignation and Lien-regarding.

The undersigned is directed to refer to the subject mentioned above and to say that various instructions have been issued by the Government from time to time regarding Technical Resignation, and the service conditions under which a lien of a post of Government employee can be a retained, terminated or transferred. All such instructions issued till date have been consolidated under easily comprehensible headings for the facility of reference and placed as Annexure to this O.M. All Ministries/ Departments are requested to bring the above guidelines to the notice of all concerned.

2. Hindi version will follow.

(J.A.Vaidyanathan)
Director (Establishment)
Telefax: 23093179

To
All Ministries /Departments.

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/Lok Sabha Secretariat, New Delhi.
6. The Registrar General, the Supreme Court of India, New Delhi.
7. The Registrar, Central Administrative Tribunal, Principal Bench, New Delhi.
8. The Comptroller and Auditor General of India, New Delhi.
9. The Secretary, Union Public Service Commission, New Delhi.
10. The Secretary, Staff Selection Commission, New Delhi.
11. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.
12. National Commission for Scheduled Castes, New Delhi.
13. National Commission for Scheduled Tribes, New Delhi.
14. National Commission for OBCs, New Delhi.
15. Secretary, National Council (JCM), 13, Ferozeshah Road, New Delhi.
16. Establishment Officer & A.S.
17. All Officers and Sections in the Department of Personnel and Training.
18. Facilitation Center, DOP&T (20 copies)
19. NIC (DOP&T) for placing this Office Memorandum on the Website of DOP&T.
20. Establishment Section (100 copies).

Contd..P.2/4

Annexure to DOPT O.M.No.28020/1/2010-Estt(C) dated December 26th ,2013

LIEN AND TECHNICAL RESIGNATION

LIEN

Lien represents the right/title of a Government employee to hold a regular post, whether permanent or temporary, either immediately or on the termination of the period of absence. The benefits of having a lien in a post/service/cadre is enjoyed by all officers who are confirmed in the post/service/cadre 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.

2. The above right/title will, however, be subject to the condition that the junior-most person in the cadre will be liable to be reverted to the lower post/service/cadre if at any time the number of persons so entitled is more than the posts available in that cadre/service. 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 post/service/cadre 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 post/service/cadre from which he was earlier promoted.

[O.M. No. 18011/1/86-Estt.(D) dated 28.03.1988]

LIEN ON A POST

3. A Government servant who has acquired a lien on a 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) while on leave; and
   (e) while under suspension.

4. A Government servant on acquiring a lien on a post will cease to hold any lien previously acquired on any other post.

RETENTION OF LIEN FOR APPOINTMENT IN ANOTHER CENTRAL GOVERNMENT OFFICE/ STATE GOVERNMENT.

5. If a permanent employee is selected on the basis of his application for posts in other Central Government Department/Offices/ State Government, his lien may be retained in the parent department for a period of 2 years. If the employee concerned is not permanently absorbed within a period of 2 years from the date of his appointment in the new post, he should immediately on expiry of the period of 2 years either resign from the service or revert to his

Contd..P.3/4

parent cadre. An undertaking to abide by this condition may be taken from him at the time of forwarding of his application to other departments/offices.

6. When a Government servant has joined a department/office where he is not confirmed within a period of 2 years due to some reasons, he may, in exceptional cases, be permitted to retain the lien in the parent department/ office for one more year. While granting such permission, a fresh undertaking similar to the one indicated above may be taken from the employee.

7. Timely action should be taken to ensure extension/ reversion/ resignation of the employees to their parent cadres on completion of the prescribed period of 2/3 years. In cases, where employees do not respond to instructions, suitable action should be initiated against them for violating the agreement/ undertaking given by them as per (3) and (4) above and for termination of their lien. Adequate opportunity may, however, be given to the officer prior to such consideration.

8. Temporary Government servants will be required to severe connections with the Government in case of their selection for outside posts. No lien will be retained in such cases.

[O.M. No. 8/4/70-Estt(C) dated 06.03.1974]

TERMINATION OF LIEN

9. 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 upon a permanent post. Unless his lien is transferred, a Government servant holding substantively a permanent post retains lien on that post.

10. A Government employee'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.

11. No lien of a Government servant shall be retained:

(i) where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/ cadre/ post in the Government from the date of absorption; and

(ii) on foreign service/ deputation beyond the maximum limit admissible under the orders of the Government issued from time to time.

[Notification No. 28020/1/96-Estt.(C) dated 09.02.1998]

TRANSFER OF LIEN

12. The lien of a Government servant, who is not performing the duties of the post to which the lien pertains, can be transferred to another post in the same cadre subject to the provisions of Fundamental Rule 15.

[Notification No. 28020/1/96-Estt.(C) dated 09.02.1998]

Contd..P.4/4

TECHNICAL RESIGNATION

13. A resignation from the service or post entails forfeiture of entire past qualifying service. The exception is technical resignation which does not result in forfeiture of past service.

14. In cases where a Government servant applied for post in the same or the other Departments through proper channel and on selection, is required to resign the previous posts for administrative reasons, the benefit of past service, if otherwise admissible under rules, is given treating the resignation as a "Technical Formality". Resignation submitted for other reasons or if competent authority has not allowed him to forward his application through proper channel is a resignation and benefit of past service will not be admissible.

15. This benefit is also admissible to Government servants who applied for posts in same or other Departments before joining Government service and on that account the application was not routed through proper channel. The benefit of past service is allowed in such cases subject to the fulfilment of the following conditions:-

(i) the Government servant at the time of joining should intimate the details of such application immediately on their joining.

(ii) the Government servant at the time of resignation should specifically make a request, indicating that he is resigning to take up another appointment under Government/ Government organisation for which he applied before joining the Government service and that his resignation may be treated a 'technical resignation'.

(iii) the authority accepting the resignation should satisfy itself that had the employee been in service on the date of application for the post mentioned by the employee, his application would have been forwarded through proper channel.

[OM No. 13/24/92-Estt.(Pay-I) dated 22.01.1993]

CONTINUITY OF SERVICE ON TECHNICAL RESIGNATION

16. A permanent Government servant appointed in another Central Government Department/Office has to resign from his parent department unless he reverts to that department within a period of 2 years, or 3 years in exceptional cases. Such resignations shall not be deemed to be resignation for the purpose of pension, if admissible. As a consequence, continuity of service benefits should be allowed to such employees in the matter of pension, leave, LTC, etc. as admissible under the rules.

17. In cases where Government servants, who had originally joined government service prior to 01.01.2004, apply for posts in the same or other departments and on selection they are asked to tender technical resignation, the past services are counted towards pension under CCS (Pension) Rules, 1972.

[Department of Pension & Pensioners Welfare OM No. 28/30/2004-P&PW(B) dated 26.07.2005]

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TO BE PUBLISHED IN THE GAZETTE OF INDIA PART II SUB SECTION (3)

No. 28020/1/96-Estt.(C)
Government of India/Bharat sarkar
Ministry of Personnel, Public Grievances & Pensions
(Karmik, Lok Shikayat Tatha Pension Mantralaya)
Department of Personnel and Training
(Karmik Aur Parshikshan Vibhag)

New Delhi, dated the 9 February, 1998

NOTIFICATION

GSR_____ In exercise of the powers conferred by the proviso to Article 309 read with clause (5) of Article 148 of the constitution, the President after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, hereby makes the following rules further to amend the Fundamental Rules namely:-

1. (1) These rules may be called the Fundamental (Amendment) Rules, 1998.

(2) They shall come in to force on the date of their publication in the Official Gazette.

2. In the Fundamental rules (hereinafter referred to as the said rules), in Rule 9 for sub-rule (13) the following sub-rule shall be substituted, namely:-

"(13) Lien means the title of a Government servant to hold on regular basis either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation."

Provided that the title to hold a regular post shall be subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade' if the number of persons so entitled is more than the posts available in that grade.

3. Rule 12 of the said rules shall be omitted.

4. For rule 12A of the said rules, the following rule shall be substituted, namely:-

"12A Unless in any case it is otherwise provided in these rules, a Government servant on acquiring a lien on a post will cease to hold the lien previously acquired on any other post."

5. For rule 13 of the said rule, the following rule shall be substituted, namely:-

"13 A Government servant who has acquired lien on a post retains the 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;

-----2/-

(c) during joining time on transfer to another post, unless he is transferred alongwith his title 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 earlier post;and

(d) while on leave; and

(d) while under suspension:

Provided that no lien of a Government servant shall be retained;

(i) Where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/cadre/post in the Government from the date of absorption; and

(ii) On foreign service/deputation beyond the maximum limit admissible under the orders of the Government issued from time to time."

6. Rule 14 of the said rules shall be omitted.

7. In rule 14A of the said rules:-

(i) for clause (a) the following clause shall be substituted, namely:-

"(a) Except as provided in rule 13 and clause (d) of this rule, a Government servant's lien on a post may in no circumstances be terminated, if the result will be to leave him without a lien upon a regular post."

(ii) Clauses (b) and (c) shall be omitted.

(iii) for clause (d) the following clause shall be substituted namely:-

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

8. For rule 14-B of the said rules, the following rule shall be substituted, namely:-

"14-B subject to the provisions of Rule 15, the President may transfer to another 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."

9. In rule 15 of the said rules,

(i) For the existing clause (a), the following clause shall be substituted namely:-

"provided that except-

(1) On account of inefficiency or misbehaviour, or

(2) On his written request,

-----3/-

a Government servant shall not be transferred to, or except in a case covered by rule 49, appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien."

(ii) clause (b) shall be omitted.

(S.NANDKEOLYAR)
DIRECTOR (E)
TEL. 301 1591

To

The Manager
Government of India Press,
Mayapuri, Ring Road,
New Delhi

No. 28020/1/96-Estt.(C) New Delhi, the 9-2-1998

All Ministries/Departments of the Govt. of India

Copy also forwarded to:-

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(2) Comptroller and Auditor General of India.
(3) Secretaries to UPSC/Supreme Court of India/Election Commission/Lok sabha Sectt./Rajya Sabha Sectt./Vice President's sectt./Prime Minister's Office/Planning Commission
(4) Department of Personnel and Training (AIS Division/JCA/Admn. Section
(5) Addl. Secretary (Union Territories), Ministry of Home Affairs
(6) All State governments and Union Territories.
(7) Governors of all States/ Lt. Governors of Union Territories.
(8) Secretary, National Council of JCM (Staff Side) 13-C, Ferozshah Road, New Delhi
(9) All Members of the Staff Side of the National Council of JCM/Departmental Council
(10) All officers/Sections of the Department of Personnel and Training/Department of A.R.& P.G/Department of Pensions and Pensioners' Welfare.
(11) Ministry of Finance, Department of Expenditure (E.V.Branch).
12. All Benches of C.A.T.
13. 200 spare copies.

(S.NANDKEOLYAR)
DIRECTOR (E)

No.28016/5/85-Estt.(C)
Government of India
Ministry of Personnel,
Public Grievances & Pensions
[Department of Personnel & Training]

New Delhi, the 31st January, 1986

OFFICE MEMORANDUM

Sub:-Appointment of Central Government servants in the Central Public Enterprises on immediate absorption basis - terms and conditions of.

The undersigned is directed to say that instructions were issued vide the Ministry of Finance (Bureau of Public Enterprises) OM No.5(25)/83-B.P.E.(PES3), dated 6.3.1985 to the effect that save in the exceptional cases mentioned therein, deputation of Central Government servants to the Central Public Enterprises would not be allowed and the officers could join the enterprises only on immediate absorption basis. The modalities of appointment of Government servants in the enterprises after the issue of these instructions as also the question of granting terminal benefits to the Government servants going over to the enterprises on immediate absorption basis has been under consideration of the Central Government and it has been decided that the appointment of Government servants in the Central Public Enterprises will be on the following terms and conditions:-

1) Release of the Government servants for appointment in the enterprises:

A Government servant who has been selected for a post in a Central Public Enterprise may be released only after obtaining and accepting his resignation from the Government service.

2) Retention of lien/quasi-permanent status:

No lien/quasi-permanent status of the Government servant concerned will be retained in his parent cadre. All his connections with the Government will be severed on his release for appointment in an enterprise and he will not be allowed to revert to his parent cadre.

3) Pay fixation:

A Government servant selected for a post in a Central Public Enterprise will be free to negotiate his emoluments with the enterprise. On appointment to a post in a public sector enterprise on immediate absorption basis, a Government servant will be at par with other employees of the enterprise and will be governed by the rules of the enterprise in all respects.

.....2/-

4) Pensionary benefits:

i) Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forefeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

ii) The officer eligible for pension should exercise an option within 6 months of the date of his resignation for either of the following two alternatives:-

a) Pro-rata monthly pension and death-cum-retirement gratuity as admissible under the relevant rules.

b) Pro-rata gratuity and a lumpsum amount in lieu of pension worked out with reference to the commutation tables applicable on the date of resignation.

NOTE: Where no option is exercised within the prescribed time limit, the officer will be governed by alternative (a) above. Option once exercised shall be treated as final.

iii) Any further liberalisation of pension rules decided upon by Government after the date of resignation of a Central Government servant to join the public enterprise will not be extended to him.

iv) A Government servant who opts for pro-rata monthly pension on his resignation from Government service will not be entitled to relief on pension during his service in the public enterprise.

5) Leave:

A Government servant taking up an appointment in a Central public enterprise will be entitled to encashment of earned leave to his credit at the time of acceptance of his resignation from Government service, subject to a limit of 180 days. Half pay leave will stand forefeited.

6) Family pension:

If there is no family pension scheme in a public enterprise, or if the officer does not become eligible to join family pension scheme in the enterprise, the family pension as admissible under the Central Government will be allowed to him.

2. For the purpose of these instructions immediate absorption means acceptance of resignation of an officer from Government service to enable him to take up an appointment in a Central public enterprise, for which he had applied with proper permission.

3. Since the terminal benefits mentioned above are admissible only to those officers who leave Government service to secure employment in the enterprise, with proper permission, a case of grant of these benefits may be processed only after ascertaining from the enterprise concerned that the officer has actually joined them.

4. The stipulation of 'immediate absorption' will apply to all appointments of Central Government servants in the Central public enterprises, irrespective of the level of appointment, the mode of recruitment, and whether an appointment is in public interest or otherwise, but subject to the exceptions made in the OM dated 6.3.1965 referred to above.

5. For the prupose of these orders, a Central public enterprise is an undertaking wholly or substantially owned by the Government of India, and which is accepted as such by the Bureau of Public Enterprises.

6. The terminal benefits etc. enumerated in para 1 above will be admissible to all Central Government servants, who secure appointments in Central public enterprises with proper permission. A Government servant selected for appointment in an enterprise on the basis of an application submitted by him before joining the Government service will be deemed to have applied with proper permission for the purpose of these orders.

7. All existing instructions on the subject will stand amended/ superseded to the extent indicated in the preceding paragraphs. Formal amendments in the statutory rules, where considered necessary, will be carried out in due course.

8. All cases of grant of pensionary benefits etc. to Government servants, who are appointed in the Central public sector enterprises on immediate absorption basis, shall be decided by the administrative Ministries/Cadre Controlling Authorities/Authorities competent to accept resignation of a Government servant in accordance with provisions of this OM All other cases not covered under the provisions of this OM or which require relaxation of any provision should continue to be referred to the Bureau of Public Enterprises with necessary service particulars. Cases of doubtful nature also should continue to be referred to the Bureau of Public Enterprises.

9. The Ministry of Home Affairs, etc. may please bring these orders to the notice of all concerned including the public enterprises under their administrative control.

.....4/-

10. So far as the officers serving in the Indian Audit and Accounts Department are concerned, these orders are being issued after consulting the Comptroller & Auditor General of India.

11. These orders take effect from 6.3.1985.

12. This issues with the concurrence of the Ministry of Finance (Department of Expenditure) and the Department of Public Enterprises.

13. Hindi version will follow.

Sd/-
(A.Jayaraman)
Director

To

1. All Ministries/Departments/Offices of the Government of India as per the standard list.

2. Office of the C&AG, New Delhi.

3. All attached and subordinate offices of the (i) Ministry of Personnel, Public Grievances & Pension, and (ii) Ministry of Home Affairs.

4. All Offices and Sections of the (i) Ministry of Personnel Public Grievances & Pensions, and(ii) Ministry of Home Affairs.

O.M.No.28015/2/80-Estt(C)
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya
Department of Personnel and Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag).

New Delhi-110001 dt. 22 July, 1980

OFFICE MEMORANDUM

Subject:- Forwarding of applications of Government servants working in a Department/Office of the Central Govt. Question regarding the retention of lien in the parent Department -

The undersigned is directed to refer to the Ministry of Home Affairs Office Memorandum No.60/37/63-Estt(A) dated the 14th July, 1967 on the subject mentioned above and to say that a question has been raised as to whether in the case of temporary Government servant who apply for post occuring 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 further clarified that the instructions contained in the Ministry of Home Affairs Office Memorandum under reference will apply in all such cases i.e. if a quasi-permanent Government servant applies for a post, occuring whether in other dept. 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 2 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.

(B.S. NIM)
Deputy Secretary to the Government of India

To

All Ministries/Departments etc. of the Government of India.

Copy to Hindi Section(Department of Personnel and A.R.) for record.

No.8/4/70-Ests(c)
Government of India/Bharat Sarkar
Cabinet Secretariat/Mantrimendal Sachivalaya
Department of Personnel & Administrative Reforms
(Karmik Aur Prashasnik Sudhar Vibhag).

New Delhi-110001 Dt.6 March, 74.

OFFICE MEMORANDUM

Subject:- Forwarding of applications of Central Government servants for posts under the State Government procedure for.

The undersigned is directed to refer to the Ministry of Home Affairs Office Memoranda noted in the margin

1. O.M.No.70/62/62-Estt(A), dated 22nd January, 1966
2. O.M.No.60/37/63-Ests(A) dated 14th July 1967.
3. O.M.No.70/62/62-Ests(A) dated 27th July, 1968
4. O.M.No.8/5/68-Ests(C) dated 19th December 1969
5. O.M.No.8/10/72-Ests(C) dated 9th November, 1972.

which regulate the procedure under which applications submitted by Central Govt. employees for posts in other Central Government Departments /Officers/Public Sector Undertakings/autonomous Semi-Government organisations may be forwarded and the adjustment of leave salary and pension contribution between the lending and borrowing authorities may be done.

2. 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 circulars 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 the Finance Ministry's circular letter No.F.1(56)-B/63, dated 16th November, 1967 (copy enclosed).

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 2 years or at the end of two years, to the posts held by them in the patent 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 govt. servants at the time of forwarding their applications.

(4) In exceptional cases where it would take sometime 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 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 are 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 the Ministry of Finance Office Memorandum No. F.10(24)-E.III/60 dated 9th March, 1964, in cases where the minimum of the scale of pay of the new post is substantively 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 CSS/CSSS/CSCS. However, in cases where the Central Government servants are selected for appointment to ex posts under the State Government on the bais 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 Office Memorandum dated 9.3.1964.

...../-

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.

3. These instructions are applicable to the employers in all the Departments/Offices of the Government of India except 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.

4. While forwarding the applications to the State Government concerned, it should be clear that the Central Government servant if selected for appointment will be permitted to join the State Government on the terms and conditions contained in this Office Memorandum.

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

Sd/-
(J.S.Ahluwalia)
Under Secretary to the Govt. of India

Authorised for issue

Sd/-

(M.S.Dhillon)
Section Officer.

No.60/37/63-Ests(A)
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS.

....

New Delhi-1, the 14th July, 1967.
23rd Asadha, 1889.

OFFICE MEMORANDUM

Subject: Forwarding of applications of Government servants working in a Department/Office of the Central Government to posts in other Central Government Departments/Offices- Question regarding the retention of lien in the parent department.

The undersigned is directed to refer to the Office Memoranda noted in the margin which lay down the circumstances under which applications of Government servants working in a Central Government Department/ Office for posts in other Central Government Departments/Offices/ Public Sector and autonomous semi-Government Organisations/private firms may be forwarded. The procedure to be followed (in the matter of retention of lien, restrictions on pay and leave salary and pension contributions) in respect of Government servants who apply for posts in the public sector undertakings/ autonomous semi-Government organisations has been laid down in this Ministry's Office Memorandum No.70/62/62 Ests(A), dated the 22nd January, 1966. 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. M.H.A.O.M.No.170/51.Ests. dated 21.10.1952.
2. M.H.A.O.M.No.130/54-Ests(A)-I dated 28.2.1955.
3. M.H.A. O.M.No.28/3/59-Ests(A) dated 15.6.1959
4. M.H.A.O.M.No.70/10/60-Ests(A) dated 9.5.1960
5. M.H.A.O.M.No.5/3/65-Ests(C) dated 21/12/1965

(1) The applications may be forwarded in accordance with the instructions contained in the office Memoranda noted in the margin 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

...2/-

or resign from the parent department, office at the end of that period. An undertaking to abide by those 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 these conditions may be taken from them at the time of forwarding the applications.

(4) As for temporary employees, they should as 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) abov

...3/-

(6) During the period of two years referred to in clause (2) and (3) above, 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 Ministry of Finance Office Memorandum No.F.10(24)-EIII/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 his grade pay in the parent department and such other orders as may be issued by them from time to time(and subject also, in the case of members of CSS/CSSS/CSCS, to such orders as have been issued by the MHA). 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.

3. In so far as persons serving in the Indian Audit and Accounts Department are concered, these instructions are issued in consultation with the Comptroller and Auditor General of India.

Sd/-P.S. VENKATESWARAN
UNDER SECRETARY TO THE GOVERNMENT OF INDIA.

To

All the Ministries/Departments of the Govt. of India (including Department of Atomic Energy, Bombay; Deptt. of Statistics, Office of the C& AG, UPSC) etc.etc.
All Union Territories/Zonal Councils.
Attached and Subordinate Offices of the M.H.A.
Commissioner for Linguistic Minorities, Allahabad.
All Officers/Sections of the Min. of Home Affairs.
Ests(C) with 50 spare copies.
C.S.I/II (10 copies each)
Ad.I Section(5 copies)
Ministry of Finance (F.III-B Branch)

* Usual number of copies to follow.

SOREN
13.3.68.

No.F.4(3)-E.IV/63
Government of India
Ministry of Finance
Department of Expenditure

New Delhi, the 1st October, 1963.

OFFICE MEMORANDUM

Subject:- Termination of lien of permanent Government servants on foreign service in the event of their permanent absorption under the foreign employer.

The undersigned is directed to invite a reference to rule 14-A(a) of the Fundamental Rules, which 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 leavehim 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 a permanent Government servant who is transferred on foreign service and is subsequently absorbed in the service of the foreign employer.

2. It is hereby clarified that F.R. 14-A applies only so long as a Government servant remains in Government service. Obtaining of consent ofthe Government servant to the termination of lien is necessary in certain circumstances where the Government servant isto be confirmed in another post under Government. Such consent is not necessary in cases where the Government servant ceases, to be in Government employ. Theproper 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 his 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 servide will be without prejudice to the entitlement of the Government servants to the retirement benefits admissible under this Ministry's Office Memorandum No.F.2(33)-EVA/60 dated the 10th November, 1960 (copy enclosed), provided the transfer to the public sector undertakings or Government or Semi Government Corporations is in the public interest.

3. 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 absorptidn 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.

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

Sd/-(R.S.Ganapati)
Deputy Secretary to the Government of India.

F.I.D.

18.17 Annexure - pay protection

(Updated on 14.09.2022)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment (Pay-I) Section
*****

Pay Protection on appointment to Central Government posts on DR basis.

Department of Personnel and Training has issued various instructions from time to time regarding protection of pay of candidates on their appointment to Central Government posts on Direct Recruitment basis. These instructions are broadly categorized in three parts as under:

A. Employees of PSU etc. on their appointment to Central Government.
B. State Government employees on their appointment to Central Government.
C. Central Government servants on their appointment to Central Government.

Part- A : *Protection of pay in respect of candidates from PSUs etc. on their appointment to Central Government posts on Direct Recruitment basis.*

I. APPLICABILITY

Candidates working in Public Sector Undertakings etc. including [1]Central Public Undertakings, [2]State Government Undertakings, [1]Universities, [1]Semi-Government Institutions, [1]Autonomous Bodies and [3]Nationalised Banks including State Bank of India and Reserve Bank of India, on their appointment to Central Government posts on Direct Recruitment basis.

[1. Para 2 of OM No. 12/1/88-Estt.(Pay-I) dated 07.08.1989]
[2. Para 1 of OM No. 12/1/88-Estt.(Pay-I) dated 28.02.1992]
[3. Para 1 of OM No. 12/1/88-Estt.(Pay-I) dated 08.06.1993]
[Para 1 of OM No. 5/2/2012-Estt.(Pay-I)(Vol.II) dated 13.08.2020]

II. ELIGIBILITY

(a) Notwithstanding the mode of selection, the benefit of pay protection is available to Direct Recruits appointed in Central Government to those posts for which the relevant

Recruitment Rules prescribe a requirement of minimum number of years of experience in a specified area from the field sources (autonomous bodies, PSUs etc.) for appointment under the method of direct recruitment. The benefit will be allowed irrespective of whether the post is filled by the recruiting agency on the basis of interview or open competitive exam or combination of both.

[Para 4 of OM No. 5/2/2012-Estt.(Pay-I)(Vol.II) dated 13.08.2020]

(b) The benefit of pay protection would be available to an Officer coming from PSU etc. only if the officer has completed the period of probation successfully for being regularised / confirmed in the post in the parent organization.

[Para 3 of OM No. 12/1/96-Estt.(Pay-I) dated 10.07.1998]

III. METHOD OF PAY FIXATION

Subsequent to the implementation of the recommendations of the 7th CPC and the issue of CCS(RP) Rules 2016, the system of running Pay Bands and Grade Pays have been replaced by Pay Matrix. Accordingly, the method of pay fixation in respect of those appointed on or after 01.01.2016 is as under:-

> "In case of candidates working in Public Sector undertakings (PSUs), Universities, Semi-Government Institutions or Autonomous Bodies, who are appointed to a post as direct recruits on or after 01.01.2016 on selection through interview by a properly constituted agency including Departmental Authorities making recruitment directly, their initial pay shall be fixed at a stage in the level of the post so that the pay and Dearness Allowance as admissible in the Government, protects the pay and Dearness Allowance drawn in the PSU etc.. If there is no such stage in the post, the pay shall be fixed at the stage next below that pay. If the maximum pay in the level applicable to the post in which the person is appointed is less than such pay arrived at, his initial basic pay shall be fixed at such maximum pay of the post. Similarly, if the minimum pay in the level applicable to the post in which such person is appointed is more than such pay arrived at, his initially basic pay shall be fixed at such minimum pay of the post. The pay fixed under this formulation will not exceed the highest cell value applicable for the level of the post in the pay matrix, to which he is appointed."

[Para 2 of OM No. 12/3/2017-Estt.(Pay-I) dated 28.07.2017]

Part-B: ***Protection of pay in respect of State Government employees on their appointment to Central Government posts on Direct Recruitment basis.***

I. APPLICABILITY

Employees of the State Government and [1]Local Bodies under the State Government including [2]Emergency Divisional Accountants/Divisional Accountants, on their appointment under Central Government.

[1. Para 2 of OM No. 12/1/2009-Estt.(Pay-I) dated 28.08.2014]
[2. Para 2 of OM No. 13/2/99-Estt.(Pay-I) dated 18.06.2001]

II. METHOD OF PAY FIXATION

In cases of appointment of State Government employees in Central Government on or after 01.01.2016, pay will be fixed in the following manner:

(a) Where the State Government has revised the Pay Scales/Grade Pays of their employees on the pattern of Seventh Central Pay Commission at the base index of 261.41 as per AICPI (IW)2001 series w.e.f. 01.01.2016, the pay of employees from such State Government on their appointment under the Central Government would be fixed as follows:

(i) When the appointment is to a post in higher Level, one increment shall be given in the Level from which the employee is appointed and he/she would be placed at a Cell equal to the figure so arrived at in the Level of the post to which appointed and if no such Cell is available in the Level to which he/she is appointed, he/she would be placed at the next higher Cell in that higher Level. However, if the amount so arrived at after adding the increment in lower Level is less than the minimum pay or the first Cell in the higher Level, the pay shall be fixed at minimum pay or first Cell of the higher Level.

(ii) Where the appointment is to a post involving identical Level, the individual shall continue to draw the same pay.

(b) Where the State Government has revised the Pay scales/Grade Pays of their employees after 1.1.2016 beyond the base index of 261.41 as per AICPI (IW) 2001 series, the basic pay of the employee is to be determined first in the Central Pay

Matrix by reducing the element of DA, ADA, IR etc. granted by the State Government after 1.1.2016 beyond the base index of 261.41 as per AICPI (IW) 2001 series and thereafter the pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

(c) Where the State Government has either not revised or revised the pay scale of their employees on or after 1.1.2016 below the base index of 261.41 as per AICPI (IW) 2001 series, the basic pay of these employees shall be determined first in the Central Pay Matrix, by adding the element of DA, ADA upto the base index of 261.41 as per AICPI (IW) 2001 series, granted by the State Government and thereafter their pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

[Para 2 of OM No. 12/2/2016-Estt.(Pay-I) dated 11.05.2017]

Part-C: *Protection of pay in respect of Central Government employees on their appointment to Central Government posts on Direct Recruitment basis.*

I. APPLICABILITY

Central Government Servant who after technical resignation, is appointed to new post in the different service or cadre in Central Government through direct recruitment.

[Para 1 of OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020]

II. ELIGIBILITY

(a) Pay protection under FR 22-B(1) will be available to the Government servant if he holds a lien on his previous permanent post.

[Para 4 of OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020]

(b) No stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.

[Para 5 of OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020]

III. RELEVANT PROVISIONS IN FUNDAMENTAL RULES

*"**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 the 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 Rule22 or Rule 22-C, as the case may be:……."

[Para 2 of OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020]

IV. METHOD OF PAY FIXATION

Consequent upon the implementation of 7th CPC Report and CCS (RP) Rules, 2016, the President is pleased to allow protection of pay in the light of the provisions laid down under FR 22-B(1) to Central Government employee who is appointed as probationer in another service or cadre either carrying higher responsibilities or not, as the case may be and subsequently confirmed in that service or cadre, in the manner as illustrated below:

(A) MANNER OF FIXATION OF PAY OF GOVERNMENT SERVANT UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT IN LOWER POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in lower Level in different service or cadre in Central Government which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis, if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation, presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.78,500/- in Cell 6 in Level 11 (with DNI 01.07.2018) before his appointment to a post in Level 10 on 01.04.2018 which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value in Level 10 (Rs.56,100/-) is less than the Last Basic Pay i.e. Rs. 78,500/- in Level 11. Hence during probation, he will draw the presumptive pay i.e. Rs.78,500/- in Level 11 and would also draw annual increments according to the pay drawn in his previous post in Level 11.

On 01.04.2018-	Rs. 78,500 (Level 11)
On 01.07.2018-	Rs. 80,900 (Level 11)
On 01.07.2019-	Rs. 83,300 (Level 11)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no such Cell of Rs. 83,300/- is available in Level 10, his pay would be fixed at next higher cell i.e. Cell 15 in Level 10 at Rs. 84,900/- with next date of increment 01.01.2021.

(B) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN HIGHER LEVEL THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE INVOLVED

A Central Government Employee on his appointment to a post in higher level in different service or cadre in Central Government carrying duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawal of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(1).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.58,600/- in Cell 10 of Level 7 before his appointment on 01.04.2018 in Level 10 (with DNI 01.07.2018) which carries duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 10 (Rs. 56,100/-) is less than the Last Basic Pay drawn in Cell 10 of Level 7 i.e. Rs. 58,600/-, hence during probation, he will draw the presumptive pay of the post held earlier by him on regular basis and would also draw annual increments in the Level 7 of his previous post as shown below:-

On 01.04.2018- Rs. 58,600 (Level 7)
On 01.07.2018- Rs. 60,400 (Level 7)
On 01.07.2019- Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(1) read with Rule 13 of CCS (RP) Rules, 2016. Accordingly, an increment will be added in his pay in Level 7 and his pay will reach at Rs. 64,100/-. Since, there is no cell value equal to Rs.64,100/- available in Level 10, his pay will be fixed in Level 10 in Cell 6 at Rs. 65,000/- with next date of increment 01.01.2021.

(C) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN EQUIVALENT LEVEL POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in Equivalent Level in different service or cadre in Central Government through direct recruitment where higher duties and responsibilities are not involved and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis. He would also get his increments on such presumptive pay. On successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2). However, Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs. 58,600/- in Cell 10 of Level 7 before his appointment on 01.04.2018 in the same Level 7 (with DNI 01.07.2018). There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 7 (Rs. 44,900/-) is less than the Last Basic Pay i.e. Rs. 58,600/- in Level 7 drawn by Government Servant, hence during probation, he

will draw the presumptive pay and also get his increments in the same Level of his previous post as shown below:-

On 01.04.2018- Rs. 58,600 (Level 7)
On 01.07.2018- Rs. 60,400 (Level 7)
On 01.07.2019- Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no increment would be admissible under FR 22(I)(a)(2), there will be no change in his pay on the date of confirmation i.e. 01.04.2020. Accordingly, his pay in Level 7 on 01.04.2020 would be Rs. 62,200/- (Level 7) with next date of increment on 01.07.2020, as Level remains same.

[Para 5 of OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020]

Note: List of the OMs mentioned in this document is annexed. In case any reference to the relevant OM is required, the same may be accessed from the Archive Section of DOPT's website.

ANNEXURE

List of OMs mentioned in this Document

1. DoPT OM No. 12/1/88-Estt.(Pay-I) dated 07.08.1989
2. DoPT OM No. 12/1/88-Estt.(Pay-I) dated 28.02.1992
3. DoPT OM No. 12/1/88-Estt.(Pay-I) dated 08.06.1993
4. DoPT OM No. 12/1/96-Estt.(Pay-I) dated 10.07.1998
5. DoPT OM No. 13/2/99-Estt.(Pay-I) dated 18.06.2001
6. DoPT OM No. 12/1/2009-Estt.(Pay-I) dated 28.08.2014
7. DoPT OM No. 12/2/2016-Estt.(Pay-I) dated 11.05.2017
8. DoPT OM No. 12/3/2017-Estt.(Pay-I) dated 28.07.2017
9. DoPT OM No. 12/2/2017-Estt.(Pay-I) dated 05.08.2020
10. DoPT OM No. 5/2/2012-Estt.(Pay-I)(Vol.II) dated 13.08.2020

F. No. 5/2/2012-Estt.(Pay-I)(Vol.II)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 13th August, 2020

OFFICE MEMORANDUM

Subject: Protection of pay in respect of candidates from PSUs, Universities, autonomous bodies, etc. on their appointment to Central Government posts on Direct Recruitment basis -reg.

The undersigned is directed to refer to this Department's OM No. 12/1/88-Estt.(Pay-I) dated 07.08.1989, OM No. 12/1/88-Estt.(Pay-I) dated 28.02.1992, OM No. 12/1/88-Estt.(Pay-I) dated 08.06.1993, OM No. 12/1/96-Estt.(Pay-I) dated 10.07.1998, OM No. 12/3/2009-Pay-I dated 30.03.2010 and OM No. 12/03/2017-Estt.(Pay-I) dated 28.07.2017 on the subject cited above, whereby guidelines for fixation of pay of candidates working in Public Sector Undertakings etc. including Central Public Undertakings, State Government Undertakings, Universities, Semi-Government Institutions, Autonomous Bodies and Nationalised Banks including State Bank of India and Reserve Bank of India, on their appointment as Direct Recruits, on selection, through a properly constituted agency including Departmental authorities were issued.

2. On receipt of certain cases seeking clarification as to the exact scope of this Department's OM dated 07.08.1989 and the conditions under which the benefit under that OM is admissible, this Department vide OM No 12/1/96-Estt. (Pay-I) dated10.07.1998 clarified that the pay protection under the above orders is available, only if, the selection is through interview and not through an open competitive examination.

3. However, in the light of various court judgments and references received from various quarters, the above mentioned policy of pay fixation of the candidates coming from field sources (PSUs, Universities etc) referred to in para 1, has been reviewed.

4. The President is pleased to decide that notwithstanding the mode of selection, henceforth, the benefit of pay protection will be available to Direct Recruits appointed in Central Government to those posts for which the relevant Recruitment Rules prescribe a requirement of minimum number of years of experience in a specified area from the field sources (autonomous bodies, PSUs etc.) for appointment under the method of direct recruitment. The benefit will be allowed irrespective of whether the post is filled by the recruiting agency on the basis of interview or open competitive exam or combination of both.

5. This OM will be effective from the date of its issuance.

6. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with the Comptroller & Auditor General of India, as mandated under Article 148(5) of the Constitution.

7. Hindi version will follow.

(A. K. Jain)
Deputy Secretary to the Government of India

To

All Ministries / Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. /Central Vigilance Commission / President's Sectt./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA /Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. Joint Director (OL), DoPT, North Block, New Delhi- for Hindi version of this OM.

(A. K. Jain)
Deputy Secretary to the Government of India

F. No. 12/2/2017-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
******

North Block, New Delhi
Dated: 5th August, 2020

OFFICE MEMORANDUM

Subject: Protection of pay to the Central Government Servant consequent to appointment to a new post in different service or cadre in Central Government, through direct recruitment where either higher duties and responsibilities are involved or not, as the case may be, under FR 22-B(1), in the 7th CPC Scenario-regarding.

The undersigned is directed to say that consequent to various references received from Ministries/Departments on protection of pay under FR 22-B(1), a need has been felt to issue guidelines on the manner of fixation of pay in respect of the Central Government Servant who after technical resignation, is appointed to new post in the different service or cadre in Central Government through direct recruitment where either higher responsibilities are involved or not, as the case may be, in 7th Central Pay Commission scenario.

2. Provisions of FR 22-B(1) *inter-alia* provide as under :-

*"**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 the 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 Rule22 or Rule 22-C, as the case may be:....."

3. Consequent upon the implementation of 7th CPC Report and CCS (RP) Rules, 2016, the President is pleased to allow protection of pay in the light of the provisions laid down under FR 22-B(1) to Central Government employee who is appointed as probationer in another service or cadre either carrying higher responsibilities or not, as the case may be and subsequently confirmed in that service or cadre, in the manner as illustrated below:

P Bahree 05/08/2020

(A) MANNER OF FIXATION OF PAY OF GOVERNMENT SERVANT UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT IN LOWER POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in lower Level in different service or cadre in Central Government which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis, if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation, presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.78,500 in Cell 6 in Level 11 (with DNI 01.07.2018) before his appointment to a post in Level 10 on 01.04.2018 which does not carry duties and responsibilities of greater importance than those attached to the post held earlier by him before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value in Level 10 (Rs.56,100) is less than the Last Basic Pay i.e. Rs. 78,500/- in Level 11. Hence during probation, he will draw the presumptive pay i.e. Rs.78,500/- in Level 11 and would also draw annual increments according to the pay drawn in his previous post in Level 11.

On 01.04.2018-	Rs. 78,500 (Level 11)
On 01.07.2018-	Rs. 80,900 (Level 11)
On 01.07.2019-	Rs. 83,300 (Level 11)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no such Cell of Rs. 83,300/- is available in Level 10, his pay would be fixed at next higher cell i.e. Cell 15 in Level 10 at Rs. 84,900 with next date of increment 01.01.2021.

(B) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN HIGHER LEVEL THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE INVOLVED

A Central Government Employee on his appointment to a post in higher level in different service or cadre in Central Government carrying duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment and having a provision of

P Bahra 03/08/2020

probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis if it is higher than the minimum of the Time Scale of the new post. He would also draw annual increments on such presumptive pay. However, it is to be ensured that during probation presumptive pay should always be greater than the pay of the new post after drawl of increment(s). Subsequently, on successful completion of his probation, his pay will be fixed under FR 22(I)(a)(1).

Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs.58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in Level 10 (with DNI 01.07.2018) which carries duties and responsibilities of greater importance than those attached to the post held earlier by him on regular basis before such appointment. There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 10 (Rs. 56,100) is less than the Last Basic Pay drawn in Cell 10 of Level 7 i.e. Rs. 58,600/-, hence during probation, he will draw the presumptive pay of the post held earlier by him on regular basis and would also draw annual increments in the Level 7 of his previous post as shown below:-

On 01.04.2018-	Rs. 58,600 (Level 7)
On 01.07.2018-	Rs. 60,400 (Level 7)
On 01.07.2019-	Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(1) read with Rule 13 of CCS (RP) Rules, 2016. Accordingly, an increment will be added in his pay in Level 7 and his pay will reach at Rs. 64,100/-. Since, there is no cell value equal to Rs. 64,100 available in Level 10, his pay will be fixed in Level 10 in Cell 6 at Rs. 65,000/- with next date of increment 01.01.2021.

(C) MANNER OF FIXATION OF PAY OF CENTRAL GOVERNMENT EMPLOYEE UNDER FR 22-B(1) CONSEQUENT TO HIS APPOINTMENT TO A POST IN EQUIVALENT LEVEL POST THROUGH DIRECT RECRUITMENT, WHERE HIGHER DUTIES AND RESPONSIBILITIES ARE NOT INVOLVED

A Central Government Employee on his appointment to a post in Equivalent Level in different service or cadre in Central Government through direct recruitment where higher duties and responsibilities are not involved and having a provision of probation period in new post, may during probation draw the presumptive pay of the post held earlier by him on regular basis. He would also get his increments on such presumptive pay. On successful completion of his probation, his pay will be fixed under FR 22(I)(a)(2). However, Protection of Pay in the above manner should not, at any of these stages, exceed the maximum of the Level of the new post in Pay Matrix.

Illustration

An officer was drawing pay of Rs. 58,600 in Cell 10 of Level 7 before his appointment on 01.04.2018 in the same Level 7 (with DNI 01.07.2018). There is a provision of 2 years probation period in new post.

Since the first Cell Value of Level 7 (Rs. 44,900) is less than the Last Basic Pay i.e. Rs. 58,600/- in Level 7 drawn by Government Servant, hence during probation, he will draw the presumptive pay and also get his increments in the same Level of his previous post as shown below:-

On 01.04.2018- Rs. 58,600 (Level 7)
On 01.07.2018- Rs. 60,400 (Level 7)
On 01.07.2019- Rs. 62,200 (Level 7)

On successful completion of his probation period and on confirmation w.e.f. 01.04.2020, the pay of the officer would be fixed under FR 22(I)(a)(2). Since no increment would be admissible under FR 22(I)(a)(2), there will be no change in his pay on the date of confirmation i.e. 01.04.2020. Accordingly, his pay in Level 7 on 01.04.2020 would be Rs. 62,200 (Level 7) with next date of increment on 01.07.2020, as Level remains same.

4. The above mentioned pay protection under FR 22-B(1) will be available to the Government servant if he holds a lien on his previous permanent post.

5. No stepping up of pay of senior Government servant shall be allowed on the basis of the pay protection granted under FR 22-B(1) to junior Government servants of that particular service/cadre.

6. This order takes effect from 01.01.2016.

7. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with the Comptroller & Auditor General of India, as mandated under Article 148(5) of the Constitution.

8. Hindi version will follow.

D Bahree
05/08/2020

(Rajeev Bahree)
Under Secretary to the Government of India

To

All Ministries / Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.

4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. /Central Vigilance Commission / President's Sectt./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA /Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. JD (OL), DoPT, North Block, New Delhi- for Hindi version of this OM.

R Bahree
05/08/2020

(Rajeev Bahree)
Under Secretary to the Government of India

F.No.12/3/2017-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi.
Dated 28.07.2017

OFFICE MEMORANDUM

Subject:- Guidelines for fixation of pay of candidates working in Public Sector Undertakings etc., recommended for appointment by the Commission by method of recruitment by selection – regarding.

Reference is invited to this Department's O.M.s No.12/1/88-Estt(Pay-I) dated 07.08.1989, OM No.12/1/96-Estt(Pay-I) dated 10.07.1998 and OM No.12/3/2009-Pay-I dated 30.03.2010 whereby guidelines for fixation of pay of candidates working in Public Sector Undertakings etc., on their appointment as direct recruits on selection through a properly constituted authority including departmental authorities, were issued.

2. Subsequent to the implementation of the recommendations of the 7th CPC and issuance of CCS(RP) Rules 2016, the system of running Pay Bands and Grade Pays have been replaced by pay matrix. Accordingly, in partial modification of this Department's OM No.12/1/88-Estt(Pay-I) dated 07.08.1989, O.M. No.12/1/96-Estt(Pay-I) dated 10.07.1998 and O.M. No.12/3/2009-Pay-I dated 30.03.2010 referred to above, the method of pay fixation in respect of those appointed on or after 01.01.2016 will be as under:-

" In case of candidates working in Public Sector Undertakings (PSUs), Universities, Semi-Government Institutions or Autonomous Bodies, who are appointed to a post as direct recruits on or after 01.01.2016 on selection through interview by a properly constituted agency including Departmental Authorities making recruitment directly, their initial basic pay shall be fixed at a stage in the Level of the post so that the pay and Dearness Allowance as admissible in the Government, protects the pay and Dearness Allowance drawn in the PSU etc.. If there is no such stage in the post, the pay shall be fixed at the stage next below that pay. If the maximum pay in the Level applicable to the post in which the person is appointed is less than such pay arrived at, his initial basic pay shall be fixed at such maximum pay of the post. Similarly, if the minimum pay in the Level applicable to the post in which such person is appointed is more than such pay arrived at, his initial basic pay shall be fixed at such minimum pay of the post. The pay fixed under this formulation will not exceed the highest cell value applicable for the Level of the post in the pay matrix, to which he is appointed."

---/-

3. The conditions for admissibility of pay protection shall be the same as stipulated in this Department's OMs dated 07.08.1989 and 10.07.1998 referred to above.

4. 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.

5. These orders will be applicable w.e.f. 01.01.2016.

6. Hindi version will follow.

(Pushpender Kumar)
Under Secretary to the Government of India
Tel.No.23040 489

To

1. All Ministries/Departments of the Govt. of India as per standard list.

Copy also forwarded to:

1. Secretaries to Union Public Service Commission / Supreme Court of India /Lok Sabha Sectt. / Rajya Sabha Sectt. /Cabinet Sectt. / Central Vigilance Commission / President's Sectt. / Vice-President's Sectt/Prime Minister's Office / Niti Ayog.
2. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
3. Department of Personnel and Training (AIS Division) / JCA /Admn. Section.
4. Governors of all States/Lt. Governors of all Union Territories.
5. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
6. All Members of Staff Side of the National Council of JCM / Departmental Council.
7. All Officers/Sections of DoPT / Department of Administrative Reforms & Public Grievances/Department of Pensions & Pensioners Welfare/ PESB.
8. Joint Secretary (Pers), Ministry of Finance, D/o Expenditure.
9. Additional Secretary (Union Territories), Ministry of Home Affairs.
10. NIC with a request to upload the OM on the website of DoPT

(Pushpender Kumar)
Under Secretary to the Government of India

No.12/2/2016-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
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North Block, New Delhi
Dated the 11th May, 2017

OFFICE MEMORANDUM

Subject: Fixation of pay of State Government Employees on their appointment in Central Government, subsequent to the implementation of CCS(RP)Rules, 2016.

The undersigned is directed to state that the method of fixation of pay of State Government employees on their appointment under the Central Government has been spelt out in this Department's OM No.12/1/94-Estt.(Pay-I) dated 24.3.1994, 3.1.1996, OM No.13/2/1999-Estt(Pay-I) dated 18.6.2001 and OM No.12/1/2009-Estt(Pay-I) dated 28.8.2014.

2. The question of fixation of pay in the revised pay structure in cases of appointment from State Government to Central Government consequent upon implementation of Central Civil Services (Revised Pay) Rules, 2016, has been considered in consultation with the Department of Expenditure and the President is pleased to decide that in cases of appointment of State Government employees in Central Government on or after 1.1.2016, pay will be fixed in the following manner:-

(a) Where the State Government has revised the Pay Scales/Grade Pays of their employees on the pattern of Seventh Central Pay Commission **at the base index of 261.41 as per AICPI (IW)2001 series** w.e.f. 1.1.2016, the pay of employees from such State Government on their appointment under the Central Government would be fixed as follows:

(i) When the appointment is to a post in higher Level, one increment shall be given in the Level from which the employee is appointed and he/she would be placed at a Cell equal to the figure so arrived at in the Level of the post to which appointed and if no such Cell is available in the Level to which he/she is appointed, he/she would be placed at the next higher Cell in that higher Level. However, if the amount so arrived at after adding the increment in lower Level is less than the minimum pay or the first Cell in the higher Level, the pay shall be fixed at minimum pay or first Cell of the higher Level.

(ii) Where the appointment is to a post involving identical Level, the individual shall continue to draw the same pay.

Contd.....

(b) Where the State Government has revised the Pay scales/Grade Pays of their employees after 1.1.2016 **beyond the base index of 261.41 as per AICPI (IW) 2001 series,** the basic pay of the employee is to be determined first in the Central Pay Matrix by reducing the element of DA, ADA, IR etc. granted by the State Government after 1.1.2016 **beyond the base index of 261.41 as per AICPI (IW) 2001 series** and thereafter the pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

(c) Where the State Government has either not revised or revised the pay scale of their employees on or after 1.1.2016 **below the base index of 261.41 as per AICPI (IW) 2001 series,** the basic pay of these employees shall be determined first in the Central Pay Matrix, by adding the element of DA, ADA upto the **base index of 261.41 as per AICPI (IW) 2001 series**, granted by the State Government and thereafter their pay would be fixed as provided in the clause (i) and (ii) under sub-para (a) above.

3. These orders are applicable to employees of the State Government and Local Bodies under the State including Emergency Divisional Accountants/Divisional Accountants appointed under Central Government on or after 1.1.2016.

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

5. Hindi version will follow.

(Pushpender Kumar)
Under Secretary to the Government of India

To

1. All Ministries / Departments of Government of India.
2. NIC, DO&PT – with a request to upload this OM on the Department's website under OMs & Orders (Establishment → Pay Rules) and also under "What is New".

Copy also forwarded to:

1. Secretary General, Supreme Court of India.
2. Secretaries to Union Public Service Commission /Lok Sabha Sectt./Rajya Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/ President's Sectt./Vice-President's Sectt./Prime Minister's Office / Niti Ayog.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.

Contd .....

4. Office of Comptroller & Auditor General of India.
5. Department of Personnel and Training - AIS Division/ JCA/Admn. Section.
6. Additional Secretary (Union Territories), Ministry of Home Affairs/ All State Governments and UTs.
7. Joint Secretary (Pers), Ministry of Finance, D/o Expenditure.
8. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
9. All Members of Staff Side of the National Council of JCM / Departmental Council
10. Deptt. of Administrative Reforms & Public Grievances/Department of Pensions & Pensioners Welfare.
11. All Officers/Sections of DoPT.
12. 5 spare copies.

(Pushpender Kumar)
Under Secretary to the Government of India

No. 12/1/2009-Estt (Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
******

New Delhi the 28th August, 2014

OFFICE MEMORANDUM

Subject: Fixation of pay of State Government Employees on their appointment in Central Government, subsequent to implementation of CCS (RP) Rules, 2008.

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The undersigned is directed to say that the method of fixation of pay of State Government employees on their appointment under the Central Government has been spelt out in this Department's OM No. 12/1/94-Estt(Pay-I) dated 24 March, 1994, 3rd January, 1996 and OM NO. 13/2/99-Estt (Pay-I) dated 18.6.2001.

2. The question of fixation of pay in cases of appointment from State Govt. to Central Govt. consequent upon revision of pay scales on acceptance of the recommendations of the VI Central Pay Commission in the revised pay structure has been considered in consultation with the Department of Expenditure and the President is pleased to decide that in cases of appointment of State Government employees in Central Government on or after 1.1.2006, pay will be fixed in the following manner:-

(a) Where the State Government has revised the Pay scales of their employees on the pattern of VI Central Pay Commission at the **base index of 115.76 as per AICPI (IW) 2001 series** w.e.f. 1.1.2006 the pay of these State Government employees on their appointment under the Central Government would be fixed as follows:

(i) When the appointment is to a post carrying higher Grade Pay, one increment equal to 3% of the sum of the pay in the existing grade pay will be computed and rounded off to the next multiple of 10. This will then be added to the existing pay in the pay band. The grade pay corresponding to the higher post will thereafter be granted in addition to this pay in the pay band. In cases where the appointment involves change in pay band also, the same methodology will be followed. However, if the pay in the pay band after adding the increment is less than the minimum of the higher pay band to which the appointment is taking place, pay in the pay band will be stepped up to such minimum.

(ii) Where the appointment is to a post involving identical Grade Pay, the individual shall continue to draw the same pay.

(b) Where the State Government have revised the pay scales of their employees after 1.1.2006 **beyond the base index of 115.76 as per AICPI (IW) 2001 series**, basic pay of the employees is to be determined first in the Central Scale by reducing the element of DA, ADA, IR etc. granted by the State Government after 1.1.2006

...2

(beyond the base index of 115.76 as per AICPI (IW) 2001 series) and thereafter the pay would be fixed as provided in the clause (i) &(ii) under sub-para (a) above.

(c) Where the state Government have either not revised or revised the pay scale of their employees on or after 1.1.2006 below **the base index of 115.76 as per AICPI (IW) 2001 series**, basic pay of these employees shall be determined first in the Central scale, by adding the element of D.A. ADA upto **base index of 115.76 as per AICPI (IW) 2001 series** granted by the State Government and thereafter their pay would be fixed as provided in the clause (i) &(ii) under sub-para (a) above.

3. These orders are applicable to employees of the State Government and local bodies under the State including Emergency Divisional Accountants/Divisional Accountants/ local bodies under the State Government appointed under Central Government on or after 1.1.2006.

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

5. Hindi version will follow.

(Mukesh Chaturvedi)
Director (Pay)

To
All Ministries/Departments as per standard list.

Copies also forwarded to:

1 The Comptroller and Auditor General of India and all offices under his control
2 Registrar General, Supreme Court of India
3 Secretaries General of Lok Sabha Secretariat / Rajya Sabha Secretariat
4 Secretaries in UPSC / Cabinet Secretariat / Central Vigilance Commission / President's Secretariat/Vice President's Secretariat / Prime Minister's Office/ Planning Commission.
5 Controller General of Accounts/Controller of Accounts, Ministry of Finance.
6 Department of Personnel & Training (AIS Division)/JCA/Admn. Section.
7 Addl Secretary & FA (Home), Ministry of Home Affairs
8 Joint Secretary (UTs), Ministry of Home Affairs/All State Governments and UTs.
9 Secretary, National Council(Staff Side), Feroz Shah Road, New Delhi/All members of the Staff Side of the National Council(JCM)/Departmental Council
10 All Officers/Sections of the Department of Personnel & Training / Department of ARPG/Department of Pension & Pensioners' Welfare.
11 Joint Secretary(Pers), Ministry of Finance, Department of Expenditure
12 NIC, DoPT for uploading in the website of the Department under the head Pay Rules as well as 'What s new'.
13 5 spare copies.

(Mukesh Chaturvedi)
Director (Pay)

No. 13/2/99-Estt.(Pay-I) Dated 18th June, 2001

F.No.13/2/99-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

New Delhi, the 18th June, 2001.

OFFICE MEMORANDUM

Subject : Fixation of pay of State Government employees on their appointment in the Central Government.

.....

The undersigned is directed to say that the method of fixation of pay of State Government employees on their appointment under the Central Government has been spelt out in this Department's O.M. No. 12/1/94-Estt.(Pay-I) dated 24th March 1994 and 3rd January, 1996. The question of fixation of pay in their cases consequent upon revision of pay scales on acceptance of the recommendations of the V Central Pay Commission has been considered by the Government and the President is pleased to decide that in cases of appointment of State Government employees under the Central Government on or after 1.1.1996, pay will be fixed in the following manner :-

(a) Where the State Government have revised the pay scale of their employees on the pattern of V Central Pay Commission at the CPI 1510 w.e.f. 1.1.1996 the pay of these State Government employees on their appointment under the Central Government would be fixed directly under normal rules i.e. F.R. 22.(1)(a)(2) or F.R. 22.I (a)(1) as the case may be.

(b) Where the State Government have revised the pay scales of their employees after 1.1.1996 beyond CPI 1510, basic pay of the employees is to be determined first in the Central Scale by reducing the element of DA, ADA, I.R. etc. granted by the State Government after 1.1.1996 (beyond CPI 1510) and thereafter the pay would be fixed under normal rules i.e. F.R. 22 (1) (a) (1) or F.R. 22. (1) (a) (2) as the case may be.

(c) Where the State Government have either not revised or revised the pay scale of their employees on or after

1.1.1996 below CPI 1510, basic pay of these employees shall be determined first in the Central scale, by adding the element of D.A. ADA upto CPI 1510 granted by the State Government and thereafter their pay would be fixed under the normal rules.

2. These orders are applicable to the State Government employees including Emergency Divisional Accountants/Divisional Accountants appointed under the Central Government on or after 1.1.1996.

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

(J. WILSON)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

To

All Ministries/Departments as per standard list

Copies also forwarded to :

1. The Comptroller and Auditor General of India and all offices under his control (with 400 spare copies)
2. Registrar General, Supreme Court of India
3. Secretaries to Union Public Service Commission/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Vice President's Secretariat/Prime Minister's Office/Planning Commission.
4. Controller General of Accounts/Controller of Accounts, Ministry of Finance
5. Department of Personnel & Training (AIS Division)/JCA/Admn. Section
6. Additional Secretary (Home), Ministry of Home Affairs
7. Joint Secretary(Union Territories), Ministry of Home Affairs/All State Governments and UTs
8. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi/All members of the Staff Side of the National Council (JCM)/Departmental Council
9. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pensioners' Welfare
10. Joint Secretary (Pers.), Ministry of Finance, Department of Expenditure
11. 200 spare sets.

(J. WILSON)
DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA

No.12/1/96-Estt.(Pay. I)

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

New Delhi, the 10.07.1998

OFFICE MEMORANDUM

Subject : Guidelines for fixing of pay of candidates working in Public Sector Undertakings etc. recommended for appointment by the UPSC by the method of Recruitment by Selection - Regarding.

The undersigned is directed to refer to this department's OMs No.12/1/88- Estt. (Pay.I) dated 7.8.89, 28.2.92 and 8.6.93 on the subject mentioned above which lay down guidelines for protection of pay in respect of the candidates working in Public Sector Undertakings etc. on their appointment as Direct Recruits on selection through a properly constituted authority including Departmental authorities. The O.M dated 7.8.89 was issued on the initiative of the U.P.S.C.

2. This department has received certain cases seeking clarification as to the exact scope of this department's O.M. dated 7.8.89 and the conditions under which benefit under that O.M. is admissible. The matter has been examined in consultation with the UPSC and the position is clarified as under.

3. The benefit of pay protection is available to the Government servants on their recruitment by selection through UPSC, subject to fulfillment of certain conditions. The benefit under the O.M. dated 7.8.89 was extended to the candidates working in central PSUs / State PSUs / Universities / Semi-Government Institutions / Autonomous Bodies etc. with a view to drawing talent, which is available in those organisations. The question whether the objective underlying the above orders could be achieved through open competitive examination in which the employees from Public Sector Undertakings etc. also appear, has been considered. It is clarified that the benefit of pay protection under the above orders is available only if the selection is through interview and not through an open competitive examination. Wherever the protection under the above orders is to be given, the Commission will indicate in its recommendation letter to the Ministry concerned that pay of such candidate(s) should be fixed as per the guidelines laid down in the above orders. Further, the benefit would be available to an officer coming from PSU etc. only if the officer has completed the period of probation successfully for being regularised / confirmed in the post in the parent organisation.

To

-2/-

4. The Ministry of Agriculture etc. are requested to keep the above clarification in mind in fixing the pay in such cases. The cases already decided otherwise in consultation with this Department need not be re-opened.

5. In so far as the persons working in the Indian Audit and Accounts Department are concerned, this clarification issues in consultation with the Comptroller & Auditor General of India.

(J. WILSON)
DEPUTY SECRETARY TO THE GOVT OF INDIA

To

All Ministries / Departments of the Govt. of India.
(As per standard list).

No.12/1/96-Estt.(Pay I) Dated the 10.07.1998

Copies also forwarded to:

1. The Comptroller & Auditor General of India and all Sates under his control (with 400 spare copies)
2. Registrar General, Supreme Court of India.
3. Secretaries to Union Public Service Commission/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Vice President's Secretariat/Prime Minister's Office/Planning Commission.
4. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
5. Department of Personnel & Training (AIS Division)/JCA/Admn. Section
6. Additional Secretary (Home), Ministry of Home Affairs.
7. Joint Secretary (Union Territories), Ministry of Home Affairs.
8. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi.
9. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pensioner's Welfare.
10. Joint Secretary (Per.) Ministry of Finance, Department of Expenditure.
11. 300 Spare sets.

(J. WILSON)
Deputy Secretary to the Govt of India.

No. 12/1/88-Estt.(Pay-I) Dated 8th June, 1993

No. 12/1/88-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 8 June, 1993

OFFICE MEMORANDUM

Subject: 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.

The undersigned is directed to invite a reference to the provisions contained in this Department's O.M. of even number dated 7.8.1989 on the above subject and to say that doubts have been expressed by Ministries/Departments regarding the applicability of the said orders for those who join Central Government from the Nationalised Banks. The matter has been carefully considered in consultation with the Ministry of Finance. It is clarified that the orders referred to above are also applicable to candidates from Nationalised Banks including SBI and RBI who join Central Government as Direct Recruits on selection through a properly constituted agency on or after 1.8.1989.

2. Hindi version will follow.

(T.O. THOMAS)
UNDER SECRETARY TO THE GOVT. OF INDIA

To

1. All Ministries/Departments of Government of India (as per standard list)
2. Office of the Comptroller & Auditor General of India

No. 12/1/88-Estt.(P.I)
Government of India
Ministry of Personnel, P.G. & Pensions
(Deptt. of Personnel & Training)

-o-

New Delhi, the 28 Feb., 1992.

OFFICE MEMORANDUM

SUB: 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-inclusion of State Government Undertakings -- regarding.

-o-

The undersigned is directed to say that the question of inclusion of employees of State Government Undertakings within the purview of this Department's O.M. No. 12/1/89-Estt.(Pay.I) dated 7.8.89, has been engaging the attention of the Government for some time. The matter has been carefully considered and the President is pleased to decide that the provisions of this Deptt.'s O.M. of even number dated 7.8.89 may be extended to the employees of State Govt. Undertakings selected for posts in Central Govt. on direct recruitment basis as in case of Central Public Undertakings.

2. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders issue with the concurrence of the C&AG.

3. These orders take effect from the first of the month in which this O.M. is issued.

(T.O. THOMAS)
UNDER SECY. TO THE GOVT. OF INDIA.

To

As per standard mailing list.

No.12/1/88-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

.....

New Delhi, the 7 Aug., 1989

OFFICE MEMORANDUM

Subject:-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 -

.....

The undersigned is directed to say that 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 talent 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.

(E. K. Sreedharan)
Under Secretary to the Government of India

To:
(1) All Ministries/Departments of the Govt. of India, etc.
(2) The Secretary, U.P.S.C., Dholpur House, Shahjahan Road, New Delhi w.r.t. their letter No.F.6/2(1)/87-R(C&P) dated 8.10.1987.

- 3 -

No.12/1/88-Estt (Pay-1) New Delhi, the ,1989.

Copies also forwarded to :-

1. The Comptroller & Auditor General of India and all States under his control.
2. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
3. Secretaries to Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Sectt./ Rajya Sabha Sectt./Cabinet Sectt./Central Vigilance Commission/President's Sectt./Vice-President's Sectt./ Prime Minister's Office/Planning Commission.
4. Department of Personnel & Training (AIS Division)/JCA/ Administration Section.
5. Additional Secretary (Union Territory), Ministry of Home Affairs.
6. All State Governments/Union Territories.
7. Governors of all States/Lt. Governors of Union Territories.
8. Secretary, National Council (Staff Side), 13-C, Feroz Shah Road, New Delhi.
9. All Members of the Staff Side of the National Council of JCM/DepartmentalCouncil.
10. All Officers/Sections of the Department of Personnel & Training/Department of Administrative Reforms & Public Grievances/Department of Pension & Pension Welfare.
11. Ministry of Finance, Department of Expenditure.
12. 300 spare copies.

(E.K. SREEDHARAN)
UNDER SECRETARY TO THE GOVT. OF INDIA.

ILLUSTRATION-I

ANNEXURE

An Officer in a Public Sector Undertaking in the scale of Rs.2450-100-2750 with a basic pay of Rs.2550/- and D.A. of Rs.1016.55 to be appointed in Government in the scale of pay of Rs.3000-100-3500-125-4500 :

Basic pay in P.S.U.	..	Rs.2550-00
D.A.	..	Rs.1016.55
Ad-hoc Relief	..	Rs. 840.00
		Rs.4406.55

Pay in the Government will be fixed as under :

	I	II	III
Basic pay:	Rs.3000	Rs.3500	Rs.3625
DA- 23%:	Rs. 690	Rs. 805	Rs. 805
	Rs.3690	Rs.4305	Rs.4430

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.3000-100-3700 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.4100-125-4850-150-5300 :

Basic pay in P.S.U :	...	Rs.3100.00
D.A.	...	Rs.1016.55
Ad-hoc relief	...	Rs.1080,00
	Total=	Rs.5196.55

Pay in the Government will be fixed as under:

	I	II	III
Basic pay:	Rs.4100.00	Rs.4350.00	Rs.4475.00
D.A. 17%	Rs. 697.00	Rs. 739.50	Rs. 760.75
Ad-hoc	Rs.4797.00	Rs.5089.50	Rs.5235.75

so pay will be fixed at Rs.4350/- on appointment in Government

18.18 Annexure – Increment

(Updated on 12.09.2022)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
Establishment (Pay-I) Section
*****

INCREMENT

Department of Personnel and Training has issued instructions from time to time regarding various provisions governing the subject of increment. The essence of these instructions has been summarized in the following paras for guidance and better understanding: -

Counting of specific periods for Increment

1. In cases where a person has been selected for regular appointment and before formally taking over charge of the post for which selected the person is required to undergo training, training period undergone by such a Govt. servant whether on remuneration of stipend or otherwise may be treated as duty for the purpose of drawing increments.

[Para 3 of OM No. 16/16/89-Estt.(Pay-I) dated 22.10.1990]

2. The provisions of FR 26 which provide for counting of broken spells in officiation in the higher post for increment, continue to apply for increment under Rule 10 of CCS (RP) Rules, 2008.

[OM No. 19/2/2013-Estt.(Pay-I) dated 12.12.2013]

3. Consequent upon the implementation of CCS (RP) Rules 2008, increments in the revised pay structure are to be regulated in terms of Rule 10 of the CCS (RP) Rules 2008. This rule states that "there will be a uniform date of annual increment viz. 1st of July every year. Employees completing 6 months and above in the revised pay structure as on 1st July will be eligible to be granted the increment."

4. Except as provided under the conditions laid down in this Department's OM No. 13017/20/85-Estt.(L) dated 18.02.1986, qualifying service of less than six months on account of EOL (without medical certificate) between 1st July of the previous year till 30th June of the year under consideration shall have the effect of postponing the increment

to 1st July of the next year. The same stipulation will also be applicable to those cases where the increment became due on 01.07.2006. In terms of this Department's OM No. 13017/20/85-Estt.(L) dated 18.02.1986, EOL granted for the following purposes automatically counts as qualifying service for pension and for increments without any further sanctions:

(i) EOL granted due to inability of a Government servant to join or rejoin duty on account of civil commotion; and

(ii) EOL granted to a Government servant for prosecuting higher technical and scientific studies.

[OM No. 16/2/2009-Estt.(Pay-I) dated 02.07.2010]

Increment while on Leave

5. According to Rule 40 of the CCS (Leave) Rules, 1972, a Government servant who proceeds on Earned Leave or Commuted Leave is entitled to leave salary equal to the pay drawn immediately before proceeding on Earned Leave or Commuted Leave. Consequently, if the normal date of increment of a Government servant falls during a period when he remains on Earned Leave/Commuted Leave/Half Pay Leave/Leave not due, the benefit of such increment is actually paid to him only from the date he joins duty on expiry of leave though the actual date of next increment remains unaffected.

[Para 1 of OM No. 16/13/88-Estt.(Pay-I) dated 16.02.1989]

Increment, if Govt. servant dies while on Leave

6. In the case of a servant who dies while on any kind of leave for which leave salary is payable, a lump-sum ex-gratia payment, in addition to the normal entitlements under leave, may be allowed to the member of family as specified in Rule-39-C of CCS (Leave) Rules,1972. The ex-gratia payment shall be equivalent to the difference between the amount of leave salary as well as cash equivalent of leave salary admissible as per rules and 39A of CCS (Leave) Rules, 1972 thereof and the amount of leave salary as well as cash equivalent of leave salary which would have been admissible if the benefit of the increment falling due during currency of leave period until date of death was allowed from its due date without waiting for re-joining duty by the Govt. servant. The Head of the Department may issue necessary order sanctioning the amount of ex-gratia in each individual case.

[Para 2 of OM No. 16/13/88-Estt.(Pay-I) dated 16.02.1989]

Advance increments granted to Stenographers of Subordinate Offices on qualifying speed test in shorthand at 100/120 w.p.m., in the 7th CPC Scenario

7. The advance increment(s) to Stenographers of Subordinate Offices on qualifying speed test in shorthand at 100/120 w.p.m. shall be regulated as under with effect from 01.01.2016:

(i) The Stenographer who is recruited on the basis of speed test in the shorthand at 80 w.p.m. may be granted one advance increment on qualifying speed test in shorthand at 100 w.p.m. and one more advance increment on qualifying speed test in shorthand at 120 w.p.m. while in service. However, if a stenographer who is recruited on the basis of speed test in the short hand at 80 w.p.m. directly qualifies the speed test in shorthand at 120 w.p.m. while in service, he/she may be granted two advance increments.

(ii) The Stenographer, who is recruited on the basis of speed test in the shorthand at 100 w.p.m., may be granted one advance increment on qualifying speed test in shorthand at 120 w.p.m. while in service.

(iii) These speed tests shall be conducted by properly constituted Authorities including Departmental Authorities.

(iv) These advance increments shall be granted from the date of passing the test.

(v) These advance increments shall not be absorbed in future increments and the date of next increment after the grant of these advance increments shall remain the same. No option for fixation of pay from the Date of Next Increment shall be available/allowed for fixation of pay on account of these advance increments.

(vi) The amount of these advance increments shall be treated as a separate element in addition to the basic pay and it should be counted as pay for all purposes. Further, once these advance increments are taken into account for the purpose of fixation of pay on promotion or being placed in a higher scale on grant of MACP or due to revision of Pay Scale or Pay Structure etc., these advance increments no longer continue as a separate element.

(vii) In respect of the Stenographers, who become eligible for grant of these advance increments consequent upon the implementation of CCS (RP) Rules, 2016, they may be granted one/two advance increments (as the case may be)

in the vertical Level, in which the Government Servant is placed on the date of passing the test, as illustrated below:

(a) For granting two advance increments:

1	Due date of grant of next annual increment : 01.07.2017
2	Date of qualifying proficiency Stenography Test : 25.04.2017
3	Basic Pay in pay Matrix, on the date of qualifying proficiency Test : Rs. 30100/- [Level 5]
4	Value in pay Matrix, after grant of two advance increments : Rs. 31900/- [Level 5]
5	Separate Element: Rs. 31900- Rs.30100= Rs. 1800/-
6	Basic Pay as on 25.04.2017 : Rs. 30100/- + Rs.1800/- (Separate Element); DNI will remain the same i.e. 01.07.2017.
7	Basic Pay on 01.07.2017 (DNI) : Rs.31000/- + Rs.1800/- (Separate Element)

Grade Pay	**2400**	**2800**
Levels	**4**	**5**
1	25500	29200
2	26300	**30100**
3	27100	**31000**
4	27900	**31900**
5	28700	32900
6	29600	33900
7	30500	34900
8	31400	35900
9	32300	37000
10	33300	38100

(b) For granting one advance increment:

1	Due date of grant of next annual increment : 01.01.2018
2	Date of qualifying proficiency Stenography Test : 10.09.2017
3	Basic Pay in pay Matrix, on the date of qualifying proficiency Test : Rs.34900/- [Level 5]
4	Value in pay Matrix, after grant of one advance increments : Rs. 35900/- [Level 5]
5	Separate Element: Rs.35900 – Rs.34900 = Rs.1000/-
6	Basic Pay as on 10.09.2017 : Rs.34900/- + Rs.1000/- (Separate Element); DNI will remain the same i.e. 01.01.2018.
7	Basic Pay on 01.01.2018 (DNI) : Rs. 35900 + Rs.1000 (Separate Element)

Grade Pay	**2400**	**2800**
Levels	**4**	**5**
1	25500	29200
2	26300	30100
3	27100	31000
4	27900	31900
5	28700	32900
6	29600	33900
7	30500	**34900**
8	31400	**35900**
9	32300	37000
10	33300	38100

(viii) Benefit of these advance increments will not be treated as an anomaly for the purpose of stepping of pay of seniors.

[Para 3 of OM No. 1/7/2017-Estt.(Pay-I) dated 24.07.2020]

Note: List of the OMs mentioned in this document is annexed. In case any reference to the relevant OM is required, the same may be accessed from the Archive Section of DOPT's website.

ANNEXURE

List of OMs mentioned in this Document

1. DoPT OM No. 16/16/89-Estt.(Pay-I) dated 22.10.1990
2. DoPT OM No. 19/2/2013-Estt.(Pay-I) dated 12.12.2013
3. DoPT OM No. 16/2/2009-Estt.(Pay-I) dated 02.07.2010
4. DoPT OM No. 16/13/88-Estt.(Pay-I) dated 16.02.1989
5. DoPT OM No. 1/7/2017-Estt.(Pay-I) dated 24.07.2020
6. DoPT OM No. 13017/20/85-Estt.(L) dated 18.02.1986

F. No. 1/7/2017-Estt (Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the 24th July, 2020

OFFICE MEMORANDUM

Subject: Advance increments granted to Stenographers of Subordinate Offices on qualifying speed test in shorthand at 100/120 w.p.m., in the 7th CPC Scenario-reg.

In accordance with the provisions contained in Department of Expenditure's OM No. 7(31)E-III(A)/75 dated 04.10.1975 and this Department's OM No. 18/44/88-Estt.(Pay-I) dated 14.08.1989 and OM No. 1/9/98-Estt.(Pay-I) dated 30.01.2001, Stenographers of Subordinate Offices were granted one or two advance increments for qualifying speed test in shorthand at 100/120 wpm. This Department vide OM No. 18/44/88-Estt.(Pay-I) dated 07.12.2009 provided that these advance increments should be treated as pay for all purposes. Further, due to the introduction of Grade Pay and Pay Band system, consequent to the implementation of CCS (RP) Rules, 2008, this Department vide OM No. 1/1/2010-Estt.(Pay-I) dated 06.12.2012 had clarified the manner in which these advance increment(s) are to be computed.

2. Consequent upon the implementation of CCS (RP) Rules, 2016, the system of Pay Band and Grade Pay has been replaced by the Pay Matrix.The manner in which the advance increment(s) are to be computed and the guidelines for granting these advance increments to Stenographers of Subordinate Offices on qualifying speed test in shorthand at 100/120 w.p.m., in the 7th CPC Scenario, have been considered in this Department, in consultation with Department of Expenditure.

3. The President is pleased to decide that in supersession of all the existing orders/OMs/instructions/guidelines on the subject of granting the advance increment(s) to Stenographers of Subordinate Offices on qualifying speed test in shorthand at 100/120 w.p.m., w.e.f. 01.01.2016 the advance increments shall be regulated as under:

(i) The stenographer who is recruited on the basis of speed test in the shorthand at 80 w.p.m. may be granted one advance increment on qualifying speed test in shorthand at 100 w.p.m. and one more advance increment on qualifying speed test in shorthand at 120 w.p.m. while in service. However, if a stenographer who is recruited on the basis of speed test in the short hand at 80 w.p.m. directly qualifies the speed test in shorthand at 120 w.p.m. while in service, he/she may be granted two advance increments.

P Bahri 24/07/2020

(ii) The stenographer, who is recruited on the basis of speed test in the shorthand at 100 w.p.m., may be granted one advance increment on qualifying speed test in shorthand at 120 w.p.m. while in service.

(iii) These speed tests shall be conducted by properly constituted Authorities including Departmental Authorities.

(iv) These advance increments shall be granted from the date of passing the test.

(v) These advance increments shall not be absorbed in future increments and the date of next increment after the grant of these advance increments shall remain the same. No option for fixation of pay from the Date of Next Increment shall be available/allowed for fixation of pay on account of these advance increments.

(vi) The amount of these advance increments shall be treated as a separate element in addition to the basic pay and it should be counted as pay for all purposes. Further, once these advance increments are taken into account for the purpose of fixation of pay on promotion or being placed in a higher scale on grant of MACP or due to revision of Pay Scale or Pay Structure etc., these advance increments no longer continue as a separate element.

(vii) In respect of the stenographers, who become eligible for grant of these advance increments consequent upon the implementation of CCS (RP) Rules, 2016, they may be granted one/two advance increments (as the case may be) in the vertical Level, in which the Government Servant is placed on the date of passing the test, as illustrated below:

(a) For granting two advance increments:

1	Due date of grant of next annual increment : 01.07.2017
2	Date of qualifying proficiency Stenography Test : 25.04.2017
3	Basic Pay in pay Matrix, on the date of qualifying proficiency Test : 30100 [Level 5]
4	Value in pay Matrix, after grant of two advance increments : 31900 [Level 5]
5	Separate Element: 31900-30100= 1800/-
6	Basic Pay as on 25.04.2017= 30100 + 1800 (Separate Element); DNI will remain the same i.e. 01.07.2017.
7	Basic Pay on 01.07.2017 (DNI)= 31000 + 1800 (Separate Element)

Grade Pay	**2400**	**2800**
Levels	**4**	**5**
1	25500	29200
2	26300	**30100**
3	27100	**31000**
4	27900	**31900**
5	28700	32900
6	29600	33900
7	30500	34900
8	31400	35900
9	32300	37000
10	33300	38100

R Bahadur 27/07/2020

(b) For granting one advance increment:

1	Due date of grant of next annual increment : 01.01.2018
2	Date of qualifying proficiency Stenography Test : 10.09.2017
3	Basic Pay in pay Matrix, on the date of qualifying proficiency Test : 34900 [Level 5]
4	Value in pay Matrix, after grant of one advance increments : 35900 [Level 5]
5	Separate Element: 35900-34900= 1000/-
6	Basic Pay as on 10.09.2017= 34900 + 1000 (Separate Element); DNI will remain the same i.e. 01.01.2018.
7	Basic Pay on 01.01.2018 (DNI)= 35900 + 1000 (Separate Element)

Grade Pay	**2400**	**2800**
Levels	**4**	**5**
1	25500	29200
2	26300	30100
3	27100	31000
4	27900	31900
5	28700	32900
6	29600	33900
7	30500	**34900**
8	31400	**35900**
9	32300	37000
10	33300	38100

(viii) Benefit of these advance increments will not be treated as an anomaly for the purpose of stepping of pay of seniors.

4. In their application to the employees of Indian Audit and Accounts Department, these orders are issued after consultation with the Comptroller & Auditor General of India, as mandated under Article 148(5) of the Constitution.

5. Hindi Version will follow.

R Bahree 24/07/2020

(Rajeev Bahree)
Under Secretary to the Government of India

To

All Ministries / Departments of Government of India.

Copy also forwarded to:

1. The Comptroller & Auditor General of India.
2. Secretary General, Supreme Court of India.
3. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
4. Union Public Service Commission / Lok Sabha Sectt. / Rajya Sabha Sectt. / Cabinet Sectt. /Central Vigilance Commission / President's Sectt./ Vice-President's Sectt. / Prime Minister's Office / Niti Aayog.
5. Governments of all States and Union Territories.
6. Department of Personnel and Training (AIS Division) / JCA /Admn. Section.
7. Secretary, National Council of JCM (Staff Side), 13-C, Feroz Shah Road, New Delhi.
8. All Members of Staff Side of the National Council of JCM / Departmental Council.
9. All Officers / Sections of Department of Personnel and Training / Department of Administrative Reforms & Public Grievances / Department of Pensions & Pensioners' Welfare / PESB.
10. Joint Secretary (Pers), Department of Expenditure, Ministry of Finance.
11. Additional Secretary (Union Territories), Ministry of Home Affairs.
12. JD (OL), DoPT, North Block, New Delhi- for Hindi version of this OM.

R Bahree 24/07/2020

(Rajeev Bahree)
Under Secretary to the Government of India

No.19/2/2013-Estt. (Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training

North Block, New Delhi

Dated the 12th December, 2013

OFFICE MEMORANDUM

Sub: General Clarification regarding counting of broken spells of ad-hoc promotion for increment – reg.

The undersigned is directed to say that this Department has received references from Ministries / Departments regarding counting of broken spells of ad-hoc promotion for the purpose of increment.

2. The matter has been considered in consultation with Department of Expenditure and it is clarified that the provisions of FR 26 which provide for counting of broken spells in officiation in the higher post for increment, continue to apply for increment under Rule 10 of CCS (RP) Rules, 2008.

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

4. Hindi version will follow.

(Mukesh Chaturvedi)
Deputy Secretary to the Govt. of India
Tel.: 23093176

To

1. All Ministries / Departments of the Government of India
2. NIC, DO&PT – with a request to upload this OM on the Department's website under OMs & Orders (Establishment → Pay Rules) and also under "What is New".

No.16/2/2009-Estt.(Pay I)
Government of India
Ministry of Personnel Public Grievances & Pensions
Department of Personnel & Training

New Delhi, the 2nd July 2010

OFFICE MEMORANDUM

Subject: Regulation of the Date of Next Increment in case of Extra-ordinary leave (without medical certificate) after implementation of the CCS(RP) Rules, 2008 – clarification regarding.

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Consequent upon the implementation of CCS(RP) Rules 2008, the increments in the revised pay structure are to be regulated in terms of Rule 10 of the CCS (RP) Rules 2008. This rule states that "there will be a uniform date of annual increment viz. 1st of July every year. Employees completing 6 months and above in the revised pay structure as on 1st July will be eligible to be granted the increment."

2. The issue of regulation of date of next increment in case of EOL (without medical certificate) after implementation of CCS(RP) Rules 2008, has been examined in consultation with the Department of Expenditure.

3. It is clarified that except as provided under the conditions laid down in this Department's OM dated 18.2.1986, qualifying service of less than six months on account of EOL (without medical certificate) between 1st July of the previous year till 30th June of the year under consideration shall have the effect of postponing the increment to 1st July of the next year. The same stipulation will also be applicable to those cases where the increment became due on 1.7.2006. In terms of this Department's O.M. No. 13017/20/85-Estt. (L) dated 18.2.1986, EOL granted for the following purposes automatically counts as qualifying service for pension and for increments without any further sanctions:-

(i) EOL granted due to inability of a Government servant to join or rejoin duty on account of civil commotion.

(ii) EOL granted to a Government servant for prosecuting higher technical and scientific studies.

4. Hindi version will follow.

(Rita Mathur)
Director

To

1. All Ministries/Departments as per standard list.
2. The Secretary, National Council (JCM) 13-C Ferozshah Road, New Delhi 110001
3. The Director (JCA) Department of Personnel & Training
4. NIC DOPT with a request to upload this OM on the website of this Department under "What's new" and in "Establishment-Pay Rules".

(Rita Mathur)
Director

No. 16/16/89-Estt.(Pay-I) Dated the 22 October,1990

No. 16/16/89-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances
and Training
(Department of Personnel & Training)

New Delhi-110001, Dated the 22 October, 1990

Office Memorandum

Subject:- Counting of training period for the purpose of drawing increments - Clarification regarding.

The undersigned is directed to say that under FR 26 only duty in a post on time scale counts for increments in that time scale. As per FR 9(6)(a)(i) the service as a probationer or apprentice is treated as duty provided that service as such is followed by confirmation. As such, the training period during which a Govt. servant is not remunerated in the scale of pay attached to the post cannot be treated as duty.

2. The Staff Side in the National Council(JCM) have raised a demand that the training period should be counted for the purpose of drawing increments as otherwise the concerned staff, particularly the non-gazetted in the technical Departments, where the training period is a long one is put to perpetual disadvantage vis-a-vis the staff in non-technical jobs who are recruited along with technical staff in the same scale of pay.

3. The matter has been considered in the National Council (JCM) and it has been decided that in case where a person has been selected for regular appointment and before formally taking over charge of the post for which selected person is required to undergo training, training period undergone by such a Govt. servant whether on remuneration of stipend or otherwise may be treated as duty for the purpose of drawing increments.

4. These orders take effect from the 1st of the month in which this O.M. is issued.

5. Ministry of Finance etc. are requested to bring the above decision to the notice of all concerned.

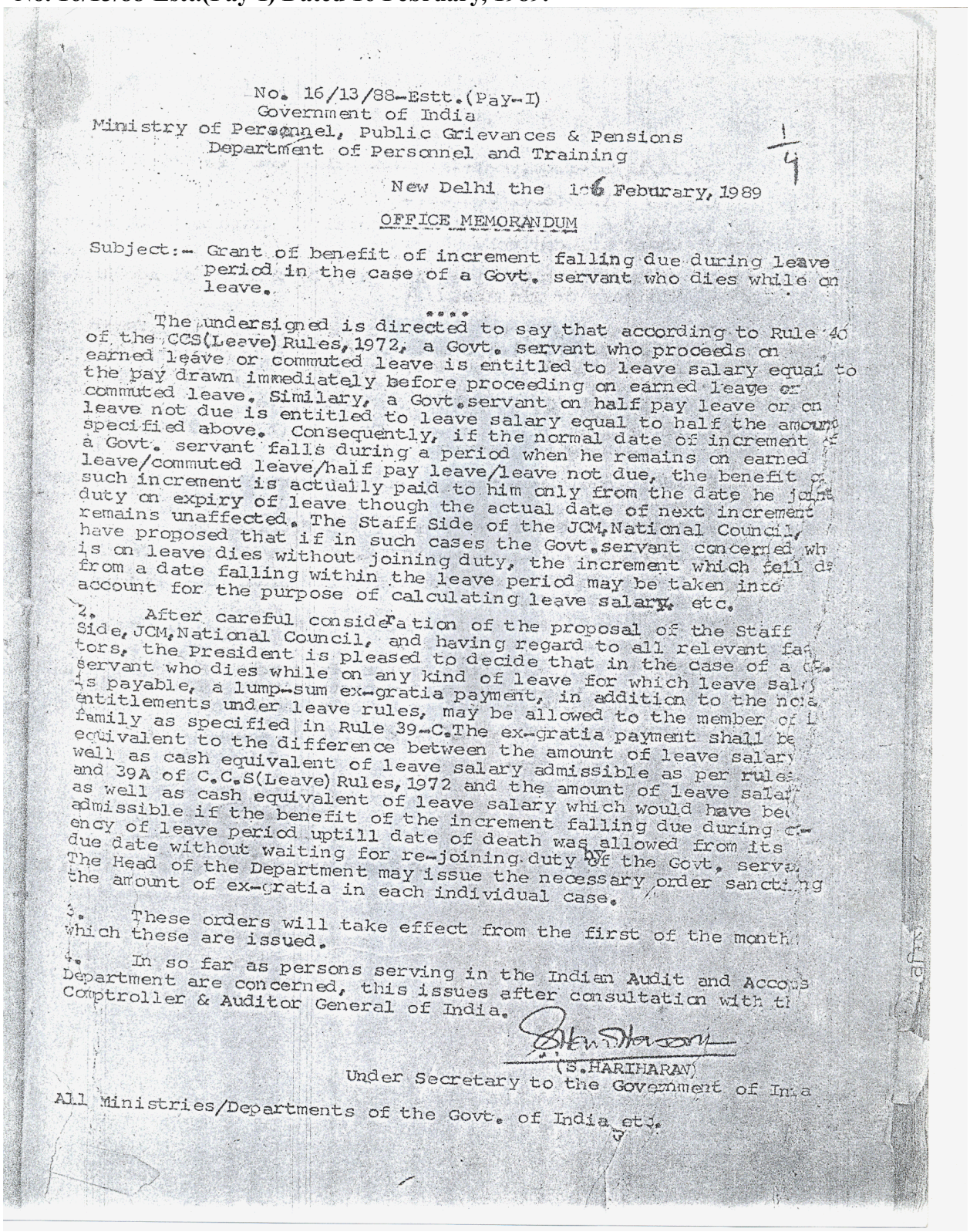
6. In so far as the persons serving in the Indian Audit and Accounts Departments are concerned, these orders issue with the concurrence of Comptroller & Auditor General of India.

(Hindi Version is enclosed)

(T.O. Thomas)
Under Secretary to the Govt. of India

To
All Ministries/Departments of the
Govt. of India (as per standard list)
The Comptroller and Auditor General of India, New Delhi.

No. 16/13/88-Estt.(Pay-I) Dated 16 February, 1989.



No. 16/13/88-Estt.(Pay-I)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training

1/4

New Delhi the 16 Feburary, 1989

OFFICE MEMORANDUM

Subject:- Grant of benefit of increment falling due during leave period in the case of a Govt. servant who dies while on leave.

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The undersigned is directed to say that according to Rule 40 of the CCS(Leave) Rules, 1972, a Govt. servant who proceeds on earned leave or commuted leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave or commuted leave. Similary, a Govt. servant on half pay leave or on leave not due is entitled to leave salary equal to half the amount specified above. Consequently, if the normal date of increment of a Govt. servant falls during a period when he remains on earned leave/commuted leave/half pay leave/leave not due, the benefit of such increment is actually paid to him only from the date he joins duty on expiry of leave though the actual date of next increment remains unaffected. The Staff Side of the JCM, National Council, have proposed that if in such cases the Govt. servant concerned who is on leave dies without joining duty, the increment which fell due from a date falling within the leave period may be taken into account for the purpose of calculating leave salary, etc.

2. After careful consideration of the proposal of the Staff Side, JCM, National Council, and having regard to all relevant factors, the President is pleased to decide that in the case of a Govt. servant who dies while on any kind of leave for which leave salary is payable, a lump-sum ex-gratia payment, in addition to the normal entitlements under leave rules, may be allowed to the member of the family as specified in Rule 39-C. The ex-gratia payment shall be equivalent to the difference between the amount of leave salary as well as cash equivalent of leave salary admissible as per rules 39 and 39A of C.C.S(Leave) Rules, 1972 and the amount of leave salary as well as cash equivalent of leave salary which would have been admissible if the benefit of the increment falling due during currency of leave period uptill date of death was allowed from its due date without waiting for re-joining duty by the Govt. servant. The Head of the Department may issue the necessary order sanctioning the amount of ex-gratia in each individual case.

3. These orders will take effect from the first of the month in which these are issued.

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

(S.HARIHARAN)
Under Secretary to the Government of India

All Ministries/Departments of the Govt. of India etc.

(C)

Immediate

No.13017/20/85-Estt.(L)
Government of India
Ministry of Personnel, P.G. & Pension
(Department of Personnel & Training)

New Delhi, the 19 Feb.,1986.

OFFICE MEMORANDUM

Sub:- Delegations of powers to the leave sanctioning authority for grant of Extra Ordinary Leave.

The undersigned is directed to say that is accordance with rule 32(2)(e) of the CCS(Leave) Rules, 1972, E.O.L. can be granted to a Govt. servant for prosecuting studies certified to be in the public interest subject to fulfilment of other conditions as laid down in the rules. Under the First Schedule to the CCS(Leave) Rules, Powers have been delegated to the Head of the Department for sanctioning E.O.L.. At the same time Rule 21 of the CCS(Pension) Rules, 1972 and F.R.26(b) provide that when E.O.L. is granted to a Government servant due to his inabilit to join or rejoin duty on account of civil commotion or for prosecuting higher scientific & technical studies, such period of leave can be treated as qualifying service for the purpose of pension & 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 the President is now pleased to decide 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 Govt. servant to join or rejoin duty on account of civil commotion.

ii. E.O.L. granted to a Govt. servant for prosecuting higher technical & scientific studies.

3. In so far as the persons serving in the Indian Audit & Accounts Department are concerned, these orders issue with the concurrence of the Office of the Comptroller & Auditor General of India.

This issues with the approval of D/o Pension & P.W.

(Smt.Subhadra.S)
Under Secretary to the Government of India.

All Ministries/Departments of the Govt. of India.

.....2/-

18.19 Annexure – Leaves

CENTRAL CIVIL SERVICES

(LEAVE) RULES, 1972.

(UPDATED AS ON 24.09.2024)

CCS (L) RULES 1972

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CENTRAL CIVIL SERVICES

LEAVE RULES

CHAPTER I- Preliminary

1. Short title and commencement

(1) These rules may be called the Central Civil Services (Leave) Rules, 1972.

(2) They shall come into force on the 1st day of June, 1972.

2. Extent of application

Save as otherwise provided in these rules, these rules shall apply to Government servants appointed to the civil services and posts in connection with the affairs of the Union, but shall not apply to-

(a) Railway servants;
(b) persons in casual or daily-rated or part-time employment;
(c) persons paid from contingencies;
(d) workmen employed in industrial establishments;
(e) persons employed in work-charged establishments;
(f) members of the All India Services;
(g) persons locally recruited for service in Diplomatic, Consular or other Indian establishments in foreign countries;
(h) persons employed on contract except when the contract provides otherwise;
(i) persons in respect of whom special provisions have been made by or under the provisions of the Constitution or any other law for the time being in force;
(j) persons governed, for purposes of leave, by the Fundamental Rules or the Civil Service Regulations;
(k) persons serving under a Central Government Department, on deputation from a State Government or any other source, for a limited duration.

3. Definitions

(1) In these rules, unless the context otherwise requires-

(a) Administrator means an Administrator of a Union Territory;
(b) Audit Officer means the Accounts and Audit Officer, whatever his official designation, in whose circle the office of the Government servant is situated;
(c) Authority competent to grant leave means the authority specified in Column (3) of the First Schedule to these rules, competent to grant the kind of leave specified in the corresponding entries in Column (2) of the said Schedule;

CCS (L) RULES 1972

(d) Completed years of service or one year‘s continuous service‖ means continuous service of specified duration under the Central Government and includes the period spent on duty as well as on leave including extraordinary leave;

(e) Date of retirement or date of his retirement in relation to a Government servant, means the afternoon of the last day of the month in which the Government servant attains the age prescribed for retirement under the terms and conditions governing his services.
(MOF Notification No. 5(7)-E.IV(A)/75 dated 02.12.1975)

(f) Department of the Central Government means a Ministry or aDepartment of the Central Government as notified from time to time and includes the Planning Commission, the Department of Parliamentary Affairs, the President‘s Secretariat, the Vice-President‘s Secretariat, the Cabinet Secretariat and the Prime Minister‘s Secretariat;

(fa) "disability" means "specified disability", "benchmark disability" and "disability having high support needs" as referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016).
(DOPT Notification No. No. 18017/l/2014-Estt. (L), dated 03.04.2018)

(g) Foreign service means service in which a Government servant receiveshis pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of any State [or the Consolidated Fund of a Union Territory];

(h) Form means a Form appended to the Second Schedule to these rules;

(i) Government servant in quasi-permanent employ‖ means-

(A) an officer who, having been declared by the Union Public Service Commission to be eligible for appointment to the ministerial Services of the Government of India, has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up the appointment, that that vacancy is expected to become permanent but is not confirmed after completion of three years continuous service;

(B) an officer who may be declared as quasi-permanent under the Central Civil Services (Temporary Services) Rules, 1965.

(j) Government servant in permanent employ means an officer who holds substantively or provisionally substantively a permanent post or who holds a lien on a permanent post or who would have held a lien on permanent post had the lien not been suspended;

(k) Head of Mission means Ambassador, Charge d‘ Affaires, Minister, Consul-General, High Commissioner or any other authority declared as such by the Central Government, in the country in which the Government servant undergoes a course of study or training;

(l) Military Officer means an officer of the Armed Forces who is-

(i) a Commissioned Officer of the Army, the Navy or the Air Force, or

CCS(CCA) RULES 1972

(ii) (a) a Junior Commissioned Officer (including an honorary commissioned officer), or an other rank' of the Army, or

(b) a Branch List Officer or rating of the Navy, or

(c) an airman including a Master Warrant Officer of the Air Force;

(m) Vacation Department means a department or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules and Supplementary Rules shall have the meanings respectively assigned to them in the Fundamental Rules and Supplementary Rules.

4. Government servants on temporary transfer or on foreign service

(1) Government servants to whom these rules apply shall continue to be governed by these rules while on temporary transfer to the Indian Railways or to a State Government or while on foreign service within India.

(2) In the case of Government servants on foreign service outside India (including service with UN agencies within or outside India) or on temporary transfer to the Armed Forces of the Union, these rules shall apply only to the extent provided in the terms and conditions of foreign service or temporary transfer, as the case may be.

5. Transfer from services or posts governed by other leave rules

Unless it be otherwise provided in these rules, a permanent Government servant to whom these rules do not apply –

(a) when transferred temporarily to a service or post to which these rules apply, shall remain subject to the leave rules which were applicable to him before such transfer; and

Provided that where a Military Officer not in permanent civil employ has elected to draw civil rates of pay, his leave shall be regulated as per the provisions under these rules:

Provided further that in the event of his release/discharge from the Armed Forces, he shall carry forward the annual leave due to him with effect from the date of such release/discharge.

(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

CCS(L) RULES 1972

(b) when appointed substantively to a permanent post to which these rules apply, shall become subject to these rules from the date of such appointment, in which case the leave at his credit under the rules previously applicable to him shall be carried forward subject to the maximum limits of accumulation as laid down in Rule 26. The leave so carried forward shall first be exhausted before the leave earned under these rules is availed of. The leave salary in respect of the leave carried forward shall be borne by the (Department or the Government from which the Government servant proceeds on leave):

(DOPT Notification No. 14028/4/91-Estt.(L) dated 18.09.95)

Provided that in the case of Military Officer, half pay leave equal to the number of days of furlough shall also be carried forward in addition to the earned leave equal to the number of days of annual leave on the date he is so appointed, it would be permissible to grant him under the leave rules of the Armed Forces.

(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

6. Transfer to industrial establishment

If a Government servant governed by these rules is appointed in an industrial establishment wherein his leave terms are governed by the Factories Act, 1948 (63 of 1948), the authority competent to grant leave shall, suo motu, issue an order granting cash equivalent of leave salary in respect of earned leave and half pay leave at his credit subject to a maximum of 300 days and the cash so granted shall be a sum equal to the leave salary as admissible for earned leave and leave salary as admissible for half pay leave plus dearness allowance admissible on that leave salary at the rate in force on the date the Government servant ceases to be governed by the provisions of the said rules:—

Provided that in the event of his return to a post or service to which the Central Civil Services (Leave) Rules, 1972 apply, the benefit of cash equivalent of leave salary payable under Rule 39 shall be modified as under—

(a) On superannuation.— encashment of leave shall be subject to the condition that the number of days of both earned leave and half pay leave for which encashment has already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on superannuation does not exceed 300 days;

(b) On premature retirement.— cash equivalent of unutilized earned leave and half pay leave should be subject to the condition that the number of days of earned leave and half pay leave for which encashment had already been allowed under this rule and the number of days of earned leave and half pay leave to be encashed on premature retirement shall not exceed 300 days.

(DOPT Notification No. 11012/1/2009-Estt.(L) dated 01.12.2009)

CCS (LEAVE) RULES 1972

CHAPTER II- General Conditions

7. Right to leave

(1) Leave cannot be claimed as of right.

(2) When the exigencies of public service so require, leave of any kind may be refused or revoked by the authority competent to grant it, but it shall not be open to that authority to alter the kind of leave due and applied for except at the written request of the Government servant.

Provided that leave applied under Rule 20, shall not be refused or revoked without reference to the Medical Authority, whose advice shall be binding.

[DOPT Notification No. No. 18017/1/2014-Estt. (L), dated 03.04.2018]

8. Regulation of claim to leave

A Government servant's claim to leave is regulated by the rules in force at the time the leave is applied for and granted.

9. Effect of dismissal, removal or resignation on leave at credit

(1) Except as provided in Rule 39 and this rule, any claim to leave to the credit of a Government servant, who is dismissed or removed or who resigns from Government service, ceases from the date of such dismissal or removal or resignation.

(2) Where a Government servant applies for another post under the Government of India but outside his parent office or department and if such application is forwarded through proper channel and the applicant is required to resign his post before taking up the new one, such resignation shall not result in the lapse of the leave to his credit.

(3) A Government servant, who is dismissed or removed from service and is reinstated on appeal or revision, shall be entitled to count for leave his service prior to dismissal or removal, as the case may be.

(4) A Government servant, who having retired on compensation or invalid pension or gratuity is re-employed and allowed to count his past service for pension, shall be entitled to count his former service towards leave.

10. Commutation of one kind of leave into another

(1) At the request of a Government servant, the authority which granted him leave may commute it retrospectively into leave of a different kind which was due and admissible to him at the time the leave was granted, but the Government servant cannot claim such commutation as a matter of right.

CCS(L) RULES 1972

Provided that no such request shall be considered unless received by such authority, or any other authority designated in this behalf, within a period of 30 days of the concerned Government servant joining his duty on the expiry of the relevant spell of leave availed of by him.
[DOPT Notification No. 140 15/2/97-Estt. (L), dated31.12.1997]

(2) The commutation of one kind of leave into another shall be subject to adjustment of leave salary on the basis of leave finally granted to the Government servant, that is to say, any amount paid to him in excess shall be recovered or any arrears due to him shall be paid.

NOTE.- Extraordinary leave granted on medical certificate or otherwise may be commuted retrospectively into leave not due subject to the provisions of Rule 31.

11. Combination of different kinds of leave

Except as otherwise provided in these rules, any kind of leave under these rules may be granted in combination with or in continuation of any other kind of leave.

EXPLANATION.- Casual leave which is not recognized as leave under these rules shall not be combined with any other kind of leave admissible under these rules.

12. Maximum amount of continuous leave
(DOPT Notification No. No. 13026/2/20 10- Estt. (L), dated 29.03.2012)

(1) No Government servant shall be granted leave of any kind for a continuous period exceeding five years

(2) Unless the President, in view of the exceptional circumstances of the case, otherwise determines, a Government servant who remains absent from duty for a continuous period exceeding five years other than on foreign service, with or without leave, shall be deemed to have resigned from the Government service:

Provided that a reasonable opportunity to explain the reasons for such absence shall be given to that Government servant before provisions of sub-rule (2) are invoked.

Provided that this rule shall not apply to a case where leave is applied on medical certificate, in connection with a disability.
(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

CCS (LEAVE) RULES 1972

13. Acceptance of service or employment while on leave

(1) A Government servant (other than a Government servant who has been permitted a limited amount of private practice or who has been permitted to undertake casual literary work or service as an examiner or similar employment) while on leave, including leave preparatory to retirement shall not take up any service or employment elsewhere, including the setting up of a private professional practice as accountant, consultant or legal or medical practitioner, without obtaining the previous sanction of -

(a) the President, if the proposed services or employment lies elsewhere than in India; or

(b) the authority empowered to appoint him, if the proposed service or employment lies in India.

(2)(a) No Government servant while on leave, other than leave preparatory to retirement shall ordinarily be permitted to take up any other service or employment.

(b) If grant of such permission is considered desirable in any exceptional case, the Government servant may have his services transferred temporarily from his parent office to the office in which he is permitted to take up service or employment or may be required to resign his appointment before taking up any other service or employment.

(c) A Government servant while on leave preparatory to retirement shall not be permitted to take up private employment. He may, however, be permitted to take up employment with a Public Sector Undertaking or a body referred to in Clause (a)of sub-rule (2) of Rule 38 and in that event also leave salary payable for leave preparatory to retirement shall be the same as admissible under Rule 40.

(3)(a) In case a Government servant who has proceeded on leave preparatory to retirement is required, before the date of retirement for employment during such leave in any post under the Central Government in or outside India and is agreeable to return to duty, the unexpired portion of the leave from the date of rejoining shall be cancelled.

(b) The leave so cancelled under Clause (a) shall be allowed to be encashed in the manner provided in sub-rule (2) of Rule 39.

(c) Deleted.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

(d) Deleted.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

CCS(LEAVE) RULES 1972

CHAPTER III- Grant of and return from leave

14. Application for leave

Any application for leave or for extension of leave shall be made in Form 1 to the authority competent to grant leave.

Provided that where a Government servant is unable to submit an application or medical certificate on account of a disability, such application or medical certificate may be signed and submitted by

(a) the spouse of the Government servant; or
(b) the parents in case of an unmarried Government servant; or
(c) the child including adopted child or brother or sister of the Government servant, who has attained the age of majority; or
(d) any person who has been assigned limited guardianship of the Government servant in terms of Section 14 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), and the same shall be deemed to have been made and submitted by the Government servant himself.

(*DOPT Notification No. 18017/1/2014-Estt. (L), dated03.04.2018)*

15. Leave account

Except as provided in the Note below, a leave account shall be maintained in Form 2 for each Government servant by the Audit Officer in the case of Gazetted Government servants and by the Head of Office or an officer authorized by him in the case of non-Gazetted Government servants.

NOTE.- In the case of Gazetted Government servants whose pay and allowances are drawn and disbursed by the Head of Office, the leave account shall be maintained by that Head of Office.

(MOF Notification No. 4(7)-E.IV(A)/72 dated 30.04.1973)

16. Verification of title to leave

(1) No leave shall be granted to a Government servant until a report regarding its admissibility has been obtained from the authority maintaining the leave account.

NOTE.- The order sanctioning leave shall indicate the balance of earned leave/half pay leave at the credit of the Government servant.

(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979

(2)(a) Where there is reason to believe that the obtaining of admissibility report will be unduly delayed, the authority competent to grant leave may calculate, on the basis of available information, the amount of leave admissible to the Government servant and issue provisional sanction of leave for a period not exceeding sixty days.

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(b) The grant of leave under this sub-rule shall be subject to verification by the authority maintaining the leave account and a modified sanction for the period of leave may be issued, where necessary.

(c) In the case of Gazetted Government servants, the Audit Officer may, at the request of the authority competent to grant leave, issue a provisional leave salary slip for a period not exceeding sixty days.

NOTE.- In the case of leave preparatory to retirement or where cash payment in lieu of leave at credit is granted under Rule 39, an undertaking for recovery of the leave salary, if any, paid in excess, shall be taken from the Government servant.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

17. Leave not to be granted in certain circumstances

Leave shall not be granted to a Government servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service.

18. Deleted.

19. Grant of leave on medical certificate to Gazetted and non- Gazetted Government servants

(1) An application for leave on medical certificate made by—
(DOPT Notification No. 13026/1/2002-Estt. (L), dated15/16.01.2004)

(i) a Gazetted Government servant, shall be accompanied by a Medical Certificate in Form 3 given by a doctor in a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by a Government Hospital or by an Authorized Medical Attendant if he is not a Central Government Health Scheme beneficiary and by an Authorized Doctor of the private hospital recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment in respect of any particular kind of disease like heart disease, cancer, etc., for the treatment Of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the Gazetted Government servant who is a Central Government Health Scheme beneficiary, if at the time of illness, is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters will produce Medical Certificate or Fitness Certificate in Form 3 and Form 5, as the case may be, given by an Authorized Medical Attendant;

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(ii) a non-Gazetted Government servant, shall be accompanied by a Medical Certificate in Form 4 given by a Central Government Health Scheme Dispensary if such a Government servant is a Central Government Health Scheme beneficiary or by Government Hospital or by an Authorized Medical Attendant if he is not a Central Government Health Scheme beneficiary; and by an Authorized Doctor of the private hospital, recognized under Central Government Health Scheme or Central Services (Medical Attendance) Rules, 1944, in case of hospitalization or indoor specialized treatment duly approved by the Competent Authority in respect of particular kind of disease like heart disease, cancer, etc., for the treatment of which the concerned hospital has been recognized by the Ministry of Health and Family Welfare:

Provided that the non-Gazetted Government servant who is a CGHS beneficiary, if at the time of illness is away from Central Government Health Scheme area or proceeds on duty outside the Headquarters will produce Medical Certificate or Fitness Certificate in Form 4 or Form 5, as the case may be, given by an Authorized Medical Attendant or by Registered Medical Practitioner if there is no Authorized Medical Attendant available within a radius of eight kilometers from his residence or place of temporary stay outside his Headquarters and also in the circumstances when he finds it difficult to obtain Medical Certificate or Fitness Certificate from a Doctor in a Central Government Health Scheme Dispensary or an Authorized Medical Attendant; defining clearly the nature and probable duration of illness.

NOTE.— In the case of non-Gazetted Government servant, a certificate given by a registered Ayurvedic, Unani or Homoeopathic medical practitioner or by a registered Dentist in the case of dental ailments or by an honorary Medical Officer may also be accepted, provided such certificate is accepted for the same purpose in respect of its own employees by the Government of the State in which the Central Government servant falls ill or to which he proceeds for treatment.
(DOPT Notification No. 13015/11/82-Estt. (L), dated 25.05.1984)

(2) In case of a Government servant who has acquired disability, the Medical Authority shall certify, in Form 3-A,-
(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

(a) the nature and extent of the disability;

(b) the date from which such disability has occurred or manifested, to the extent it may be medically possible to indicate the same;

(c) whether there are reasonable prospects for the Government servant to be fit to resume duties, and if not, categorically state that such Government servant is completely and permanently incapacitated for further service.

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(2-A) For the purposes of these rules, a doctor in Central Government Health Scheme *or* a Government Hospital, *or* a specialist in Government Hospital in cases requiring specialized treatment, *or* a Medical Board in a Government Hospital in the case of multiple disabilities shall, in addition to the authority certifying specified disability under the provisions contained in Chapter X of the Rights of Persons with Disabilities Act, 2016 (49 of 2016), be the Medical Authorities competent to issue certificate of disability in Form 3-A.

(2-B) Notwithstanding anything in these rules, no reference from the Head of Office or any other authority may be required for issue of medical certificate of disability.

(3) The authority competent to grant leave may, at its discretion, secure a second medical opinion by requesting a Government Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, to have the applicant medically examined on the earliest possible date.

(4) It shall be the duty of the Government Medical Officer referred to in sub-rule (3) to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended and for that purpose may either require the applicant to appear before himself or before a Medical Officer nominated by himself.

(5) The grant of medical certificate under this rule does not in itself confer upon the Government servant concerned any right to leave; the medical certificate shall be forwarded to the authority competent to grant leave and orders of that authority awaited.

(6) The authority competent to grant leave may, in its discretion, waive the production of a medical certificate in case of an application for leave for a period not exceeding three days at a time. Such leave shall not, however, be treated as leave on medical certificate and shall be debited against leave other than leave on medical grounds.

20. Leave to a Government servant who is unlikely to be fit to return to duty

(1)(a) When a Medical Authority has reported that there is no reasonable prospect that the Government servant will even be fit to return to duty, leave shall not necessarily be refused to such Government servant.

(b) The leave may be granted, if due, by the authority competent to grant leave on the following conditions:—.

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(i) if the Medical Authority is unable to say with certainty that the Government servant, who has acquired a disability, will never again be fit for service, leave not exceeding twelve months at a time may be granted and such leave shall not be extended without further reference to a Medical Authority;

(ii) if a Government servant is declared by the Medical Authority, as specified in Rule 19, as to have acquired such disability which may prevent him from discharging further service, leave or an extension of leave may be granted to him after the certificate of the Medical Authority has been received in Form 3-A:

Provided that any leave debited for the period(s) granted under sub-clause (i) of Clause (b), after receipt of the certificate of disability of the Medical Authority, shall be remitted back into the leave account of the Government servant:

Provided further that any leave granted to regulate the period of absence under sub-clause (ii) of Clause (b), after receipt of the certificate of the Medical Authority, shall not be debited to the leave account of the Government servant.

(2) In the case of a Government servant who is granted leave in accordance with the provisions of Clause (b) of sub-rule (1), the provisions of Section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) shall, *suo motu*, apply.

(DOPT Notification No. 18017/1/2014-Estt. (L), dated 03.04.2018)

21. Commencement and termination of leave

Except as provided in Rule 22, leave ordinarily begins on the day on which the transfer of charge is effected and ends on the day preceding that on which the charge is resumed.

22. Combination of holidays with leave

(1)(i) When the day, immediately preceding the day on which a Government servant's leave (other than leave on medical certificate) begins or immediately following the day on which his leave expires, is a holiday or one of series of holidays, the Government servant shall be deemed to have been permitted (except in cases where for administrative reasons permission for prefixing/suffixing holidays to leave specifically withheld) to leave his station at the close of the day before, or return to it on the day following such holiday or series of holidays, provided that–

(a) his transfer or assumption of charge does not involve the handling or taking over of securities or moneys other than a permanent advance;

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(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

(ii) In the case of leave on medical certificate-
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(a) When a Government servant is certified medically unwell to attend office, holiday(s), if any, immediately preceding the day he is so certified shall be allowed automatically to be prefixed to leave and the holiday(s) if any, immediately succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave; and

(b) When a Government servant is certified medically fit for joining duty, holiday(s) if any, succeeding the day he is so certified (including that day) shall automatically be allowed to be suffixed to the leave, and holiday(s), if any, preceding the day he is so certified shall be treated as part of the leave.
(DOPT Notification no. 11012/2/80-Estt.(L) dated 24.08.1981)

(2) On condition that the departing Government servant remains responsible for the moneys in this charge, the Head of Department may, in any particular case, waive the application of Clause (a) of the proviso to sub- rule (1).

(3) Unless the authority competent to grant leave in any case otherwise directs -

(a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the day after the holidays; and

(b) if holidays are suffixed to leave, the leave is treated as having terminated and any consequent rearrangement of pay and allowances takes effect from the day on which the leave would have ended if holidays had not been suffixed.

NOTE.- A compensatory leave granted in lieu of duty performed by a Government servant on Sunday or a holiday for a full day may be treated as a holiday for the above purpose.

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23. Recall to duty before expiry of leave

(1) Deleted.

(2) Deleted.
(MOF Notification No. 11012/1/77-E.IV(A) dated 21.11.1979)

(3) In case a Government servant is recalled to duty before the expiry of his leave, such recall to duty shall be treated as compulsory in all cases and the Government servant shall be entitled-

(a) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw -

(i) travelling allowance under rules made in this behalf for the journey; and

(ii) leave salary, until he joins his post, at the same rate at which he would have drawn it but for recall to duty;

(b) if the leave from which he is recalled is out of India, to count the time spent on the voyage to India as duty for purposes of calculating leave, and to receive-

(i) leave salary, during the voyage to India and for the period from the date of landing in India to the date of joining his post, at the same rate at which he would have drawn it but for recall to duty;

(ii) a free passage to India;

(iii) refund of his passage from India if he has not completed half the period of his leave by the date of leaving for India on recall or three months, whichever is shorter;

(iv) travelling allowance, under the rules for the time being in force, for travel from the place of landing in India to the place of duty.

24. Return from leave

(1) A Government servant on leave shall not return to duty before the expiry of the period of leave granted to him unless he is permitted to do so by the authority which granted him leave.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant on leave preparatory to retirement shall be precluded from returning to duty, save with the consent of the authority competent to appoint him to the post from which he proceeded on leave preparatory to retirement.

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(3)(a) A Government servant who has taken leave on medical certificate may not return to duty until he has produced a medical certificate of fitness in Form 5.

(b) If the Government servant is a gazetted officer the certificate under clause (a) shall be obtained from a Medical Board, except in the following cases:-

(i) Cases in which the leave is for not more than three months;
(ii) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the medical Board states, at the time of granting the original certificate or the certificate for extension, that the Government servant need not appear before another Medical Board for obtaining the certificate of fitness.

(c) In cases falling under clause (b) the certificate may be obtained from the Chief Medical Officer, the District Medical Officer, a Civil Surgeon, a Staff Surgeon or a Medical Officer of equivalent status including a Medical Officer of the Central Government Health Scheme or in a case covered by sub-rule (6) of 18, from the Authorised Medical Attendant or the Medical Superintendent of the hospital concerned.

(d) In the case of a non-Gazetted Government servant, the authority under which the Government servant is employed on return from leave may, in its discretion, accept a certificate signed by a Registered Medical Practitioner.

(4)(a) A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave.

(b) Such Government servant shall report his return to duty to the authority which granted him leave or to the authority, if any, specified in the order granting him the leave and await orders.

NOTE.- A Government servant who had been suffering from Tuberculosis may be allowed to resume duty on the basis of fitness certificate which recommends light work for him.

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25. Absence after expiry of leave

(1) Unless the authority competent to grant leave extends the leave, a Government servant who remains absent after the end of leave is entitled to no leave salary for the period of such absence and that period shall be debited against his leave account as though it were half pay leave, to the extent such leave is due, the period in excess of such leave due being treated as extraordinary leave.

(2) Wilful absence from duty after the expiry of leave renders a Government servant liable to disciplinary action.

CHAPTER IV – Kinds of leave due and Admissible

26. Earned leave for Government servants serving in Departments other than Vacation Departments

(1)(a)(i) The leave account of every Government servant (other than a military officer) who is serving in a Department other than a Vacation Department, shall be credited with earned leave, in advance, in two installments of 15 days each on the first day of January and July of every calendar year.
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(ii) When a Government servant joins a new post without availing full joining time by reasons that -
[GSR No. 198 vide DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989]

(a) he is ordered to join the new post at a new place of posting without availing of full joining time to which he is entitled,

or

(b) he proceeds alone to the new place of posting and joins the post without availing full joining time and takes his family later within the permissible period of time for claiming traveling allowance for the family,

the number of days of joining time as admissible under sub-rule (4) of Rule 5 of the Central Civil Services (Joining Time) Rules, 1979, 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:

Provided that the earned leave at his credit together with the unavailed joining time allowed to be so credited shall not exceed 300days.
("240 days substituted with 300 days" vide DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)

(b) The leave at the credit of a Government servant at the close of the previous half-year shall be carried forward to the next half-year, subject to the condition that the leave so carried forward plus the credit for the half-year do not exceed the maximum limit of 300 days.

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Provided that where the earned leave at the credit of Government servant as on the last day of December of June is 300 days or less but more than 285 days, the advance credit of 15 days earned leave on first day of January or July to be afforded in the manner indicated under sub-rule (i) of Clause (a) of sub-rule (1) shall instead of being credited in leave accountbe kept separately and first adjusted against the earned leave that the Government servant takes during that half-year and the balance, if any, shall be credited to the leave account at the close of the half-year, subject to the condition that balance of such earned leave plus leave already at credit do not exceed the maximum limit of 300 days.

(225 days substituted with 285 days vide DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)
(DOPT Notification No. 11012/1/2009-Estt.(L) dated 01.12.2009)
(DOPT Notification No. 13026/2/1990-Estt.(L) dated 22.10.1990)

(c)(i) Where a Government servant not in permanent employ or quasi-permanent employ is appointed without interruption of service substantively to a permanent post or declared as quasi permanent, his leave account shall be credited with the earned leave which would have been admissible, if his previous duty had been rendered as a Government servant in permanent employ diminished by any earned leave already taken.

(ii) Where a Government servant had availed of extraordinary leave since the date of permanent appointment or quasi-permanent appointment, such leave may, subject to the provisions of rule 10, be converted into earned leave to the extent it is due and admissible as a result of recasting of his leave account.

(d) A period spent in foreign service shall count as duty for purposes of this rule, if contribution towards leave salary is paid on account of such period.

EXCEPTION.- The earned leave admissible to a Government servant of non-Asiatic domicile recruited in India, who is in continuous service from a date prior to the 1st February, 1949 and is entitled to leave passage, is one-seventh of the period spent on duty and he ceases to earn such leave when the earned leave due amounts to 180 days.

(2) Subject to the provisions of Rules 7 and 39 and sub-rules (1) and (3) of the rule, the maximum earned leave that may be granted at a time shall be -

(i) 180 days in the case of any Government servant employed in India, or
(DOPT Notification No. 11014/3/89-Estt.(L) dated 02.05.1991)

(ii) 150 days, in the case of any Government servant mentioned in the Exception to sub-rule (1)

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(3) Earned leave may be granted to a Government servant in Class I of Class IIservice or to a Government servant mentioned in the Exception to sub-rule (1), for a period exceeding 180 days but not exceeding 300 days if the entire leave so granted or any portion thereof is spent outside India, Bangladesh, Bhutan, Burma, Sri Lanka, Nepal and Pakistan:

Provided that where earned leave for a period exceeding 180 days, is granted under this sub-rule, the period of such leave spent in India shall not in the aggregate exceed the aforesaid limits.

27. Calculation of Earned Leave

(1) Earned leave shall be credited to the leave account of Government servant at the rate of 2½ days for each completed calendar month of service which he is likely to render in a half-year of the calendar year in which he is appointed.

(2)(a) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be afforded only at the rate of 2½ days per completed calendar month up to the date of retirement or resignation.
(MOF Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

(b) When a Government servant is removed or dismissed from service, credit of earned leave shall be allowed at the rate of 2½ days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service;

(c) When a Government servant dies while in service, credit of earned leave shall be allowed at the rate of 2 ½ days per completed month of service up to the date of death of the Government servant.
(DOPT Notification No. F. No. 13026/1/2010-Estt. (L), dated 12.05.2011)

(3) If a Government servant has availed of extraordinary leave and/or some period of absence has been treated as dies non in a half-year, the credit to be afforded to his leave account at the commencement of the next half-year shall be reduced by 1/10th of the period of such leave and/or dies non subject to maximum of 15 days.
(MOF Notification No. 11012/1/77-E.IV(A) dated 21.11.1979)

(4) While affording credit of earned leave, fractions of a day shall be rounded off to the nearest day.
(DoE Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

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28. Earned leave for persons serving in Vacation Departments

(DOPT Notification. No. 11020/01/2017- Estt. (L), dated 11.12.2018)

(1)(a) The leave account of every Government servant (other than a military officer) who is serving in a Vacation Department shall be credited with earned leave, in advance in two instalments of five days each on the first day of January and July of every calendar year.

(b) In respect of any year in which a Government servant avails a portion of the vacation, he shall be entitled to additional earned leave in such proportion of twenty days, as the number of days of vacation not taken bears to the full vacation, provided the total earned leave credited shall not exceed thirty days in a calendar year.

(c) If, in any year, the Government servant does not avail any vacation, earned leave will be as per Rule 26 instead of Clauses (a) and (b).

EXPLANATION.— For the purpose of this rule, the term "year" shall be construed not as meaning a calendar year in which duty is performed but as meaning twelve months of actual duty in a Vacation Department.

NoTE 1.— A Government servant entitled to vacation shall be considered to have availed a vacation or a portion of a vacation unless he has been required by general or special order of a higher authority to forgo such vacation or portion of a vacation:

Provided that if he has been prevented by such order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

NOTE 2.— When a Government servant serving in a Vacation Department proceeds on leave before completing a full year of duty, the earned leave admissible to him shall be calculated not with reference to the vacations which fall during the period of actual duty rendered before proceeding on leave but with reference, to the vacation that falls during the year commencing from the date on which he completed the previous year of duty.

(2) Vacation may be taken in combination with or in continuation of any kind of leave under these rules:

Provided that the total duration of vacation and earned leave taken in conjunction, whether the earned leave is taken in combination with or in continuation of other leave or not, shall not exceed the amount of earned leave due and admissible to the Government at a time under Rule 26.

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(3) The earned leave under this rule at the credit of a Government servant at the close of the previous half year shall be carried forward to the next half year, subject to the condition that the leave so carried forward plus the credit for the half year shall not exceed the maximum limit of 300 days.

NOTE.— The facility of crediting of unavailed portion of joining time shall be admissible to persons serving in Vacation Departments, in accordance with the provisions of sub-clause (ii) of Clause (a) of sub-rule (1) of Rule 26.
(DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989)

29. Half pay leave
(DOPT Notification No. 11020/01/2017-Estt (L), dated 11.12.2018)

(1) The half pay leave account of every Government servant (other than a military officer and a Government servant serving in a Vacation Department) shall be credited with half pay leave in advance, in two instalments of ten days each on the first day of January and July of every calendar year].

(2)(a) The leave shall be credited to the said leave account at the rate of 5/3 days for each completed calendar month of service which he is likely to render in the half-year of the calendar year in which he is appointed.

(b) The credit for the half-year in which a Government servant is due to retire or resigns from the service shall be allowed at the rate of 5/3 days per completed calendar month up to the date of retirement or resignation.

(c) When a Government servant is removed or dismissed from service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed calendar month up to the end of the calendar month preceding the calendar month in which he is removed or dismissed from service.
(DOPT Notification No. 13026/01/2010-Estt (L), dated 12.05.2011)

(ca) When a Government servant dies while in service, credit of half pay leave shall be allowed at the rate of 5/3 days per completed month of service up to the date of death of the Government servant.
(DOPT Notification No.13026/1/2010-Estt. (L), dated 12.05.2011)

(d) Where a period of absence or suspension of a Government servant has been treated as dies non in a half-year, the credit to be afforded to his half pay leave account at the commencement of next half-year, shall be reduced by one-eighteenth of the period of dies non subject to a maximum of ten days.
(DOPT Notification No. 13014/1/87-Estt.(L) dated 16.06.1987)

(3) A Government servant who is eligible for Departmental leave under Rule 49, shall be entitled to half pay leave of twenty days on completion of twelve months of actual duty.

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(4) The leave under this rule may be granted on medical certificate or on private affairs.
(DOPT Notification No. 13014/1/85-Estt.(L) dated 03.12.1985)

(5) While affording credit of half pay leave, fraction of a day shall be rounded off to the nearest day:
(DOPT Notification No. 13014/1/87-Estt.(L) dated 16.06.1987)

30. Commuted leave

(1) Commuted leave not exceeding half the amount of half pay leave due may be granted on medical certificate to a Government servant (other than a military officer), subject to the following conditions:-

(a) the authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry:

(b) Deleted.

(c) Deleted.

(d) when commuted leave is granted, twice the amount of such leave shall be debited against the half pay leave due;

(e) Deleted.
(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)

(1-A) Half pay leave up to a maximum of 180 days may be allowed to be commuted during the entire service (without production of medical certificate) where such leave is utilized for an approved course of study certified to be in the public interest by the leave sanctioning authority.

(2) Where a Government servant who has been granted commuted leave resigns from service or at his request permitted to retire voluntarily without returning to duty, the commuted leave shall be treated as half pay leave and the difference between the leave salary in respect of commuted leave and half pay leave shall be recovered:

Provided that no such recovery shall be made if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death.

NOTE.- Commuted leave may granted at the request of the Government servant even when earned leave is due to him.

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31. Leave not due

(1) Save in the case of leave preparatory to retirement, Leave Not Due may be granted to a Government servant in permanent employ or quasi-permanent employ (other than a military officer) limited to a maximum of 360 days during the entire service on medical certificate subject to the following conditions:-

(a) The authority competent to grant leave is satisfied that there is reasonable prospect of the Government servant returning to duty on its expiry;

(b) Leave Not Due shall be limited to the half pay leave he is likely to earn thereafter;

(c) Leave Not Due shall be debited against the half pay leave the Government servant may earn subsequently.

(1-A) Leave Not Due may also be granted to such of the temporary Government servants as are suffering from TB, Leprosy, Cancer or Mental Illness, for a period not exceeding 360 days during entire service, subject to fulfillment of conditions in Clauses (a) to (c) of sub-rule (1) and subject to the following conditions, namely:-
(DOPT Notification No. 11012/1/85-Estt.(L) dated 06.06.1988)

(i) that the Government servant has put in a minimum of one year's service;

(ii) that the post from which the Government servant proceeds on leave is likely to last till his return to duty; and

(iii) that the request for grant of such leave is supported by a medical certificate as envisaged in Clauses (c) and (d) of sub- rule (2) of Rule 32.
(GSR No. 1422, F.No. 11012/1/77-E.IV(A) dated 21.11.1979)

(2)(a) Where a Government servant who has been granted Leave Not Due resigns form service or at his request permitted to retire voluntarily without returning to duty, the Leave Not Due shall be cancelled, his resignation or retirement taking effect from the date on which such leave had commenced, and the leave salary shall be recovered.

(b) Where a Government servant who having availed himself of Leave Not Due returns to duty but resigns or retires from service before he has earned such leave, he shall be liable to refund the leave salary to the extent the leave has not been earned subsequently:

Provided that no leave salary shall be recovered under Clause (a) or Clause (b) if the retirement is by reason of ill-health incapacitating the Government servant for further service or in the event of his death:

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Provided further that no leave salary shall be recovered under Clause (a) or Clause (b), if the Government servant is compulsorily retired prematurely under Rule 48 (1) (b) of the Central Civil Services (Pension) Rules, 1972, or is retired under Fundamental Rule 56(j) or Fundamental Rule 56(l)
(MHA Notification No. 6(9)-E.IV(A)/76 dated 31.12.1980)

32. Extraordinary leave

(1) Extraordinary leave may be granted to a Government servant (other than a military officer) in special circumstances-

(a) when no other leave is admissible:

(b) when other leave is admissible, but the Government servant applies in writing for the grant of extraordinary leave.

(2) Unless the President in view of the exceptional circumstances of the case otherwise determines, no Government servant, who is not in permanent employ or quasi-permanent employ, shall be granted extraordinary leave on any one occasion in excess of the following limits:-

(a) three months;

(b) six months where the Government servant has completed one year's continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a) and his request for such leave is supported by a medical certificate as required by these rules;

(c) Deleted.

(d) eighteen months, where the Government servant who has completed one year's continuous service is undergoing treatment for -

(i) Pulmonary Tuberculosis or Pleurisy of tubercular origin, in a recognized sanatorium;

NOTE.- The concession of extraordinary leave up to eighteen months shall be admissible also to a Government servant suffering from Pulmonary Tuberculosis or Pleurisy of tubercular origin who receives treatment at his residence under a Tuberculosis Specialist recognized as such by the State Administrative Medical Officer concerned and produces a certificate signed by that Specialist to the effect that he is under his treatment and that he has reasonable chances of recovery on the expiry of the leave recommended.

(ii) Tuberculosis of any other part of the body by a qualified Tuberculosis Specialist or a Civil Surgeon or Staff Surgeon; or

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(iii) Leprosy in a recognized leprosy institution or by a Civil Surgeon or Staff Surgeon or a Specialist in leprosy hospital recognized as such by the State Administrative Medical Officer concerned;

(iv) Cancer or for mental illness, in an institution recognized for the treatment of such disease.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

(e) twenty-four months, where the leave is required for the purpose of prosecuting studies certified to be in the public interest, provided the Government servant concerned has completed three years' continuous service on the date of expiry of leave of the kind due and admissible under these rules, including three months' extraordinary leave under Clause (a).

(3)(a) Where a Government servant is granted extraordinary leave in relaxation of the provisions contained in Clause (e) of sub-rule(2), shall be required to execute a Bond in Form 6 undertaking to refund to the Government the actual amount of expenditure incurred by the Government during such leave plus that incurred by any other agency with interest thereon in the event of his not returning to duty on the expiry of such leave or quitting the service before a period of three years after return to duty.

(b) The Bond shall be supported by Sureties from two permanent Government servants having a status comparable to or higher than that of the Government servant.

(4) Government servants belonging to the Scheduled Castes or the Scheduled tribes may, for the purpose of attending the Pre-Examination Training Course at the centers notified by the Government from time to time, be granted extraordinary leave by Head of Department in relaxation of the provisions of sub-rule (2).

(5) Two spells of extraordinary leave, if intervened by any other kind of leave, shall be treated as one continuous spell of extraordinary leave for the purposes of sub-rule (2).

(6) The authority competent to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

33. Leave to probationer, a person on probation and an apprentice

(1)(a) A probationer shall be entitled to leave under these rules if he had held his post substantively otherwise than on probation.

(b) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend -

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(i) beyond the date on which the probationary period as already sanctioned or extended expires, or

(ii) beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

(2) A person appointed to a post on probation shall be entitled to leave under these rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post:

Provided that where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave under these rules as a permanent Government servant.

(3) An apprentice shall be entitled to-

(a) leave, on medical certificate, on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship;

(b) extraordinary leave under Rule 32.

34. Persons re-employed after retirement

In the case of a person re-employed after retirement, the provisions of these rules shall apply as if he had entered Government service for the first time on the date of his re-employment.

35. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

36. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

37. Deleted.
(DOPT Notification No. 11012/1/85-Estt.(L) dated 23.06.1987)

38. Leave preparatory to retirement

(1) A Government servant may be permitted by the authority competent to grant leave to take leave preparatory to retirement to the extent of earned leave due, not exceeding 300 days together with half pay leave due, subject to the condition that such leave extends up to and includes the date of retirement.
("240 days substituted with 300 days" vide DOPT Notification No. 13026/1/2002-Estt. (L), dated the 15/16.01.2004)

NOTE.- The leave granted as leave preparatory to retirement shall not include extraordinary leave.

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(2)(a) Where a Government servant who is on foreign service in or under any Local Authority or a Corporation or Company wholly or substantially owned or controlled by the Government or a Body controlled or financed by the Government (hereinafter referred to as the local body) applies for leave preparatory to retirement, the decision to grant or refuse such leave shall be taken by foreign employer with the concurrence of the lending authority under Central Government.
(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

(b) The Government servant on foreign service shall also be allowed to encash earned leave at his credit on the date of retirement in the manner provided in sub-rule (2) of Rule 39.

(c) Deleted. (DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

(3) Where a Government servant is on foreign service in or under a local body other than the one mentioned in Clause (a) of sub-rule (2), leave preparatory to retirement shall be admissible to him only when he quits duty under the foreign employer:

Provided that where the Government servant continues in service under such foreign employer, the Government servant shall not be eligible for grant of cash payment in lieu of leave under Rule 39.

38-A. Encashment of Earned Leave along with Leave Travel Concession while in service.-
(DOPT Notification No. 14028/1/20 10- Estt. (L), dated 26.08.2011)

(1) A Government servant may be permitted to encash earned leave up to ten days at the time of availing of Leave Travel Concession while in service, subject to the conditions that—

(a) a balance of at least thirty days of earned leave is available to his credit after taking into account the period of encashment as well as leave being availed of:

(b) the total leave so encashed during the entire career does not exceed sixty days in the aggregate;

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(2) The cash equivalent for encashment of leave under sub-rule (1) shall be calculated as follows, namely:—

Cash equivalent =	Pay admissible on the date of availing of the Leave Travel Concession plus Dearness Allowance admissible on that date. 30	X	Number of days EL subject to the maximum 10 days at one time

(3) No House Rent Allowance shall be included in the cash equivalent calculated under sub-rule (2);

(4) The period of earned leave encashed shall not be deducted from the quantum of leave that can normally be encashed by the Government servant under Rules 6,39,39-A, 39-B, 39-C and 39-D.

(5) If the Government servant fails to avail the Leave Travel Concession within the time prescribed under the Central Civil Services (Leave Travel Concession) Rules, 1988, then he shall be required to refund the entire amount of leave so encashed along with interest at the rate of two per cent above the rate of interest allowed by the Government as applicable to Provident Fund balances and shall also be entitled for credit back of leave so debited for leave encashment.

39. Leave/Cash payment in lieu of leave beyond the date of retirement, compulsory retirement or quitting of service

(1) No leave shall be granted to a Government servant beyond-

(a) the date of his retirement, or
(b) the date of his final cessation of duties, or
(c) the date on which he retires by giving notice to Government or he is retired by Government by giving him notice or pay and allowances in lieu of such notice, in accordance with the terms and conditions of his service, or
(d) the date of his resignation from service.

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(2)(a) Where a Government servant retires on attaining the normal age prescribed for retirement under the terms and conditions governing his service, the authority competent to grant leave shall, *suo motu*, issue an order granting cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the Government servant on the date of his retirement subject to a maximum of 300 days;

(b) The cash equivalent of leave salary under Clause (a) shall be calculated as follows and shall be payable in one lumpsum as a one- time settlement,—

(i)

Cash equivalent for earned leave =	Pay admissible on the date of retirement plus Dearness Allowance admissible on that date / 30	X	Number of days of unutilized earned leave at credit subject to the total of earned leave and half pay leave not exceeding 300 days

(ii)

Cash payment in lieu of half pay leave component =	Half pay leave salary admissible on the date of retirement plus Dearness Allowance admissible on that date / 30	X	Number of days of half pay leave at credit subject to the total of earned leave and half pay leave at credit not exceeding 300 days

NOTE.— The overall limit for encashment of leave including both earned leave and half pay leave shall not exceed 300 days.

(c) To make up the shortfall in earned leave, no commutation of half pay leave shall be permissible.]

(DOPT Notification No. 11012/1/2009- Estt. (L), dated 01.12.2009)

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(3) The authority competent to grant leave may withhold whole or part of cash equivalent of earned leave in the case of a Government servant who retires from service on attaining the age of retirement while under suspension or while disciplinary or criminal proceedings are pending against him, if in the view of such authority there is a possibility of some money becoming recoverable from him on conclusion of the proceedings against him on conclusion of the proceedings, he will become eligible to the amount so withheld after adjustment of Government dues, if any.

(DOPT Notification No. 14028/6/81 -Estt. (L), dated 17.10.1983)

(4)(a) Where the service of a Government servant has been extended, in the interest of public service beyond the date of his retirement, he may be granted—

(i) during the period of extension, any earned leave due in respect of the period of such extension plus the earned leave which was at his credit on the date of his retirement subject to a maximum of 180 days / 300 days as the case may be, as prescribed in Rule 26.

(DOPT Notification No. 14028/9/80 -Estt. (L), dated 01.10.1981)
(DOPT Notification No. 11014/3/89-Estt.(L) dated 02.05.1991)

(ii) after expiry of the period of extension, cash equivalent in the manner provided in Clause (b) of sub-rule (2) in respect of both earned leave and half pay leave at credit on the date of retirement, plus the earned leave and half pay leave earned during the period of extension reduced by the earned leave and half pay leave availed of during such period, subject to a maximum of 300 days.]

(DOPT Notification No. 11012/1/2009-Estt. (L), dated 01.12.2009)

(b) The cash equivalent payable under sub-clause (ii) of Clause (a) of this sub-rule shall be calculated in the manner indicated in Clause (b) of sub-rule (2) above

(5) A Government servant who retires or is retired from service in the manner mentioned in Clause (c) of sub-rule (1), may be granted *suo motu*, by the authority competent to grant leave, cash equivalent of the leave salary in respect of both earned leave and half pay leave at his credit subject to a maximum of 300 days. The cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.]

(DOPT Notification No. 1101211/2009-Estt. (L), dated 01.12.2009)

(5-A) deleted.

(DOPT Notification no.14028/18/86-Estt.(L) dated 23.03.1988)
(DOPT Notification 14028/1/2004-Estt.(Leave) dated 13.02.2006)

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(6)(a)(i) where the services of a Government servant are terminated by notice or by payment of pay and allowances in lieu of notice or otherwise in accordance with the terms and conditions of his appointment, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date on which he ceases to be in service subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39].

(DOPT Notification No. 11012/l/2009-Estt. (L), dated 01.12.2009)

(ii) If a Government servant resigns or quits service, he may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent in respect of earned leave at his credit on the date of cessation of service, to the extent of half of such leave at his credit, subject to a maximum of 150 days.

(DOPT Notification No. 14028/9/80 -Estt. (L), dated 01.10.1981)

("120 days substituted with 150 days" vide DOPT Notification No. 13026/1/99- Estt. (L), dated 18.04.2002)

(iii) A Government servant, who is re-employed after retirement may, on termination of his re-employment, be granted, *suo motu*, by an authority competent to grant leave, cash equivalent in respect of both earned leave and half pay leave at his credit on the date of termination of re-employment subject to a maximum of 300 days including the period for which encashment was allowed at the time of retirement and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

(DOPT Notification No. 11012/l/2009-Estt. (L), dated 01.12.2009)

(b) The cash equivalent payable under Clause (a) shall be calculated in the manner indicated in Clause (b) of sub-rule (2) and for the purpose of computation of cash equivalent under sub-clause (iii) of Clause (a), the pay on the date of the termination of re-employment shall be the pay fixed in the scale of post of re-employment before adjustment of pension and pension equivalent of other retirement benefits, and the Dearness Allowance appropriate to that pay.

(DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

39-A. Cash equivalent of leave salary in case of death in service

In case a Government servant dies while in service, the cash equivalent of leave salary for both earned leave and half pay leave, if any, at the credit of the deceased Government servant on the date of his death, not exceeding 300 days shall be paid to his family in the manner specified in Rule 39-C and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

NOTE.- In addition to the cash equivalent of leave salary admissible under this rule, the family of the deceased Government servant shall also be entitled to payment of Dearness Allowance only as per orders issued in this behalf separately.

(Notification No. F. No. 11012/1/2009-Estt. (L), dated the 1st December, 2009)

39-B. Cash equivalent of leave salary in case of invalidation from service

(1) A Government servant who is declared by a Medical Authority to be

completely and permanently incapacitated for further service may be granted, *suo motu*, by the authority competent to grant leave, cash equivalent of leave salary in respect of both earned leave and half pay leave, if any, at the credit of the Government servant on the date of invalidation from service, subject to a maximum of 300 days and the cash equivalent payable shall be the same as in sub-rule (2) of Rule 39.

(2) A Government servant not in permanent employ or quasi permanent employ shall not, however, be granted cash equivalent of leave salary in respect of half pay leave standing at his credit on the date of his invalidation from service.

[DOPT Notification No. 11012/1/2009-Estt. (L), dated 01.12.2009]

39-C. Payment of cash equivalent of leave salary in case of death, etc., of Government servant

In the event of the death of a Government servant while in service or after retirement or after final cessation of duties but before actual receipt of its cash equivalent of leave salary payable under Rules 39,39-A and 39-B, such amount shall be payable-

(DOPT Notification No. 14028/1/81-Estt.(L) dated 19.07.1984)

(i) to the widow, and if there are more widows than one, to the eldest surviving widow if the deceased was a male Government servant, or to the husband, if the deceased was a female Government servant;

EXPLANATION.- The expression —eldest surviving widow‖ shall be construed with reference to the seniority according to the date of the marriage of the surviving widows and not with reference to their ages;

(ii) failing a widow or husband, as the case may be, to the eldest surviving son; or an adopted son;

(iii) failing (i) and (ii) above, to the eldest surviving unmarried daughter;

(iv) failing (i) to (iii) above, to the eldest surviving widowed daughter;

(v) failing (i) to (iv) above, to the father;

(vi) failing (i) to (v) above, to the mother;

(vii) failing (i) to (vi) above, to the eldest surviving married daughter;

(DOPT Notification No. 11012/I/2009-Estt. (L), dated 01.12.2009)

(viii) failing (i) to (vii) above, to the eldest surviving brother below the age of eighteen years;

(ix) failing (i) to (viii) above, to the eldest surviving unmarried sister;
(x) failing (i) to (ix) above, to the eldest surviving widowed sister;
(xi) failing (i) to (x) above, to the eldest child of the eldest predeceased son.

39-D. Cash equivalent of leave salary in case of permanent absorption in Public Sector Undertaking/Autonomous Body wholly or substantially owned or controlled by the Central/State Government

(DOPT Notification No. 13026/2/90-Estt. (L), dated 22.10.1990)

A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or State Government or in or under a body controlled or financed by one or more than one such Government shall be granted *suo motu* by the authority competent to grant leave cash equivalent of leave salary in respect of earned leave at his credit on the date of absorption subject to a maximum of 300 days. This will be calculated in the same manner as indicated in Clause (b) of sub-rule (2) of Rule 39.

(DOPT Notification No. 13026/2/90-Estt.(L), dated 20.04.1993)

NOTE.— The expression 'permanent absorption' used in Rule 39-D shall mean the appointment of a Government servant in a Public Sector Undertaking or an Autonomous Body, for which he had applied through proper channel and resigns from the Government service to take up that appointment.

(DOPT Notification No. 13026/3/2011-Estt.(L), dated 28.03.2012)

40. Leave Salary

(1) Except as provided in sub-rule (7), a Government servant who proceeds on earned leave is entitled to leave salary equal to the pay drawn immediately before proceeding on earned leave.

(DOPT Notification No. 14028/9/80-Estt.(L) dated 01.10.1981)

NOTE :- 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 while calculating leave salary.

(2) deleted

(MoF Notification No. F. 6 (3)-E. IV (A)/75, dated the 07.10.1976)

(3) A Government servant on half pay leave or leave not due is entitled to leave salary equal to half the amount specified in sub-rule (1).

(4) A Government servant on commuted leave is entitled to leave salary equal to the amount admissible under (sub-rule (1).

(5) A Government servant on extraordinary leave is not entitled to any leave salary.

(6) Deleted.

(7) (a) Deleted.

(b) Deleted.
(DOPT Notification No. 14028/9/80 -Estt.(L) dated 1.10.1981)

(c). In the case of a Government servant who is granted leave earned by him during the period of re-employment, the leave salary shall be based on the pay drawn by him exclusive of the pension and pension equivalent of other retirement benefits.
(DOPT Notification No. 14028/6/82 -Estt.(L) dated 31.05.1985)

(8) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948) applies, leave salary payable during leave, other than earned leave, shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(9) (a) If, in the case of a Government servant who retires or resigns from the service, the leave already availed of is more than the credit so due to him, necessary adjustment shall be made in respect of leave salary, if any, overdrawn.

(b) Where the quantum of earned leave already availed of by a Government servant who is dismissed or removed from service or who die while in service is in excess of the leave credit under Clause (b) of sub-rule (2) of Rule 27,the over payment of leave salary shall be recovered in such cases.
(MOF Notification No. 16(6)-E.IV(A)/74 dated 31.07.1976)

41. Drawal of leave salary

The leave salary payable under these rules shall be drawn in rupees in India.

42. Advance of Leave salary

A Government servant, including a Government servant on foreign service, proceeding on leave for a period not less than thirty days may be allowed an advance in lieu of leave salary up to a month's pay and allowances admissible on that leave salary subject to deductions on account of Income Tax, Provident Fund, House Rent, Recovery of Advances, etc.
(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)

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CHAPTER V – Special kinds of leave other than study leave

43. Maternity Leave

(1) A female Government servant (including an apprentice) with less than two surviving children may be granted maternity leave by an authority competent to grant leave for a period of (180 days) from the date of its commencement.

(MOF Notification No. P-11012/1/77-E-IV(A) dated 21.11.1979)
("135 days substituted by 180 days" vide DOPT Notification No. 1101 2/1/2009-Estt.(L), dated 01.12.2009).

(2) During such period, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

NOTE :- In the case of a person to whom Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

(3) Maternity leave not exceeding 45 days may also be granted to a female Government servant (irrespective of the number of surviving children) during the entire service of that female Government in case of miscarriage including abortion on production of medical certificate as laid down in Rule 19:

(DOPT Notification No. 13018/7/94-Estt (L), dated 31.03.1995)

Provided that the maternity leave granted and availed of before the commencement of the CCS(Leave) Amendment Rules, 1995, shall not be taken into account for the purpose of this sub-rule.

(4) (a) Maternity leave may be combined with leave of any other kind.

(b) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including commuted leave for a period not exceeding 60 days and leave not due) up to a maximum of two year may, if applied for, be granted in continuation of maternity leave granted under sub-rule (1).

(5) Maternity leave shall not be debited against the leave account.

(MOF Notification No. 16(3).E.IV(A)/74 dated 20.12.1974)
(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

(6) In case of surrogacy, the surrogate, as well as the commissioning mother with less than two surviving children, may be granted maternity leave of 180 days, in case either or both of them are Government servants.

(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

Note 2:-The expression 'surrogate mother' shall mean the woman who bears the child on behalf of the commissioning mother.

43-A. Paternity leave

(DOPT Notification No. 13026/1/99-Estt. (L), dated 18.04.2002)

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(1) A male Government servant (including an apprentice) with less than two surviving children, may be granted Paternity Leave by an authority competent to grant leave for a period of 15 days, during the confinement of his wife for childbirth, i.e., up to 15 days before, or up to six months from the date of delivery of the child.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The paternity Leave may be combined with leave of any other kind.

(4) The paternity leave shall not be debited against the leave account.

(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

(6) In case of a child begotten through surrogacy, the commissioning father who is a male Government servant with less than two surviving children may be granted paternity leave of 15 days within the period of 6 months from the date of delivery of the child.

(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

NOTE:- the Paternity Leave shall not normally be refused under any circumstances.

Note 3:- The expression 'commissioning father' in this rule shall mean the intending father of the child born through surrogacy.

43-AA. Paternity Leave for Child Adoption

(DOPT Notification No. 110 I2/l/2009-Estt. (L), dated 01.12.2009)

(1) A male Government servant (including an apprentice) with less than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year, may be granted Paternity Leave for a period of 15 days, within a period of six months, from the date of accepting the child in pre-adoption foster care or on valid adoption, as the case may be:

Provided that in a case where the pre-adoption foster care is not followed by valid adoption of the child, the Paternity Leave already availed shall be debited from any other kind of leave available to the credit of such male Government Servant.

(2) During such period of 15 days, he shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) The Paternity Leave may be combined with leave of any other kind.

(4) The Paternity Leave shall not be debited against the leave account.

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(5) If Paternity Leave is not availed of within the period specified in sub-rule (1), such leave shall be treated as lapsed.

NOTE 1. — The Paternity Leave shall not normally be refused under any circumstances.

NOTE 2. — "Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that ofa natural born child.

(DOPT Notification No. 13026/5/2011-Estt. (L), dated 04.04.2012)

43-B. Child Adoption Leave

(DOPT Notification No. 13018/4/2004- Estt. (L), dated 31.03.2006)

(1) A female Government servant, with fewer than two surviving children, on accepting a child in pre-adoption foster care or on valid adoption of a child below the age of one year, may be granted child adoption leave, by an authority competent to grant leave, for a period of 180 days, immediately after accepting the child in pre-adoption foster care or on valid adoption, as the case may be:

Provided that in a case where the pre-adoption foster care is not followed by valid adoption of the child, the leave already availed shall be debited from any other kind of leave available to the credit of such female Government Servant.

(2) During the period of child adoption leave, she shall be paid leave salary equal to the pay drawn immediately before proceeding on leave.

(3) (a) Child adoption leave may be combined with leave of any other kind.

(b) In continuation of the child adoption leave granted under subrule (1), a female Government servant on valid adoption of a child may also be granted, if applied for, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of medical certificate) for a period up to one year reduced by the age of the adopted child on the date of valid adoption, without taking into account child adoption leave.

Provided that this facility shall not be admissible in case she is already having two surviving children at the time of adoption.

(4) Child adoption leave shall not be debited against the leave account.

NOTE.— "Child" for the purpose of this rule will include a child taken as ward by the Government servant, under the Guardians and Wards Act, 1890 or the personal law applicable to that Government servant, provided such a ward lives with the Government servant and is treated as a

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member of the family and provided such Government servant has, through a special will, conferred upon that ward the same status as that of a natural born child.

(DOPT Notification No. 13026/5/2011-Estt. (L), dated04.04.2012)

43-C. Child Care Leave

(DOPT Notification No. 13018/4/2011-Estt. (L), dated 27.08.2011)

(1) Subject to the provisions of this rule, a female Government servant and single male Government servant may be granted child care leave by an authority competent to grant leave for a maximum period of seven hundred and thirty days during entire service for taking care of two eldest surviving children, whether for rearing or for looking after any of their needs, such as education, sickness and the like.

(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)

(2) For the purposes of sub-rule (1), "child" means—

(a) a child below the age of eighteen years: or

(b) an offspring of any age with a minimum disability of forty per cent as specified in the Government of India in Ministry of Social Justice and Empowerment's Notification No. 16-18/97-N 1.1, dated the 1st June, 2001.

(DOPT Notification No. 13018/6/2013- Estt. (L), dated 06.06.2018)

(3) Grant of child care leave to a female Government servant and a single male Government servant under sub-rule (1) shall be subject to the following conditions, namely:- *(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)*

(i) it shall not be granted for more than three spells in a calendar year;

[As a welfare measure, it has now been decided that, the leave sanctioning authorities in the Ministries or Departments under the Government of India are bestowed with the power to relax up to a maximum of three spells beyond the existing three spells of Child Care Leave in a calendar year, under Rule 43-C(3)(i) of the CCS(Leave) Rules 1972, to female Central Government employees and single male Central Government employees in case their child is admitted in a hospital as inpatient. vide DoPT's OM No. A-24011/5/2024-ESTT-Leave dated 29.07.2024.]

(ii) in case of a single female Government servant, the grant of leave in three spells in a calendar year shall be extended to six spells in a calendar year.

(iii) it shall not ordinarily be granted during the probation period except in case of certain extreme situations where the leave sanctioning authority is satisfied about the need of child care leave to the probationer, provided that the period for which such leave is sanctioned is minimal.

(iv) child care leave may not be granted for a period less than five days at a time.

(4) During the period of child care leave, a female Government servant and a single male Government servant shall be paid one hundred per cent of thesalary for the first three hundred and sixty-five days, and at eighty per cent of the salary for the next three hundred and sixty-five days.

EXPLANATION.— Single Male Government servant' means — an

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unmarried or widower or divorcee Government servant.

(5) Child care leave may be combined with leave of any other kind.

(6) Notwithstanding the requirement of production of medical certificate contained in sub-rule (1) of Rule 30 or sub-rule (1) of Rule 31, leave of the kind due and admissible (including Commuted Leave not exceeding sixty days and Leave Not Due) up to a maximum of one year, if applied for, be granted in continuation with child care leave granted under sub-rule (1).

(7) Child care leave shall not be debited against the leave account.

(8) In case of surrogacy, the commissioning mother with less than two surviving children may be granted child care leave.

Note 1:- The expression 'commissioning mother' shall mean the intending mother of the child born through surrogacy.

(DOPT Notification No. A-24011/21/2023-ESTT-Leave, dated 18.06.2024)

44. Work Related Illness and Injury Leave

(DOPT Notification No. 11020/01/2017-Estt. (L), dated 11.12.2018)

The authority competent to grant leave may grant Work Related Illness and Injury Leave (hereinafter referred to as WRIIL) to a Government servant (whether permanent or temporary), who suffers illness or injury that is attributable to or aggravated in the performance of her or his official duties or in consequence of her or his official position subject to the provisions contained in sub-rule (1) of Rule 19 of these rules, on the following conditions, namely:

(1) Full pay and allowances shall be granted to all employees during the entire period of hospitalization on account of WRILL.

(2) Beyond hospitalization, WRIIL shall be governed as follows:-

(a) A Government servant (other than a military officer) — full pay and allowances for the six months immediately following hospitalization and Half Pay for twelve months beyond the said period of six months. The Half Pay period may be commuted to full pay with corresponding number of days of Half Pay Leave debited from the employees leave account.

(b) For officers of Central Armed Police Forces — full pay and allowances for six months immediately following the hospitalization and full pay only for the next twenty-four months.

(c) For personnel below the rank of officer of the Central Armed Police Forces — full pay and allowances, with no limit regarding period.

(3) In the case of persons to whom the Workmen's Compensation Act, 1923 applies, the amount of leave salary payable under WRIIL shall be reduced by the amount of compensation paid under the Act.

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(4) No Earned Leave or Half Pay Leave shall be credited during the period that employee is on WRIIL.

45. Omitted.

46. Omitted**.**

47. Seamen's sick leave

(1) A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted leave, by an authority competent to grant leave, on leave salary equal to full pay for a period not exceeding six weeks:

Provided that such shall not be granted if a Government Medical officer certifies that the Government servant is malingering or that his ill- health is due to drunkenness or similar self-indulgence or to his own action in willfully causing or aggravating disease or injury.

(2) A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled, namely:-

(a) a Government Medical Officer must certify the disability;

(b) the disability must not be due to the seaman's own carelessness or inexperience'

(c) the vacancy cause by his absence must not be filled.

(3)(a) In the case of a person to whom the Workmen's Compensation Act, 1923 (8 of 1923), applies, the amount of leave salary payable under this rule shall be reduced by the amount of compensation payable under Clause (d) of sub-section (1) of Section 4 of the said Act.

(b) In the case of a person to whom the Employees' State Insurance Act, 1948 (34 of 1948), applies, the amount of leave salary payable under this rule shall be reduced by the amount of benefit payable under the said Act for the corresponding period.

48. Special Leave connected to inquiry of sexual harassment

(DOPT Notification No. 13026/2/2016-Estt.(L), dated 15.03.2017.)

Leave up to a period of 90 days may be granted to an aggrieved female Government servant on the recommendation of the Internal Committee or the Local Committee, as the case maybe, during the pendency of inquiry under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 and the leave granted to the aggrieved female Government servant under this rule shall not be debited against the leave account.

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49. Departmental Leave

(1) Departmental leave may be granted to :-

(a) Class III Government servants (other than Division I staff and Clerks) and to Class IV Government servants in the Survey of India, attached to Survey Parties with field and recess duties:

(b) members of the seasonal staff in the Posts and Telegraphs Department, whose duties are not continuous but are limited to certain fixed period in each year.

(2) In addition to leave due and admissible, departmental leave may be granted only to Government servants whose services are temporarily not required.

(3)(a) Departmental leave with leave salary may be granted during the recess by the Head of the Party or Office to which the Government servant belongs in the Survey of India or an authority not lower than the Divisional Superintendent of Post Offices in the Posts and Telegraphs Department, as the case may be provided the authority granting the leave considers in the case of a Class IV Government servant that it is desirable to re-employ the Government servant in the ensuing season.

(b) Leave so granted may, in special cases, be extended by the Surveyor–General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, up to a maximum of eighteen months in all.

(4) (a) Departmental leave with leave salary may be granted at times other than the recess, for not more than six months at a time, by directors in the Survey of India, provided the leave is granted in the interests of Government and not at the request of the Government servant.

(b) Leave so granted may, in special cases, be extended by the Surveyor-General up to a maximum of one year in all.

(c) Leave on medical certificate shall not be regarded as granted in the interest of Government.

(5) Where the President by general or special order so authorizes, departmental leave without leave salary may be granted by the Surveyor-General or the Postmaster-General or the Director of Posts and Telegraphs, as the case may be, in continuation of the departmental leave with leave salary.

(6)(a) A Government servant on Departmental Leave with leave salary shall be paid leave salary equal to 25 per cent of the said salary admissible during the earned leave under sub-rule (1) of Rule 40. No allowance, other than Dearness Allowance, shall be admissible on such leave salary.

(DOPT Notification No. 13012/12/86-Estt.(L) dated 25.03.1989)

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(b) A Government servant while on departmental leave with leave salary shall be paid leave salary at the end of each month up to first six months and thereafter it shall be paid when the Government servant returns to duty:

(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)
(DOPT Notification no.14028/18/86-Estt.(L) dated 23.03.1988)

Provided that where a Government servant dies while on departmental leave, his leave salary up to the date of his death, or the last day of such leave with leave salary, whichever is earlier, shall be paid to his heirs.

(7) Departmental leave does not count as duty and such leave shall not be debited to his leave account.

(8) Departmental leave may be granted when no leave is due.

(9) Departmental leave may be combined with any other kind of leave which may be due.

(10)(a)When a Government servant to whom these rules apply, holds a post in which the Surveyor-General or the Postmaster-General or the Director pf {posts and Telegraphs, as the case may be (hereinafter in this sub-rule referred to as the authority) considers that he is unlikely to be eligible fordepartmental leave in future, the authority may, by order in writing, declare that, with effect from such date, not being earlier than the Government servant‘s last return from departmental leave, as the authority may fix, any balance of leave at debit in the Government servant‘s leave account shall be cancelled.

(b) All leave earned after such date shall be credited as due in the Government servant‘s leave account and all leave taken after such date, including departmental leave with leave salary, if any, shall be debited in it.

NOTE :- this sub-rule applies to cases of Government servants who have debit balance in their leave account due to their availing of departmental leave before the 1st November, 1973, when departmental leave with leave salary used to be debited to leave account.

(MOF Notification No. 16(5)-E.IV(A)/74 dated 11.04.1975)

CHAPTER VI – Study Leave

50. Conditions for grant of study leave

(1) Subject to conditions specified in this Chapter, study leave may be granted to a Government servant with due regard to the exigencies of public service to enable him to undergo, in or out of India, a special course of study consisting of higher studies or specialized training in a professional or a technical subject having a direct and close connection with the sphere of his duty.

(2) Study leave may also be granted-

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(i) for a course of training or study tour in which a Government servant may not attend a regular academic or semi-academic course if the course of training or the study tour is certified to be of definite advantage to Government from the point of view of public interest and is related to sphere of duties of the Government servant; and

(ii) for the purpose of studies connected with the framework or background of public administration subject to the conditions that-

(a) the particular study or study tour should be approved by the authority competent to grant leave; and

(b) the Government servant should be required to submit, on his return, a full report on the work done by him while on study leave;

(iii) for the studies which may not be closely or directly connected with the work of a Government servant, but which are capable of widening his mind in a manner likely to improve his abilities as a civil servant and to equip him better to collaborate with those employed in other branches of the public service.

NOTE.- Application for study leave in cases falling under clause (iii) shall be considered on merits of each case in consultation with the Department of Expenditure of the Ministry of Finance.

(3) Study leave shall not be granted unless-

(i) it is certified by the authority competent to grant leave that the proposed course of study or training shall be of definite advantage from the point of view of public interests;

(ii) it is for prosecution of studies in subjects other than academic or literary subject:

Provided that an officer of the Indian Economic Service or Indian Statistical Service may be granted study leave for prosecuting a course of study for obtaining Ph.D., on a research thesis, subject to the conditions that-

(a) the subject of research and the institution at which such research is to be undertaken are got approved by the Chief Economic Adviser to the Government of India, in case the applicant is a member of the Indian Economic Service, or by the Director, Central Statistical Organization, in case the applicant is a member of the Indian Statistical Service;

(b) the applicant obtains a certificate from the said authority to the effect that such study will be valuable in the matter of increasing the efficiency of the officer in the performance of his duties as a member of the Indian Economic Service or the Indian Statistical Service, as the case may be; and

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(c) in cases where the study is to be undertaken at a foreign university, the Applicant obtains a further certificate that the facilities for research on the particular subject chosen for study are not available at any University or other Institution in India:

Provided further that a Medical Officer may be granted study leave for prosecuting a course of postgraduate study in Medical Sciences if the Director-General of Health Services certifies to the effect that such study shall be valuable in increasing the efficiency of such Medical Officer in the performance of his duties:

Provided also that a specialist or a technical person may be granted study leave, on merits of each case for prosecuting a postgraduate course of study directly related to the sphere of his duty in case the Head of the Department or the Secretary to the Department or Ministry concerned certifies that the course of study shall enable the specialist or the technical person, as the case may be, to keep barest with modern development in the field of his duty, improve his technical standards and competence and thus substantially benefit the Department or Ministry.
(DoE Notification No. 16(8)-E.IV(A)/74 dated 26.05.1975)

(iii) the Department of Economic Affairs of the Ministry of Finance agrees to the release of foreign exchange involved in the grant of study leave, if such leave is outside India:

Provided that in releasing foreign exchange to Government servants proceeding on study leave abroad, the Department aforesaid shall satisfy itself whether such Government servant comply with the minimum educational criteria as specified in the general orders issued by the said Department from time to time regulating release of foreign exchange to persons proceeding abroad for higher studies at their expense.
(DoE Notification No. 4(9)-E.IV(A)/76 dated 14.03.1977)

(4) Study leave out of India shall not be granted for the prosecution of studies in subjects for which adequate facilities exist in India or under any of the Schemes administered by the Department of Economic Affairs of the Ministry of Finance or by the Ministry of Education.

(5) Study leave may be granted to a Government servant—

(i) who has satisfactorily completed period of probation and has rendered not less than five years' regular continuous service including the period of probation under the Government;

(ii) who is not due to reach the age of superannuation from the Government service within [three years (five years in the case of Central Health Service Officer who has been granted thirty six months study leave under sub- rule (2) of Rule 51) from] the date on which he is expected to return to duty after the expiry of the leave; and

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(iii) who executes a Bond as laid down in Rule 53 (4) undertaking to serve the Government for a period of [three years (five years in the case of Central Health Service Officer who has been granted thirty-six months' study leave under sub-rule (2) of Rule 51)] after the expiry of the leave.

(DOPT Notification No. 13023/20/84-Estt.(L) dated 11.12.1986) *(Notification No. 13026/5/20 10- Estt. (L), dated 05.08. 2011)*

(6) Study leave shall not be granted to a Government servant with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

51. Maximum amount of study leave

(DOPT Notification No. 13023/3/98-Estt. (L), Vol. 11, dated 26.10.2007)

(1) The maximum amount of study leave, which may be granted to a Government servant, other than Central Health Service Officers, shall be—

(a) ordinarily twelve months at any one time, and

(b) during his entire service, twenty-four months in all (inclusive of similar kind of leave for study or training granted under any other rules).

(2) In respect of Central Health Service Officers, study leave may be granted for thirty-six months for acquiring postgraduate qualification, subject to the condition that a Central Health Service Officer who has been granted such study leave shall execute a bond under sub-rule (4) of Rule 53 to serve the Government for a period of five years after completion of the study course.

52. Applications for study leave

(1) (a) Every application for study leave shall be submitted through proper channel to the authority competent to grant leave.

(b) The course or courses of study contemplated by the Government servant and any examination which he proposes to undergo shall be clearly specified in such application.

(2) Where it is not possible for the Government servant to give full details in his application, or if, after leaving India, he is to make any change in the programme which has been approved in India, he shall submit the particulars as soon as possible to the Head of the Mission or the authority competent to grant leave, as the case may be, and shall not, unless prepared to do so at his own risk, commence the course of study or incur any expenses in connection therewith until he receives the approval of the authority competent to grant the study leave for the course.

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53. Sanction of study leave

(1) A report regarding the admissibility of the study leave shall be obtained from the Audit Officer:

Provided that the study leave, if any, already availed of by the Government servant shall be included in the report.

(2) Where a Government servant borne permanently on the cadre of one department or establishment is serving temporarily in another department or establishment, the grant of study leave to him shall be subject to the condition that the concurrence of the department or the establishment to which he is permanently attached is obtained before the leave is granted.

(3) Where the study leave is granted for prosecution of studies abroad, the Head of the Mission concerned shall be informed of the fact by the authority granting the leave, provided that where such leave has been granted by an Administrator, the intimation shall be sent through the Ministry concerned.

NOTE :- The Head of the Mission shall be contacted by the Government servant for issue of any letters of introduction or for other similar facilities that may be required.

(4)(a)Every Government servant in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a Bond in Form 7 or Form 8, as the case may be, before the study leave or extension of such study leave granted to him commences.

(b) Every Government servant not in permanent employ who has been granted study leave or extension of such study leave shall be required to execute a bond in Form 9 or Form 10 as the case may be, before the study leave or extension of such study leave granted to him commences.

(c) The Authority competent to grant leave shall send to the Audit Officer a certificate to the effect that the Government servant referred to in Clause (a) or Clause (b) has executed the requisite bond.

5(a) On completion of the course of study, the Government servant shall submit to the authority which granted him the study leave, the certificates of examinations passed or special courses of study undertaken,indicating the date of commencement and termination of the course withthe remarks, if any, of the authority in charge of the course of study.

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(b) If the study is undertaken in a country outside India where there is an Indian Mission, the certificates shall be submitted through the Head of the Mission concerned.

54. Accounting of study leave and combination with leave of other kinds

(1) Study leave shall not be debited against the leave account of the Government servant.

(2) Study leave may be combined with other kinds of leave, but in no case shall be grant of this leave in combination with leave, other than extraordinary leave involve a total absence of more than twenty eight months generally and thirty-six months for the courses leading to PhD. degree from the regular duties of the Government servant.

Explanation:-the limit of twenty-eight months/thirty six months of absence prescribed in this sub-rule includes the period of vacation.
(DOPT Notification No. 13026/2/1990-Estt.(L) dated 22.10.1990)

(3) A Government servant granted study leave in combination with any other kind of leave may, if he so desires, undertake or commence a course of study during any other kind of leave.
(DOPT Notification No. 13023/1/2017-Estt.(L), dated 01.01.2018)

Provided that the period of such leave coinciding with the course of study shall not count as study leave.

55. Regular of study leave extending beyond course of study

When the course of study fall short of study leave granted to a Government servant, he shall resume duty on the conclusion of the courseof study, unless the previous sanction of the authority competent to grant leave has been obtained to treat the period of shortfall as ordinary leave.

56. Leave Salary during study leave
(DOPT Notification. No. 13026/1/2002-Estt. (L), dated 15/16.01.2004)

(1) Except as provided in sub-rule (6), during Study Leave availed of outside India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance.

(2) Except as provided in sub-rule (6), during Study Leave availed of in India, a Government servant shall draw Leave Salary equal to the pay that the Government servant drew while on duty with Government immediately before proceeding on such leave and in addition the Dearness Allowance and House Rent Allowance as admissible in accordance with the provisions of Rule 60.

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(3) Payment of leave salary at full rate under sub-rule-(2) shall be subject to furnishing of a certificate by the Government servant to the effect that he, is not in receipt of any scholarship, stipend or remuneration in respect of any part-time employment.

(4) The amount, if any, received by a Government servant during the period of Study Leave as scholarship or stipend or remuneration in respect of any part-time employment, shall be adjusted against the Leave Salary payable under this sub-rule subject to the condition that the Leave Salary shall not be reduced to an amount less than that payable as Leave Salary during half-pay leave.

(5) Omitted.

(6) During the currency of Study Leave within or outside India on or after 1st day of January, 1996, a Central Government servant shall draw benefits of Revised Pay from the date such revision took place.

57. Omitted.

58. Omitted.

59. Omitted.
(DOPT Notification No. 13023/1/2017-Estt. (L), dated01.01.2018)

60. Admissibility of allowances in addition to Study Allowance

(1) For the first (180) days of the Study Leave, House Rent Allowance shall be paid at the rates admissible to the Government servant from time to time at the station from where he proceeded on study leave. The continuance of payment of House Rent Allowance beyond (180) days shall be subject to the production of a certificate as prescribed in Para.8 (d) of Ministry of Finance, O.M. No.2 (37)-E.II (B)/64, dated 27-11-1965, as amended from time to time.
(DOPT Notification No. 13023/1/82-Estt. (L), dated 16.04.1983)
(DOPT Notification No. 11014/3/89-Estt. (L), dated 21.01.1992)

(2) Except for house rent allowance as admissible under sub-rule (1) and the Dearness Allowance, where admissible, no other allowance shall be paid to a Government servant in respect of the period of study leave granted to him.
(DOPT Notification No. 13023/1/2017-Estt.(L), dated01.01.2018)

61. Travelling Allowance during study leave

A Government servant to whom study leave has been granted shall not ordinarily be paid Travelling Allowance but the President may in exceptional circumstances sanction the payment of such allowance.

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NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of Travelling Allowance.

62. Cost of fees for study

A Government servant to whom study leave has been granted shall ordinarily be required to meet the cost of fees paid for the study but in exceptional cases, the President may sanction the grant of such fees:

Provided that in no case shall the cost of fees be paid to a Government servant who is in receipt of scholarship or stipend from whatever source or who is permitted to receive or retain, in addition to his leave salary, any remuneration in respect of part-time employment.

NOTE- Where a Government servant serving in the Indian Audit and Accounts Department is on study leave in India, the Comptroller and Auditor-General of India may, in exceptional circumstances, sanction the grant of the cost of fees paid for the study.

63. Resignation or retirement after study leave or non-completion of the course of study.

(1) If a Government servant resigns or retires from service or otherwise quits service without returning to duty after a period of study leave or within a period of [three years (five years in the case of Central Health Service Officer who has been granted thirty-six months' leave under sub-rule (2) of Rule 51) after] such return to duty or fails to complete the course of study and is thus unable to furnish the certificates as required under sub-rule (5) of Rule 53, he shall be required to refund—

(DOPT Notification No. 1302615/2010-Estt. (L), dated 05.08.2011)

(i) the actual amount of leave salary, cost of fees, travelling and other expenses, if any, incurred by the Government of India; and

(DOPT Notification No. 13023/1/2017-Estt.(L), dated 01.01.2018)

(ii) the actual amount, if any, of the cost incurred by other agencies such as foreign Governments, Foundations and Trusts in connection with the course of study, together with interest thereon at rates for the time being in force on Government loans, from the date of demand, before his resignation is accepted or permission to retire is granted or his quitting service otherwise:

Provided that except in the case of employees who fail to complete the course of study nothing in this rule shall apply—

(a) to a Government servant who, after return to duty from study leave,-is permitted to retire from service on medical grounds; or

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(b) to a Government servant who, after return to duty from study leave, is deputed to serve in any Statutory or Autonomous Body or Institution under the control of the Government and is subsequently permitted to resign from service under the Government with a view to his permanent absorption in the said statutory or Autonomous body or Institution in the public interest.

(2)(a) The study leave availed of by such Government servant shall be converted into regular leave standing at his credit on the date on which the study leave commenced, any regular leave taken in continuation of study leave being suitably adjusted for the purpose and the balance of the period of study leave, if any, which cannot be so converted, treated as extraordinary leave.

(b) In addition to the amount to be refunded by the Government servant under sub-rule (1), he shall be required to refund any excess of leave salary actually drawn over the leave salary admissible on conversion of the study leave.

(3) Notwithstanding anything contained in this rule, the President may, if it is necessary or expedient to do so, either in public interest or having regard to the peculiar circumstances of the case or class of cases, by order, waive or reduce the amount required to be refunded under sub-rule (1) by the Government servant concerned or class of Government servants.

CHAPTER VII - Miscellaneous

64. Interpretation

Where any doubt arises as to the interpretation of these rules, it shall be referred to the Government of India in the Ministry of Personnel, Public Grievances and Pensions for decision.

(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

65. Power to relax

Where any Ministry or Department of Government of India is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, maybe order, for reasons to be recorded in writing, dispense with or relax the requirements 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 Personnel, Public Grievances and Pensions.

(DOPT Notification no. 11012/1/85-Estt.(L) dated 06.06.1988)

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66. Repeal and saving

(1) On the commencement of these rules, every rule, regulation or order, including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation, anything done or any action taken or any leave earned by, or granted to, or accrued to the credit of a Government servant, under the old rule, shall be deemed to have been done, taken, earned, granted or accrued under the corresponding provisions of these rules.

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THE FIRST SCHEDULE

[See Rule 3 (c)]

AUTHORITIES COMPETENT TO GRANT LEAVE

Sl. No. (1)	Kind of leave (2)	Authority competent to grant leave (3)
1.	Earned Leave, Half Pay Leave, Commuted Leave, Leave not Due, Extraordinary Leave, Maternity Leave, Hospital Leave, Seamen's Sick Leave, [Paternity Leave, Child Adoption Leave, Paternity Leave for Child Adoption and Child Care Leave.]	(i) Ministry/ Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. (iv) Head of Department. (v) Any other authority which is the appointing authority. (vi) Any subordinate authority to which the authority at (i) to *(v)* may delegate the power, subject to any condition that may be specified in the delegation. NOTE 1.—If the Government servant is in foreign service,— (i) the authority which sanctioned the transfer to foreign service. (ii) Foreign employer — Power to be exercised only in respect of earned leave not exceeding 120 days and while taking decision to grant or refuse leave preparatory to retirement, prior concurrence of the lending authority under the Central Government shall be obtained as provided in sub-rule (2) of Rule 38.

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		NOTE 2.—. If the Government servant is serving with a State Government, the State Government or such authority as may be specified by that Government: (a) While taking decision to grant or refuse leave preparatory to retirement prior concurrence of lending authority under the Central Government shall be obtained: (b) * Not printed. In case the lending authority under the Central Government is not agreeable to the refusal of leave preparatory to retirement, it shall be granted to the Government servant and if the State Government needs the services of the officer during that period, the Government servant may be re-employed by that Government concurrently with the leave preparatory to retirement and leave salary regulated in accordance with the provisions of sub-rule (6) of Rule 40.
2.	Special Disability Leave	(i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General. (iv) Head of Department. (v) Any other authority which is the appointing authority.
3.	Study Leave	(i) Ministry/Department of the Central Government. (ii) Administrator. (iii) Comptroller and Auditor-General.

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THE SECOND SCHEDULE

[See Rule 3 (h)]

FORM 1

[See Rule 14]

APPLICATION FOR LEAVE OR FOR EXTENSION OF LEAVE

1. Name of applicant … … …
2. Post held … … … …
3. Department, Office and Section … …
4. Pay … … … …
5. House Rent and other Compensatory Allowances drawn in the present post ... ... …
6. Nature and period of leave applied for and date from which required ... … … …
7. Sundays and holidays, if any, proposed to be prefixed/suffixed to leave … … …
8. Grounds on which leave is applied for … …
9. Date of return from last leave, and the nature and period of that leave ... … …
10. I propose/do not propose to avail myself of leave travel concession for the block years ..... during the ensuing leave … … …
11. Address during leave period … …

Signature of Applicant
(with date)

12. Remarks and/or recommendation of the Controlling Officer

Signature (with date)
Designation

CERTIFICATE REGARDING ADMISSIBILITY OF LEAVE

13. Certified that ……..(nature of leave) for…….. (period) from ……..to ……..is admissible under Rule ……..of the Central Civil Services (Leave) Rules, 1972.

Signature (with date)
Designation

*14. Orders of the authority competent to grant leave …

Signature (with date)
Designation

* If the applicant is drawing any compensatory allowance, it should also be indicated in the orders on the expiry of leave, the Government servant is likely to return to the same post or to another post carrying similar allowance.

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FORM 2

[*See* Rule 15]

FORM OF LEAVE ACCOUNT

Name of Government servant ..... Date of Birth .....

Date of commencement of continuous service .....

Date of Quasi-Permanent / Permanent employment ..... Date of retirement / resignation .....

EARNED LEAVE											HALF PAY LEAVE							
Particulars of service in the calendar half-year		Completed months of service in the Calendar half-year	E.L. credited at the beginning of half-year	No. of days of E.O.L. (Col. 36) availed of during the previous calendar half-year	E.L. to be deducted (1/10th of the period in Col. 5)	Total E.L. at credit in days (Cols. 4 + 11— 6)	LEAVE TAKEN			Balance of E.L. on return from leave (Cols. 7— 10)	Completed month of service in the half-year of a calendar year	H.P.L. credited at the beginning of half-year	No. of days treated as *dies non* during the previous half-year	H.P.L. to be deducted (1/18th of the period in Col. 14)	Total H.P.L. at credit in days (Cols. 13 + 35 — 15)	LEAVE Against the earnings on half pay		
From	To						From	To	No. of days							From	To	No. of days
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

(On Private Affairs and on Medical Certificates including Commuted Leave and Leave Not Due)

TAKEN							Leave Not Due limited to 360 days in entire service									
Commuted leave on Medical Certificate on full pay			Commuted Leave without M.C. for studies certified to be in public interest (limited to 180 days half pay leave converted into 90 days commuted leave in entire service)			Commuted leave converted into half pay leave (Twice of Cols. 22 & 25)	On Medical Certificate			Otherwise than on Medical Certificates limited to 180 days			Total of Leave Not Due (Cols. 29 + 32)	Total of Half Pay Leave taken (Cols. 19 + 26 + 33)	Balance of Half Pay Leave on return from leave (Cols. 16 — 34)	Other kinds of Leave taken
From	To	No. of days	From	To	No. of days		From	To	No. of days	From	To	No. of days				
20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36

NOTE 1. — The Earned Leave due should be expressed in days.

NOTE 2. — When a Government servant is appointed during the course of a particular half-year, E.L. should be credited @ $2\frac{1}{2}$ days for each completed month and the fraction of a day will be rounded off to the nearest day.

NOTE 3. — The entries in Col. 11 should be in complete days. Fraction of a day will be rounded off to the nearest day.

NOTE 4. — The period of extraordinary leave should be noted in red ink.

FORM 3

(See Rule 19)

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS RECOMMENDED LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

Signature of the Government Servant……..

I .....after careful personal examination of the case hereby certify that Shri/Shrimati/Kumari……..whose signature is given above, is suffering from .....and I consider that a period of absence from duty of …… with effect from ……..is absolutely necessary for the restoration of his/her health.

Civil Surgeon / Staff Surgeon /
Authorized Medical Attendant

Dated …….

……..Dispensary

NOTE 1.—Deleted.

NOTE 2.—This form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a 2[Civil Surgeon/Staff Surgeon/Authorized Medical Attendant/to decide the question of his / her fitness for service.

NOTE 3.— No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

FORM 3-A

(See Rules 19 and 20)

MEDICAL CERTIFICATE FOR GOVERNMENT SERVANTS WHO ARE TO BE RECOMMENDED LEAVE UNDER RULE 20

Signature / thumb impression of the Government servant……

It is certified that Shri / Shrimati / Kumari…… (designation and place of work may also please be indicated) is under my medical supervision since…… and is suffering from..... *.

2. The aforesaid medical condition can be reasonably estimated to have manifested itself with effect from .....and that-

(i) it cannot be said with certainty that the Government servant will never again be fit for service; or

CCS (L) RULES 1972

(ii) there is no reasonable prospect that the Government servant will ever be fit to return to duty.

#3. In view of the fact that it cannot be said with certainty as to when the Government servant shall be fit for service, I recommend that Shri/Shrimati/ Kumari ..... may be granted leave on medical grounds with effect from ……..to ……..(up to a period of one year).

[#Please strike out if a certificate is being issued under 2 (ii) above]

FORM 4

[See Rule 19]

MEDICAL CERTIFICATE FOR LEAVE OR EXTENSION OF LEAVE OR COMMUTATION OF LEAVE

Signature of the Government servant……..

I, …… after careful personal examination of the case hereby certify that Shri / Shrimati / Kumari…… whose signature is given above, is suffering from ……and I consider that a period of absence from duty of ……with effect from ……..is absolutely necessary for the restoration of his / her health.

Authorized Medical Attendant
……Hospital / Dispensary
or other Registered Medical
Practitioner

Dated……

NOTE 1- The nature and probable duration of the illness should be specified.

NOTE 2- This Form should be adhered to as closely as possible and should be filled in after the signature of the Government servant has been taken. The certifying officer is not at liberty to certify that the Government servant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Civil Surgeon or Staff Surgeon to decide the question of his/her fitness for service.

NOTE 3.- Should a second medical opinion be required, the authority competent to grant leave should arrange for the second medical examination to be made at the earliest possible date by a Medical Officer not below the rank of a Civil Surgeon or Staff Surgeon, who shall express an opinion both a regards the facts of illness and as regards the necessity for the amount of leave recommended and for this purpose he may either require the Government servant to appear before himself or before a Medical Officer nominated by himself.

NOTE 4.- No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant.

CCS (L) RULES 1972

FORM 5

[See Rule 24 (3)]

MEDICAL CERTIFICATE OF FITNESS TO RETURN TO DUTY

Signature of the Government servant ……

We, the members of Medical Board

I, …… Civil Surgeon/Staff Surgeon.
Authorized Medical Attendant of….
Registered Medical Practitioner

do hereby certify that we / I have carefully examined Shri / Shrimati I Kumari ……..whose signature is given above, and find that he/she recovered from his I her illness and is now fit to resume duties in Government service. We / I also certify that before arriving at this decision, we If have examined the original medical certificate(s) and statement(s) of the case (or certified copies thereof) on which leave was granted or extended and have taken these into consideration in arriving at our / my decision.

Members of the Medical Board
(1)……
(2)……
(3)……
Civil Surgeon / Staff Surgeon
Authorized Medical Attendant
Dated…….. Registered Medical Practitioner

NOTE.- The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority required to issue the above certificate. For this purpose, the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.

CCS(L) RULES 1972

FORM 6

[See Rule 32 (3)

BOND FOR TEMPORARY GOVERNMENT SERVANTS GRANTED EXTRAORDINARY LEAVE IN RELAXATION OF RULE 32 (2) (e) FOR STUDY

KNOW ALL MEN BY THESE PRESENTS THAT WE …… residents…….. of in the District of…… at present employed as ……..in the Ministry/Office of…….. (hereinafter called "the Obligor") and Shri / Shrimati / Kumari .....son/daughter of……..of..... and Shri / Shrimati / Kumari ……..son/daughter of…… of…… (hereinafter called "the Sureties"), do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators, to pay to the President of India, his successors and assigns (hereinafter called the "Government") on demand the sum of Rs..... (Rupees ……. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if the payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between the attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Government has at the request of the above bounden Shri / Shrimat / Kumari……..employed as a……., granted him/her regular leave, followed by extraordinary leave without pay and allowances, for a period of……. months……. days with effect from……. in order to enable him / her to study at……..

AND WHEREAS the Government has appointed / will have to appoint a substitute to perform the duties of……. during the period of absence of …… Shri/Shrimati/Kumari ..... on extraordinary leave.

AND WHEREAS for the better protection of the Government, the Obligor has agreed to execute this bond with two Sureties with such condition as hereunder written:

AND WHEREAS the said Sureties have agreed to execute this Bond as sureties on behalf of the bounden…….

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounden, Shri/Shrimati/Kumari…… failing to rejoin on the expiry of the period of extraordinary leave, the post originally held by him I her and serve the Government after rejoining for such period not exceeding a period of……. years as the Government may require or refusing to serve the Government in any other capacity as may be required by the Government on a salary to which he / she would be entitled under the rules, the said Shri/Shrimati/Kumari… or his/ her executors

and administrators shall forthwith pay to the Government on demand the said sum of ..... (Rupees…… only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND upon the Obligor Shri/Shrimati/Kumari…….. and or Shri/Shrimati/Kumari…….. and, or Shri/Shrimati/Kumari……the Sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in force and virtue:

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary for the Government to sue the Obligor before suing the Sureties Shri/Shrimati/Kumari ……and Shri/Shrimati/Kumari……..or any of them for amounts due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this…….. day of ……..two thousand and……..

Signed and delivered by the Obligor
above named Shri/Shrimati/ Kumar
……
in presence of……..

Witnesses: 1……..
2……..

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of ……..

Witnesses: 1……..
2……..

Signed and delivered by the Surety
above named Shri/Shrimati/Kumari
……..
in the presence of ……..

Witnesses: 1……..
2……..

ACCEPTED
for and on behalf of the
President of India

CCS (L) RULES 1972

FORM 7

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I,…… resident of…….. in the District of……. at present employed as…….. in the Ministry/Office of do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees…….. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country of India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I.....am granted study leave by Government.

AND WHEREAS for the better protection of the Government, I have agreed to execute this Bond with such condition as hereunder is written;

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty, or resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of study or at any time within a period of three years/five years after my return to duty, I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees…….. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating putting in service for the period as specified above, after expiry of the study leave availed by me, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me during the currency of the bond period.

AND upon my making such payment, the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

CCS(CCA)RULES 1965

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts of India.

Signed and dated this..... day of..... two thousand and.....

Signed and delivered by .....
.....
In the presence of.....

Witnesses 1.....
2.....

ACCEPTED

For and on behalf of the
President of India

EXPLANATION. — The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS (L) RULES 1972

FORM 8

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT I…… resident of..... in the District of ……..at present employed as ……..in the Ministry/Office of……..do hereby bind myself and my heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees…… only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS I……. was granted study leave by Government for the period …… to……. in consideration of which I executed a Bond, dated…….. for (Rupees…… only) in favour of the President of India.

AND WHEREAS the extension of study leave has been granted to me at my request until……..

AND WHEREAS for the better protection of the Government, I have agreed to execute this Bond with such conditions as hereunder are written.

NOW, THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of my failing to resume duty of resigning or retiring from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years/five years after my return to duty. I shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees……only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT the period of my bond mandating, putting in service for the period as specified above, after expiry of the study leave availed by me, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by me, during the currency of the bond period.

CCS (L) RULES 1972

AND upon my making, such payments, the above written obligations shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall, where necessary, be accordingly determined by the appropriate Courts in India.

Signed and dated this……day of…….. two thousand and……

Signed and delivered by……..
……..

In the presence of ……..

Witnesses 1……..
2……..

ACCEPTED

For and on behalf of the
President of India

EXPLANATION.— The 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS (LEAVE) RULES 1972

FORM 9

[See Rule 53 (4)]

BOND TO BE EXECUTED BY A GOVERNMENT SERVANT
NOT IN PERMANENT EMPLOY,
WHEN PROCEEDING ON STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT WE…….. residents of ……..in the District of…….. at present employed as…….. in the Ministry / Office of…….. (hereinafter called "the Obligor") and Shri /Shrimati/Kumari…….. son/daughter of and Shri/ Shrimati/Kumari…….. son/daughter of and Shri/Shrimati/Kumari ……..son/daughter of…….. (hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs.....(Rupees…….. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country, converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor is granted study leave by the Government:

AND WHEREAS for the better protection of the Government, the Obligor has agreed to execute this Bond with such condition as hereunder is written.

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden……

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT, in the event of the Obligor Shri /Shrimati/Kumari ..... failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave or failing to complete the course of Study or at any time within a period of three years/five years after his return to duty, the Obligor and the Sureties shall forthwith pay to the Government or as may be directed by the Government, on demand the said sum of Rs..... (Rupees …….. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, the period of bond, mandating putting in service by the Obligor for the period as specified above, after expiry of the study leave availed by him or her, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by him or her during the currency of the bond period.

AND upon the Obligor Shri/Shrimati / Kumari …….. and or Shri / Shrimati / Kumari…….. and or Shri / Shrimati / Kumari……., the Sureties aforesaid making such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force by virtue.

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary, for the Government to to sue the Obligor before suing the Sureties Shri / Shrimati / Kumari ……..and Shri / Shrimati / Kumari…… or any of them for amounts due hereunder.

The Bond shall in all respects be governed by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this…….. day of…… two thousand and……..

Signed and delivered by the Obligor ……
Above-named Shri / Shrimati / Kumari
……..
In the presence of ……..

Witnesses 1. ……..
2. ……..

Signed and delivered by the Obligor
above-named Shri/Shrimati/Kumari
……
In the presence of……..

Witnesses 1. ……
2. ……

Signed and delivered by the Obligor
above-named Shri / Shrimati / Kumari
……
In the presence of……

Witnesses 1. ……..
2. ……

CCS (CCA) RULES 1972

ACCEPTED
For and on behalf of the
President of India

EXPLANATION.— The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

CCS (L) RULES 1972

FORM 10
[See Rule 53 (4)]
BOND TO BE EXECUTED BY A GOVERNMENT, SERVANT NOT IN PERMANENT EMPLOY, WHEN GRANTED EXTENSION OF STUDY LEAVE

KNOW ALL MEN BY THESE PRESENTS THAT WE……..residents of …….. in the District of…….. at present employed as…….. in the Ministry/Office of……..(hereinafter called "the Obligor") and Shri/ Shrimati/Kumari …….. Son/daughter of……. of ……and Shri/Shrimati/Kumari…… son/daughter of……(hereinafter called "the Sureties") do hereby jointly and severally bind ourselves and our respective heirs, executors and administrators to pay to the President of India (hereinafter called "the Government") on demand the sum of Rs..... (Rupees…….. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India AND TOGETHER with all costs between attorney and client and all charges and expenses that shall or may have been incurred by the Government.

WHEREAS the Obligor was granted study leave by the Government from the period from……. to……. in consideration of which he executed a Bond, dated… for Rs……..(Rupees……. only) in favour of the President of India:

AND WHEREAS the extension of study leave has been granted to the Obligor at his request until……..

AND WHEREAS for the better protection of the Government the Obligor has agreed to execute this Bond with such condition as hereunder is written:

AND WHEREAS the said Sureties have agreed to execute this Bond as Sureties on behalf of the above bounden……..

NOW THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT in the event of the Obligor Shri/Shrimati/Kumari ……failing to resume duty, or resigning from service or otherwise quitting service without returning to duty after the expiry or termination of the period of study leave so extended or failing to complete the course of study or at any time within a period of three years / five years after his return to duty, the Obligor and the Sureties shall forthwith pay to the Government, on demand the said sum of Rs..... (Rupees……. only) together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

NOW FURTHER THE CONDITION OF THE ABOVE WRITTEN OBLIGATIONS IS THAT the period of bond, mandating putting in service by the Obligor for the period as specified above, after expiry of the Study Leave availed by him or her, shall be extended by a comparable period, equivalent to the aggregate periods of leave of any kind availed by him or her, during the
currency of the bond period.

AND upon the Obligor Shri/ Shrimati/Kumari…….. and, or Shri/Shrimati /Kumari…….. and, or Shri/Shrimati/Kumari……..the Sureties aforesaid making

such payment the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue;

PROVIDED ALWAYS that the liability of the Sureties hereunder shall not be impaired or discharged by reason of time being granted or by any forbearance, act or omission of the Government or any person authorized by them (whether with or without the consent or knowledge of the Sureties) nor shall it be necessary, for the Government to sue the Obligor before suing the Sureties Shri/Shrimati/Kumari.....and Shri/Shrimati/Kumari …… or any of them for amounts due hereunder.

The Bond shall in all respect be government by the laws of India for the time being in force and the rights and liabilities hereunder shall where necessary be accordingly determined by the appropriate Courts in India.

Signed and dated this……day of……. two thousand and……

Signed and delivered by the Obligor
above named Shri/Shrimati/ Kumar
……
in presence of…….....

Witnesses: 1……..
2……..

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of ……..

Witnesses: 1……..
2……..

Signed and delivered by the Surety
above named Shri / Shrimati / Kumari
in the presence of ……..

Witnesses: 1……..
2……..

ACCEPTED
for and on behalf of the
President of India

Explanation. — The term 'currency of bond' means the period during which the liability of the Government servant is activated and the right of the Government is alive to claim the predetermined and stipulated amounts from the Government servant who fails to discharge his obligation.

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CCS (L) RULES 1972

18.20 Annexure - Premature retirement

भाअजप्रा
IWAI

भारतीय अन्तर्देशीय जलमार्ग प्राधिकरण
(पत्तन, पोत परिवहन और जलमार्ग मंत्रालय, भारत सरकार)
मुख्यालय: जलमार्ग भवन, ए-13, सैक्टर-1, नौएडा-201 301 (उ0प्र0)

INLAND WATERWAYS AUTHORITY OF INDIA
(Ministry of Ports, Shipping and Waterways, Govt. of India)
Head Office : Jalmarg Bhawan, A-13, Sector-1, Noida-201 301 (U.P.)
Website: www.iwai.gov.in | www.iwai.nic.in

Tel. : +91-120-2544036, 2543972, 2527667, 2448101 Fax : +91-120-2544009, 2544041, 2543973, 2521764

No. IWAI-12035/53/2024-ADMIN RECTT Dated 06.05.2025

OFFICE ORDER

Sub : **Periodic review of Central Government Employees for strengthening of administration under Fundamental Rule (FR) 56(J)/(I) and Rule 48 of CCS (Pension) Rules, 1972 [now revised as Rule 42 of CCS (Pension) Rules, 2021]** - reg.

In pursuance of directive vide MoPSW' letter no. IWT-II-18011/12/2024-IWT-II dated 09th September, 2024 along with MoPSW' OM No. CD-11053/102/2024-Coord.I dated 27th August, 2024 and DoPT OM No. 25013/03/2019-Estt.A.IV dated 28th August, 2020 (Copy enclosed) and partial modification of even no. Office Order dated 03.02.2025, the following Committee is hereby constituted for periodic review of IWAI' employees under FR 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972 [now revised as Rule 42 of CCS (Pension) Rules, 2021] :

(A) For Group 'A' Officers :

Sh. Vijay Kumar, Chairman, IWAI
Sh. Sunil Kumar Singh, Vice Chairman, IWAI
Sh. Ashutosh Gautam, Member (Technical)
Sh. Vinay Kumar Prajapati, Member (Traffic & Logistics)

(B) For Group 'B' Officials :

Sh. Sunil Kumar Singh, Vice Chairman, IWAI
Sh. Ashutosh Gautam, Member (Technical)
Sh. Vinay Kumar Prajapati, Member (Traffic & Logistics)
Col. Harsh Vardhan, Secretary, IWAI

(C)For Group 'C' Employees :

Col. Harsh Vardhan, Secretary, IWAI
Sh. Ashish Yadav, Chief Accounts Officer
Sh. Rakesh Kumar, Director (Hydrography)

2. The Committee will periodically review the performance of the employees as per the following schedule mentioned in OM No. 25013/03/2019-Estt.A.IV dated 28th August, 2020 :

Quarter in which review is to be made	Cases of Government servants, in the quarter indicated below to be reviewed
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

3. The respective Section Officers of Establishment Wing are advised to process the file to obtain suitable date & time from the Chairman of the Committee for period review of IWAI' employees as per the above mentioned schedule.

This issues with the approval of the Competent Authority.

06.05.25

(Neeraj Singh)
Assistant Secretary (A&E)
Email <nsingh@iwai.gov.in>
Phone No. 0120-2474050

Encl : As mentioned above.

To,

The Above mentioned Officers.

Copy to :- (By E-mail)

i) Chief Engineer (Tech.) / Chief Engineer & Project Manager (JMVP) / Chief Engineer (Tr. & Log.)/ Chief Engineer (OW)/Hydrographic Chief / Chief Accounts Officer / Director (OW)/ Deputy Secretary (P&C)/ Director (RE)/ Director (JMVP)/ Assistant Secretary (P&C)/ Assistant Secretary (L&H) IWAI, Noida.
ii) Director/OIC, IWAI, Patna / Kolkata/ Guwahati/ Kochi/ Bhubaneswar/ Varanasi.
iii) Office-In-Charge, Sub Offices, IWAI, Allahabad/ Sahibganj/ Farakka/ Vijayawada.
iv) IT Wing – For uploading on IWAI Website.
v) Section Officer (Estt.-I), IWAI, Noida.

Copy for kind information to: - (By E-mail)

P.P.S./P.S./P.A. to Chairman / Vice-Chairman / Member (Finance-I/c)/ Member (Traffic & Logistics) / Member (Technical) / Secretary, IWAI, Noida.

No.25013/03/2019-Estt.A-IV
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training
Establishment A-IV Desk
*****

North Block, New Delhi-1
Dated : 28th August, 2020

OFFICE MEMORANDUM

Subject: - Periodic Review of Central Government Employees for strengthening of administration under Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS (Pension) Rules, 1972

Instructions have been issued from time to time for undertaking periodic review of performance of Government servants with a view to ascertain whether the Government servant should be retained in service or retired from service prematurely, in public interest, as per Fundamental provisions/Rule referred in the subject cited above. In order to bring in better clarity to the existing instructions and enable uniform implementation, an effort has been made to review, consolidate and reiterate the guidelines so far issued on the subject at one place.

2. The objective of Fundamental Rule (FR) 56(j)/(l) and Rule 48 of CCS(Pension) Rules, 1972, is to strengthen the administrative machinery by developing responsible and efficient administration at all levels and to achieve efficiency, economy and speed in the disposal of Government functions. It is clarified that premature retirement of Government servants under these rules is not a penalty. It is distinct from 'Compulsory Retirement', which is one of prescribed penalties under CCS (CCA) Rules, 1965.

3. **Provisions relating to pre-mature retirement in the Fundamental Rules and CCS (Pension) Rules, 1972**

3.1 The Appropriate Authority has the absolute right to retire a Government servant under FR 56(j), FR 56(l) or Rule 48 (1) (b) of CCS (Pension) Rules, 1972 as the case may be, if it is necessary to do so in public interest.

3.2 **FR 56(j) :-** 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.

3.3 **FR 56(l)** :- Notwithstanding anything contained in 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 Group C 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.

3.4 **Rule 48 (1) (b) of CCS (Pension) Rules, 1972** :- At any time after a Government servant has completed thirty (30) years' qualifying service, he may be required by the Appointing Authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension, provided that the Appointing Authority may also give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

4. **Time Schedule to be followed** :- The time schedule given in the following table, shall be followed for undertaking the exercise of review of performance of Government servants :-

Quarter in which review is to be made	**Cases of Government servants, in the quarter indicated below to be reviewed**
January to March	July to September of the same year
April to June	October to December of the same year
July to September	January to March of the next year
October to December	April to June of the next year

5. **Maintenance of Register** :- A register of the Government servants who are due to attain the age of 50/55 years or to complete 30 years of service, has to be maintained. The register should be scrutinized at the beginning of every quarter by a senior officer in the Ministry / Department / Cadre and the review be undertaken according to the above schedule so as to ensure timely completion of the review for retention/pre-mature retirement of the Government servants.

6. Government may, at any time after a Government servant has attained the age of 50/55 years or completed 30 years of service, as the case may be, retire him pre-maturely in public interest. However, non-adherence to the time-lines as indicated in para 4 above due to certain administrative exigencies shall not take away the powers of Appropriate Authority to pre-maturely retire a Government servant under FR 56(j), 56(l) and Rule 48 of CCS (Pension) Rules, 1972. Therefore, review of a Government servant for the purposes of these Rules can be undertaken even after he has attained the age of 50/55 years in cases covered by FR 56 (j) or after he has completed 30 years of qualifying service under FR 56(l) / Rule 48 of CCS(Pension) Rules, 1972.

7. There is also no bar on the Government to review any such case again where it was decided earlier to retain the officer, but the Appropriate/Appointing Authority is of the opinion that it is expedient to undertake the review again on account of changed circumstances, in public interest. In such cases, the Appropriate Authority is expected to demonstrate visible meticulousness as such Government servants have been found effective on earlier occasion for retention in service.

8. **Composition of Review and Representation Committee : -**

8.1 The concerned Secretary of the Cadre Controlling Authority (CCA) will constitute Review Committees of two members at appropriate level as under :-

(i) **In case of officers holding Group A posts** :-
Review Committee shall be headed by the Secretary of the concerned CCA. Where there are Boards viz CBDT, CBEC, Railway Board,

Postal Board, Telecom Commission etc, the Review Committee shall be headed by the Chairman of such Board.

(ii) **In case of Group B (Gazetted) officers** :-
Additional Secretary/Joint Secretary level officer shall head the Review Committee.

(iii) **In the case of Non-Gazetted employees** :-

(a) An officer of the level of Joint Secretary will head the Committee. However, in case the Appointing Authority is lower in rank than a Joint Secretary, then an officer of the level of Director/Deputy Secretary will be the head.

(b) In the case of Non-Gazetted employees in other than centralised cadres, Head of Department/Head of the Organisation shall decide the composition of the Review Committee.

Chief Vigilance Officer, in case of Gazetted officers, or his representative in case of non-Gazetted officers, will be associated in case of record reflecting adversely on the integrity of any employee.

8.2 The composition of Representation Committee for all Government servants shall consist of :-

(a) A Secretary to the Government of India to be nominated by the Cabinet Secretary;
(b) Additional Secretary/Joint Secretary in the Cabinet Secretariat; and
(c) One member nominated by the CCA.

9. **Constitution of Internal Committee** :- In addition to the above, Secretary of the CCA is also empowered to constitute an Internal Committee comprising of such officer(s) as deemed fit to assist the Review Committee. These Committees will ensure that the service record of the Government servants being reviewed, along

with a summary, bringing out all relevant information, is submitted to the Cadre Authorities at least three months prior to the due date of review.

10. **Broad Criteria to be followed by the Review Committee** :- The broad criteria to be followed by the Review Committee while making the recommendations are as follows:-

(i) Government servants whose integrity is doubtful, shall be retired.

(ii) Government servants found to be ineffective shall also be retired. The basic consideration in identifying such Government servants should be their fitness/competence to continue in the post held.

(iii) No Government servant should ordinarily be retired on ground of ineffectiveness, if, in any event, he would be retiring on superannuation within a period of one year from the date of consideration of his case. However, in a case where there is a sudden and steep fall in the competence, efficiency or effectiveness of a Government servant, it would be open to review such a case also for premature retirement. The said instruction of not retiring the Government servant within one year on the ground of ineffictiveness except in case of sudden and steep fall in his performance is relevant only when he is proposed to be retired on the ground of ineffectiveness, but not on the ground of doubtful integrity.

(iv) No Government servant should ordinarily be retired on ground of ineffectiveness, if, his service during the preceding 5 years or where he has been promoted to a higher post during that 5 year period, his service in the highest post, has been found satisfactory. There is no such stipulation, however, where the Government servant is to be retired on grounds of doubtful integrity. In case of those Government servants who have been promoted during the last 5 years, the previous entries in the ACRs may be taken into account if he was promoted on the basis of seniority cum fitness, and not on the basis of merit.

(v) The entire service record of a Government servant should be considered at the time of review. The expression 'service record' refers to all relevant records and therefore, the review should not be confined to the consideration of the ACR/APAR dossier. The personal file of the Government servant may contain valuable material. Similarly, his work and

performance could also be assessed by looking into files dealt with by him or in any papers or reports prepared and submitted by him. It would be useful if the Ministry / Department/Cadre puts together all the data available about the Government servant and prepares a comprehensive brief for consideration by the Review Committee. Even uncommunicated remarks in the ACRs/APARs may be taken into consideration.

11. Important judgements of Supreme Court

11.1 In the judgement in the case of *UOI & Col. J.N.Sinha [1571 SCR (1) 791],* the Hon'ble Supreme Court had not only upheld the validity of FR 56(j), but also held that no show-cause notice needs to be issued to any Government servant before a notice of retirement is issued to him under the aforesaid provisions. The Apex Court held that –

"Now coming to the express words of Fundamental Rule 56(j), it says that the appropriate authority has the absolute right to retire a government servant if it is of the opinion that it is in the public interest to do so. The right conferred on the appropriate authority is an absolute one. That power can be exercised subject to the conditions mentioned in the rule.' one of which is that the concerned authority must be of the opinion that it is in public interest to do so. If that authority bona fide forms that opinion, the correctness of that opinion cannot be challenged before courts. It is open to an aggrieved party to contend that the requisite opinion has not been formed or the decision is based on collateral grounds or that it is an arbitrary decision."

11.2 In the case of *State of Gujarat vs Umedbhai M. Patel, 2001 (3) SCC 314,* Hon'ble Court held that –

"The law relating to compulsory retirement has now crystalized into definite principles, which could be broadly summarized thus:

(i) Whenever the services of a public servant are no longer useful to the general administration, the officer can be compulsorily retired for the sake of public interest.

(ii) Ordinarily, the order of compulsory retirement is not to be treated as a punishment coming under Article 311 of the Constitution.

(iii) For better administration, it is necessary to chop off dead wood, but the order of compulsory retirement can be passed after having due regard to the entire service record of the officer.

(iv) Any adverse entries made in the confidential record shall be taken note of and be given due weightage in passing such order.

(v) Even un-communicated entries in the confidential record can also be taken into consideration.

(vi) The order of compulsory retirement shall not be passed as a short cut to avoid Departmental enquiry when such course is more desirable.

(vii) If the officer was given a promotion despite adverse entries made in the confidential record, that is a fact in favour of the officer.

(viii) Compulsory retirement shall not be imposed as a punitive measure. "

12. **The observations of the Supreme Court with regard to Integrity and conduct unbecoming of a Government servant**

12.1 As far as integrity is concerned, the following observations of the Hon'ble Supreme Court in the case of S Ramchandra Raju vs State of Orissa {(1994) 3 SCC 424}, while upholding compulsory retirement in the case, may be kept in view :

"*The officer would live by reputation built around him. In an appropriate case, there may not be sufficient evidence to take punitive disciplinary action of removal from service. But his conduct and reputation is such that his continuance in service would be a menace to public service and injurious to public interest. The entire service record or character rolls or confidential reports maintained would furnish the backdrop material for consideration by the Government or the Review Committee or the appropriate authority. On consideration of the totality of the facts and circumstances alone; the Government should form the opinion that the Government officer needs to be compulsorily retired from service. Therefore, the entire record more particularly, the latest, would form the foundation for the opinion and furnish the base to exercise the power under the relevant rule to compulsorily retire a Government officer.*"

12.2 While considering the aspect of integrity of an employee, all material on record, including the actions or decisions taken by the employee which do not appear to be above board, complaints received against him, or suspicious property transactions, for which there may not be sufficient evidence to initiate departmental proceedings, may also be taken into account. The judgement of the Apex Court in the case of *K. Kandaswamy vs Union Of India & Anr*, 1996 AIR 277, 1995 SCC (6) 162 is relevant here. In this case, the apex court upheld the decision of the Government and held that:-

"The rights - constitutional or statutory - carry with them corollary duty to maintain efficiency, integrity and dedication to public service. Unfortunately, the latter is being overlooked and neglected and the former unduly gets emphasised. The appropriate Government or the authority would, therefore, need to consider the totality of the facts and circumstances appropriate in each case and would form the opinion whether compulsory retirement of a Government employee would be in the public interest. The opinion must be based on the material on record; otherwise it would amount to arbitrary or colourable exercise of power."

12.3 Similarly, reports of conduct unbecoming of a Government servant may also form basis for compulsory retirement. As per the judgement of the Hon'ble Supreme Court in *State of U.P. and Others vs Vijay Kumar Jain,* Appeal (civil) 2083 of 2002:

> *"If conduct of a government employee becomes unbecoming to the public interest or obstructs the efficiency in public services, the government has an absolute right to compulsorily retire such an employee in public interest."*

13. **Approval of Appropriate/Appointing Authority :-** The recommendations of Review Committee will be put up for consideration and approval of Appropriate/Appointing Authority in those cases, where it has been recommended to retire the Government servant prematurely.

14. **Representation against Premature Retirement :-** After issue of the orders of premature retirement, the concerned Government servant may put up representation for orders otherwise, within three weeks from the date of service of such notice / order and the matter may be placed before Representation Committee

along with fresh input, if any. The examination of the representation should be completed by the Cadre Authorities within two weeks from the date of receipt of representation. The Representation Committee considering the representation shall make its recommendations within two weeks from the date of receipt of the reference from the Cadre Authorities concerned and the Appropriate/Appointing Authority should pass its orders within two weeks from the date of receipt of the recommendations of Representation Committee.

15. In so far as the provisions which are not covered in this OM, the provisions in the earlier OMs shall continue to be applicable.

16. All Ministries/Departments are requested to follow the contents of this OM strictly and to ensure its wide circulation amongst all concerned.

Surya Narayan Jha
28.8.20

(Surya Narayan Jha)
Under Secretary to the Government of India
Tel: 23040341

To

The Secretaries of All Ministries/Departments
(as per the standard list)

Copy to:

1. President's Secretariat, New Delhi.
2. Vice-President's Secretariat, New Delhi.
3. The Prime Minister's Office, New Delhi.
4. Cabinet Secretariat, New Delhi.
5. Rajya Sabha Secretariat/ Lok Sabha Secretariat, New Delhi.
6. The Comptroller and Auditor General of India, New Delhi.
7. The Secretary, Union Public Service Commission, New Delhi.
8. The Secretary, Staff Selection Commission, New Delhi.
9. All attached offices under the Ministry of Personnel, Public Grievances and Pensions.

10. National Commission for Scheduled Castes, New Delhi.

11. National Commission for Scheduled Tribes, New Delhi.

12. National Commission for OBCs, New Delhi. 13. Secretary, National Council (3CM), 13, Feroze Shah Road, New Delhi.

14. CVOs of all Ministries/Departments.

15. ADG (M&C), Press Information Bureau, DoP&T

16. NIC, DoPT, North Block, New Delhi (for uploading the same on the website of this Ministry under the Head 'OMs & Orders' → Establishment → Premature Retirement.

17. OL Division :-For Hindi version of the OM at the earliest possible.

18.21 Annexure - VRS

No.25013/6/2001-Estt.(A)
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

....

New Delhi, the 28th February, 2002

OFFICE MEMORANDUM

Sub: Special Voluntary Retirement Scheme for Surplus Central Government Employees.

The Expenditure Reforms Commission (ERC) set up by the Government of India has suggested a liberal Voluntary Retirement Scheme (VRS) for the employees declared surplus. This recommendation, contained in Commission's second Report on ' Optimising Government's Staff Strength - Some General Issues' has been considered carefully and the Central Government have decided to introduce a special Voluntary Retirement Scheme (VRS) as per details given in para 2 hereinunder for the permanent employees declared surplus in any Ministry/Department as a consequence of one or more of the following:-

(i) Implementation of decisions of the Cabinet regarding restructuring of Ministries/Departments;

(ii) Implementation of the recommendations of the Expenditure Reforms Commission;

(iii) Implementation of the decision of a Ministry/Department relating to downsizing/rightsizing including, inter alia, restructuring of an organization, transfer of an activity to a State Government, Public Sector

Undertaking or other Autonomous Organisation, discontinuation of an ongoing activity and introduction of changes in technology; or

(iv) Implementation of work study reports undertaken by the Staff Inspection Unit of the Ministry of Finance or any other body set up by the Central Government or the Ministry/Department concerned.

2. The features of the Special VRS for the employees declared surplus are as under:-

(a) All permanent employees rendered surplus irrespective of their age and qualifying service can opt for the scheme.

(b) An optee of Special VRS will be entitled to receive an ex-gratia amount equal to basic pay plus dearness allowance for the number of days worked out on the basis of length of service @ 35 days for each completed year and 25 days for each remaining year. For any part of a year, the number of days, for ex-gratia amount, will be worked out on the basis of 365 days in a year. The ex-gratia amount will be further subject to the following conditions:

(i) total number of years to be counted for payment of ex-gratia will not exceed 33 years;

(ii) No weightage of additional service will be given for the purpose of calculation of ex-gratia;

(iii) The ex-gratia will be subject to a minimum of Rs.25,000/- or 250 days emoluments, whichever is higher;

(iv)The ex-gratia amount should not exceed the sum of the basic pay plus DA that the employee would draw at the prevailing level for the balance of the period of service left before superannuation;

(v) The ex-gratia amount will be paid in lump-sum;

(vi) The ex-gratia amount up to Rs.5.00 lakhs will be exempted from Income Tax;

(c) A weightage of five years to the qualifying service shall be given under CCS(Pension) Rules, 1972 to such permanent surplus employees who have rendered a minimum of 15 years of qualifying service on the date they are declared surplus. However, as provided in rule 29 of CCS (Pension) Rules, 1972, the qualifying length of service after taking into account the aforesaid weightage should not be more than the service he would have rendered had he retired on the date of his superannuation .

(d) Encashment of Earned Leave accumulated on the date of relief as per CCS(Leave)Rules, 1972;

(e) Payment of savings element with interest in the Central Government Employees Group Insurance Scheme as per rules;

(f) TA/DA as on retirement for self and family for settling anywhere in India as per Travelling Allowance Rules;

(g) Group 'A' officials opting for the special VRS will be exempted from the operation of rule 10 of the CCS (Pension) Rules which stipulates previous sanction of the Government for accepting commercial employment.

3. Payment of ex-gratia to the employees declared surplus and opting for the special VRS within the specified three months period will be over and above the normal retirement entitlements under CCS (Pension) Rules, 1972.

4. The order of voluntary retirement in each case should clearly stipulate that the surplus post held by the retiring incumbent will stand abolished from the date of his/her voluntary retirement.

5. The identification of surplus employees for the purpose of VRS would be guided by procedure given in Item 3 of Annexure-I under the heading "Steps for identification of Surplus staff" to the revised scheme of the disposal of personnel rendered surplus due to reduction of establishment in Central Government Department/Offices notified vide Circular No. 1/18/88-CS-III of DoPT dated 1st April, 1989.

6. The permanent employees declared surplus will have to exercise option for special VRS within three months from the date he or she has been declared surplus in any Ministry/Department. Surplus employees presently on the Rolls of the Surplus Cell (Redesignated as the Division of Retraining and Redeployment) of the Department of Personnel & Training as on the date of this OM can also opt for special VRS within three months from this date.

7. In order to facilitate the maintenance of a close watch on the implementation of the scheme, all Ministries/Departments are required to submit quarterly returns to the Surplus Cell of Department of Personnel & Training that may be prescribed by that Cell.

8. Ministry of Finance, etc. are requested to give wide publicity to the contents of this O.M. to the employees declared surplus.

P. Mohan

(Smt. Pratibha Mohan)
Director (E-II)
Tel.: 301 3180

To

All Ministries/Departments (As per standard list).

18.22 Annexure – Retirement on superannuation

No. 25012/8/98-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi-11001.
Dated the 30th May, 1998

OFFICE MEMORANDUM

Subject : Age of retirement in autonomous bodies/organizations – Raising of.

***

The undersigned is directed to say that the Fifth Central Pay Commission in para 128.16 of its report recommended for increase in age of retirement of Central Government employees from 58 years to 60 years. The recommendation of the Fifth Central Pay Commission has been accepted by the Government and it has been decided to increase the age of retirement of Central Government employees from 58 years to 60 years. Accordingly, F.R. 56 has been amended vide this Department's Notifications No. 25012/2/97-Estt. (A) dated 13.5.1998 and 27.5.1998. The amended F.R. 56 (a) reads as under:-

"(a) Except as otherwise provided in this rule, every Government servant shall retire from the service on the afternoon of the last day of the month in which he attains the age of sixty years:

Provided that 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 sixty years".

"Provided further that a Government servant who has attained the age of fifty eight years on or before the first day of May, 1998 and is on extension in service, shall retire from service on expiry of his extended period of service".

Consequent upon revision of scale of pay of the Central Government employees, the question of extending the same benefits to the employees of the autonomous bodies/organisations was also under consideration of the Government. It has been decided to extend the benefit of extension in age of retirement from 58 years to 60 years in the following cases:-

(a) In cases where the autonomous bodies/organizations are following the rules as applicable to Central Government employees and where the pay scales and conditions of service are identical to Central Government employees, the age of retirement shall be extended by two years with prospective effect through appropriate Notification amending the Rules in consultation with the administrative Ministry concerned

subject to condition that the age of retirement shall not exceed 60 years. There shall be a complete ban on grant of extension in service beyond the age of superannuation except in the case of medical and scientific specialists, who can be granted extension in service, on a case to case basis, upto the age of 62 years and the orders relating to increase in age of retirement shall not be applicable to the persons on extension in service on 1.5.1998.

(b) In cases where the existing rules of the relevant autonomous bodies/organizations provide either that the age of retirement of specified categories of personnel working in these organizations shall be same as corresponding categories/grades in the Central Govt. or where the existing rules provide that all the conditions of service shall be identical to corresponding category of personnel in the Central Govt., the age of retirement may be increased by two years from prospective effect subject to a maximum of 60 years, in consultation with the concerned Administrative Ministry except in cases where the age or retirement in these organizations is already more compared to their counterparts in the Central Govt. There shall be a complete ban on extension in service beyond the age of superannuation except in the case of medical and scientific specialists, who can be granted extension in service, on a case to case basis, uptio the age of 62 years and the orders relating to increase in age of retirement shall not be applicable to the persons on extension in service on 1.5.1998.

(C) In respect of autonomous bodies/organization not covered by (a) & (b) above, the Administrative Ministry concerned may examine the matter on merits and thereafter approach the Department of Personnel, if it proposed to extend the age of retirement in these autonomous bodies/organization. The usual conditions that the maximum age of retirement, shall not exceed 60 years and there shall, be a complete ban on extension in service beyond the age of superannuation except in case of medical and scientific specialists, who can be granted extension in service, on a case to case basis, upto the age of 62 years and the orders relating to increase in age of retirement shall not be applicable to the persons on extension in service on the date of issue of orders shall apply.

3. Approvals in the cases covered by paras 2(a) and (b) above will be at the level of the Minister-in-Charge of the administrative Ministry.

sd/-
(Harinder Singh)
Joint Secretary to the Government of India

To

All Ministries/Departments of the Govt. of India.

18.23 Annexure – Resignation and withdrawal of resignation

No.28035/2/2014-Estt. (A)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
North Block, New Delhi-110001
Dated: 10th June 2019

Office Memorandum

Subject: Withdrawal of resignation of Central Government servants appointed after 31.12.2003 covered under the National Pension System (NPS)-reg.

The undersigned is directed to say that instructions on the procedure to be followed for 'Resignation from service' have been provided vide Ministry of Home Affairs O.M. No.39/6/57-Ests.(A) dated 06.05.1958, Department of Personnel & Training (DoPT) O.M. No.28034/25/87-Estt(A) dated 11.02.1988, No.28034/4/94-Estt.(A) dated 31.05.1994 and No.28035/2/2007-Estt.(A) dated 04.12.2007. Para 5 of DoPT O.M. dated 11.02.1988 referred to above, provides the procedure for withdrawal of resignation as governed by Rule 26 (4) to (6) of Central Civil Services (Pension) Rules, 1972. References are being received from Ministries/Departments on the request for withdrawal of resignation by Government servants appointed after 31.12.2003 and for whom CCS(Pension) Rules are not applicable. The matter of withdrawal of resignation of Government servants of Central Civil Services/Posts, appointed after 31.12.2003 who are covered under the National Pension System (NPS) and for whom CCS (Pension) Rules, 1972 is not applicable has been considered in this Department and with the approval of the competent authority, it has been decided that the following guidelines/instructions may be followed while considering the request for withdrawal of resignation of the aforesaid Government servants.

2. The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely:

(a) that the resignation was tendered by the Government Servant for some compelling reasons which did not involve any reflection on his integrity, efficiency, or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(b) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper;

(c) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(d) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

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3. Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

4. When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service for the purpose.

5. No withdrawal from NPS corpus shall be permissible within a period of 90 days from the date on which the resignation becomes effective i.e. the resignation is accepted by the competent authority and the Government servant is relieved of his duties. However, the aforesaid condition shall not be applicable in case of death of the government servant after the resignation becomes effective.

6. The provision for withdrawal of resignation shall not be applicable for temporary Government Servants.

7. Above guidelines/instructions will be applicable only for the Government servants appointed on Central Civil Service/Posts after 31.12.2003 who are covered under the National Pension System (NPS) *and* for whom CCS(Pension) Rules, 1972 is not applicable. Further, these guidelines/instructions will be applicable till the time the statutory rules regarding withdrawal of resignation for such Government servants are notified.

8. This O.M. shall be prospective and cases already settled shall not be opened.

9. This issues in consultation with the Office of Comptroller and Auditor General of India.

10. It is requested to bring it to the notice of all concerned for strict compliance.

(Kabindra Joshi)
Director

All Ministries/Departments of the Govt. of India
(As per standard list)
Copy also forwarded to:

1) Secretary General/Registrar General, Supreme Court of India.
2) Secretary General of Lok Sabha Secretariat/Rajya Sabha Secretariat.
3) Secretaries in President's Secretariat/Vice-President's Secretariat/Prime Minister's Officer/ Cabinet Secretariat/ Central Vigilance Commission/UPSC/NITI Aayog.
4) Comptroller and Auditor General of India, New Delhi.
5) All Officers/Sections of Department of Personnel and Training/Department of Administrative Reforms and Public Grievances/Department of Pensions and Pensioners Welfare/PESB.
6) Director, NIC, DoP&T for uploading on the website of this Department under Notifications/OM & Orders-Establishment-Resignation.
7) 10 Spare copies.

कार्मिक एवं प्रशिक्षण विभाग
Deptt. of Personnel & Trg.
निर्गम अनुभाग
Receipt & Issue Section
11 JUL 2019
जारी किया/ISSUED
हस्ताक्षर/Sig.

(Kabindra Joshi)
Director

Advs. Ms. Aastha Kaushal

No.28034/4/94-Estt.(A)
Government of India
Ministry of Personnel, Pub. Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 31st May, 1994

OFFICE MEMORANDUM

Subject - Acceptance of resignation - Procedure in respect of.

The undersigned is directed to say that questions have been raised from time to time regarding the requirement of obtaining vigilance clearance in respect of an official, before acceptance of resignation submitted by him from Government service. The matter has been carefully examined and the position is clarified in the following paragraphs.

2(i) Under existing instructions it is provided that where a Government servant who is under suspension submits his resignation, the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as officers are placed under suspension only in cases of grave delinquency, it would not be correct to accept the resignation from an officer under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.

(ii) Existing instructions on the subject of acceptance of resignation of officials against whom inquiry/ investigation is pending (whether he had been placed under suspension or not) provide that where such an official submits his resignation, such resignation should not normally be accepted. Where, however, acceptance is considered necessary, in the public interest, the competent authority shall examine the case with reference to the fulfilment of conditions mentioned at para 2(i) above.

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3. In recent times, cases have come to notice where resignation of officials not falling in the two categories mentioned in the preceding paragraph, have been accepted without insisting on vigilance clearance and subsequently it came to light that the said official while in service had been involved in serious irregularities. In view of this, it has now been decided that in all cases of acceptance of resignation, the competent authority, shall insist, as a mandatory measure, on prior vigilance clearance, before taking a decision on the request for resignation. When an authority refers a case for vigilance clearance, the authority competent to accord vigilance clearance should ensure expeditious consideration of the request.

4. In all cases where acceptance of resignation is considered necessary, the resignation may be accepted with the prior approval of the Head of Department in respect of Group 'C' and 'D' posts and that of the Minister-in-charge in respect of holders of Group 'A' and 'B' posts. In so far as officers of Group 'A', 'B', 'C' and 'D' cadres of the Indian Audit & Accounts Department are concerned, the resignation may be accepted by the Heads of Department as designated by the Comptroller & Auditor General of India. Concurrence of the Central Vigilance Commission should be obtained before submission of the case to the Minister-in-charge/Comptroller and Auditor General, if the Central Vigilance Commission had advised initiation of departmental action against the Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

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

Hindi version will follow.

Krishna Menon

(Krishna Menon)
Under Secretary to the Govt. of India.

To

1. All Ministries/Departments of the Government of India.
2. Comptroller & Auditor General.
3. Central Vigilance Commission.
4. Secretary, Railway Board.

....3/-

No.28034/25/87-Estt(A)
Government of India/Bharat Sarkar
Ministry of Personnel, Public Grievances &Pensions
(Karmik, Lok Shikayat/Patha Pension Mantralaya)
Department of Personnel & Training
(Karmik Aur Prasikshan Vibhag)

New Delhi, the 11th Feb., 1988

OFFICE MEMORANDUM

Subject: Resignation from Service - Procedure in respect of

The undersigned is directed to state that instructions have been issued from time to time on the above subject. These instructions have now been consolidated for facility of reference and guidance of all the Ministries/ Departments of the Government of India.

Format of resignation

1. Resignation is an intimation in writing sent to the competent authority by the incumbent of a post, of his intention or proposal to resign the office/post either immediately or from a future specified date. A resignation has to be clear and unconditional.

Circumstances under which resignation should be accepted.

2. It is not in the interest of Government to retain an unwilling Government servant in service. The general rule, therefore, is that a resignation of a Government servant from service should be accepted, except in the circumstances indicated below :

(i) Where the Government servant concerned is engaged on work of importance and it would take time to make alternative arrangements for filling the post, the resignation should not be accepted straightway but only when alternative arrangements for filling the post have been made.

(ii) Where a Government servant, who is under suspension submits a resignation the competent authority should examine, with reference to the merit of the disciplinary case pending against the Government servant, whether it would be in the public interest to accept the resignation. Normally, as Government servants are placed under suspension only in cases of grave delinquency, it would not be correct to accept a resignation from a Government servant under suspension. Exceptions to this rule would be where the alleged offences do not involve moral turpitude or where the quantum of evidence against the accused Government servant is not strong enough to justify the assumption that if the departmental proceedings were continued, he would be removed or dismissed from service, or where the departmental proceedings are likely to be so protracted that it would be cheaper to the

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the public exchequer to accept the resignation.

In those cases where acceptance of resignation is considered necessary in the public interest, the resignation may be accepted with the prior approval of the Head of the Department in respect of Group'C' & 'D' posts and that of the Minister in charge in respect of holders of Group'A' and 'B' posts. In so far as Group'B' officers serving in Indian Audit and Accounts Department are concerned, the resignation of such officers shall not be accepted except with the prior approval of the Comptroller and Auditor General of India. Concurrence of the Central Vigilance Commission should be obtained before submission of the case to the Minister in charge/Comptroller and Auditor General, if the Central Vigilance Commission had advised initiation of departmental action against the Government servant concerned or such action has been initiated on the advice of the Central Vigilance Commission.

3. A resignation becomes effective when it is accepted and the Government servant is relieved of his duties. If a Government servant who had submitted a resignation, sends an intimation in writing to the appointing authority withdrawing his earlier letter of resignation before its acceptance by the appointing authority, the resignation will be deemed to have been automatically withdrawn and there is no question of accepting the resignation. In case, however, the resignation had been accepted by the appointing authority and the Government servant is to be relieved from a future date, if any request for withdrawing the resignation is made by the Government servant before he is actually relieved of his duties, the normal principle should be to allow the request of the Government servant to withdraw the resignation. If, however, the request for withdrawal is to be refused, the grounds for the rejection of the request should be duly recorded by the appointing authority and suitably intimated to the Government servant concerned.

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4. Since a temporary Govt. servant can sever his connection from Govt. service by giving a notice of termination of service under Rule 5(1) of the Central Civil Services (TS) Rules,1965, the instructions contained in this Office Memorandum relating to acceptance of resignation will not be applicable in cases where a notice of termination of service has been given by a temporary Govt. servant. If, however, a temporary Govt. servant submits a letter of resignation in which he does not even mention that it may be treated as a notice of termination of service, he can relinquish the charge of the post held by him only after the resignation is duly accepted by the appointing authority and he is relieved of his duties and not after the expiry of the notice period laid down in the Temporary Service Rules.

hdrawal reg'g- tion - tutory ule regulating cases of withdrawal of resingation from Govt. service.

5. The procedure for withdrawal of resignation after it has become effective and the Government servant had relinquished the charge of his earlier post, are governed by the following statutory provisions in sub-rules (4) to (6) of Rule 26 of the CCS(Pension) Rules,1972 which corresponds to Art. 418(b) of the Civil Service Regulations:-

"(4) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper,

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person is allowed to resume duty as a result of permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(5) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(6) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service."

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6. Since the CCS(Pension) Rules,1972 are applicable only to holders of permanent posts, the above provisions would apply only in the case of a permanent Government servant who had resigned his post. The cases of withdrawal of resignation of permanent Government servants which involve relaxation of any of the provisions of the above rules will need the concurrence of the Ministry of Personnel,Public Grievances and Pensions, as per Rule 88 of the CCS(Pension) Rules,1972.

Withdrawal of resignation by Quasi-permanent Govt. servants.

7. Cases of quasi-permanent Government servants requesting withdrawal of resignation submitted by them would be considered by the Department of Personnel and Training on merits.

Release of Govt. servants for appointment in Central Public Enterprises.

8. A Government servant who has been selected for a post in a Central Public enterprises/Central autonomous body may be released only after obtaining and accepting his resignation from the Government service. Resignation from Government service with a view to secure employment in a Central public enterprise with proper permission will not entail forfeiture of the service for the purpose of retirement/terminal benefits. In such cases, the Government servant concerned shall be deemed to have retired from service from the date of such resignation and shall be eligible to receive all retirement/terminal benefits as admissible under the relevant rules applicable to him in his parent organisation.

When resignation a technical formality.

9. 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'.

(S.K.Parthasarathy)
Joint Secretary to the Govt. of India

To

All Ministries/Departments of the Govt. of India

No. 28034/25/87-Estt(A) New Delhi,dt. Feb.,1988

Copy forwarded to :

1. Central Vigilance Commission, 3 Dr. Rajendra Prasad Road, New Delhi.

2. Comptroller & Auditor General of India.

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18.24 Annexure – Extension

No. 26012/6/2002-Estt. (A)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, dated 9th December, 2002

OFFICE MEMORANDUM

Subject : Grant of extension/re-employment to Central Government servants beyond the age of superannuation – issue of instructions regarding.

The undersigned is directed to say that the criteria for grant of extension/re-employment to Central Government employees beyond the age of superannuation are laid down in the DoPT O.M.No. 26011/1/77-Estt.(B) dated the 18th May, 1977. After May, 1998 and when the age of retirement of the Central Government employees increased from 58 to 60 years, some of the instructions contained in the O.M. dated 18th May, 1977 referred to above have lost their relevance. Accordingly, it has been decided to revise the instructions relating to extension/re-employment to Central Government employees.

2. In the absence of specific orders to the contrary by the competent authority, a Government servant must retire on the due date. The date of superannuation of a Government servant is known in advance and ordinarily there should not be a question of failure to make arrangements for his release sufficiently in advance. It is the responsibility of the administrative authority concerned to ensure that the Government servants under their control retire on the due date.

3. **Extension:** F.R. 56(d) states that no Government servant shall be granted extension of service beyond the age of 60 years. However, provisions exist in the rules to grant extension of service to certain category of Government servants only. Therefore, it must be ensured that no Ministry/Department should propose to grant extension in service unless the case is covered by the Rules.

4. The proposal for grant of extension in service to the categories of personnel referred to in the first, second and third proviso to F.R. 56(d)

shall be referred to the Estt. Division of Department of Personnel and Training two months prior to the date on which the individual concerned is due for superannuation. The procedure for grant of extension to the Scientists is laid down in DoPT d.o. letter No. 28/19/2000-EO(SM-II) dated the 10th July, 2000.

5. Procedure for consideration of cases for extension of specialists in the medical and scientific fields:-

It should be appreciated that even in the case of extension to specialist in the medical or scientific fields, it is not only the next man who misses promotion but often several people miss consequential promotions all along the hierarchy. Thus, too many cases of extension in service or re-employment are likely to cause frustration and affect the morale of the upcoming scientists who have exposure to latest technological developments in connecting fields. Keeping in view these circumstances, the following criteria and procedure has been evolved with a view to ensure that extensions in service to the superannuating scientists are resorted to only in really exceptional circumstances. The overriding consideration for the grant of extension is that it must be in the public interest and in addition satisfy one of the following two conditions:-

i) that the retiring specialist is not just one of the outstanding officers but is really head and shoulders above the rest; or
ii) that other specialists are not ripe enough to take over the job.

Test (ii) would be satisfied only if there is shortage in particular specialization, or if it is not possible to find a suitable successor or if the specialist is engaged on a work or project of vital importance, which is likely to produce results in a year or two. If specialists in the next lower post are not eligible for promotion on the ground that they have not put in the minimum service in the lower grade prescribed under the rules, no promotions can be made to the higher grade, unless such specialists put in the requisite length of service. But specialists who are eligible for promotion to the post against which extension is recommended, should not be rejected solely on the ground that they do not have as much experience as the retiring specialist. They should be considered for promotion according to the

recruitment rules and if they are found suitable they should be promoted to the posts being vacated by the retiring specialists.

6. Whenever any specialist is considered for grant of extension, his character roll and personal file should be carefully scrutinized and all other relevant information that may be available should be taken into account to judge whether the specialist had good reputation for integrity and honesty. In cases where the specialist is not considered to have good reputation for integrity and honesty, he should not be considered for grant of extension in service. The appropriate authority in the Administrative Ministry should furnish a certificate of Integrity along with the **Annexure-I** as follows where it proposes to grant extension of service.

"Having scrutinized in character roll and personal file of Shri/Smt./Kum._____ and having taken into account all other relevant available information, I certify that he/she has a good reputation for integrity and honesty."

7. While making proposals for extension of service in higher posts, it is all the more necessary to apply higher standards of efficiency to persons whose appointments to the higher posts are recommended for approval of the Appointments Committee of the Cabinet. The number of top posts is bound to be very limited and a few persons should not have them for too long. No Government servant who is on extension of service after the prescribed date of retirement should be promoted to another post during the period of extension of service.

8. No extension of service should be considered on the ground that a suitable successor is not available unless it is established that action to select a successor had been taken well in advance but the selection could not be finalized in time for justifiable reasons. A proposal for the grant of extension of service based merely on the consideration that the specialist's predecessor had been given extension should obviously not be accepted.

9. **Re-employment:** No proposal for employing a government servant beyond the age of superannuation of 60 years shall be considered. It is also clarified that no person can be appointed/re-appointed to Central Government service after the age of superannuation of 60 years through contract.

10. Re-employment of military pensioners who have not reached the age of superannuation for Central Government employees will not be governed by these instructions.

11. <u>Appointment of Consultant:-</u>

Detailed instructions have been issued for appointment of consultant vide DoP&T's Office Memorandum No. 16012/7/97-Estt.(Allowance) dated 13th February, 1998.

Hindi version will follow.

Sd/-
Mrs. Pratibha Mohan
Director (E-II)

To

All Ministries/Departments of the Government of India.
(As per standard list)

Annexure-I

Proforma for sending proposals for approval of Department of Personnel & Training for grant of extension to Government servants beyond the age of superannuation.

1. Designation of the post:
2. Duration of the post :
3. Scale and terms of the post and perquisite attached, if any:
4. Whether financial sanction for the creation of the post/continuance of post for the duration shown at (2) has been obtained:
5. Method of recruitment:
6. Name and the terminal date of appointment of the outgoing incumbent of the post:
7. Name of the specialist proposed for appointment and the service to which he belongs:
8. Full service particulars of the Officer with date of birth and pay drawn:
9. Names of other Officers considered:
10. If promotion post, whether copies of proceedings of a D.P.C. are being enclosed? If not, why not?
11. Whether character roll of the specialist proposed and those considered are being sent. If not, why not?
12. Please indicate:
    (i) (a) Whether the post is scientific or medical specialist.
    (b) Periods of extension granted earlier to the officer, if any

(c) Date from which extension is to be granted.

(d) Period of extension of service.

(ii) Justification for grant of extension:

(a) The date from which it was known that vacancy would occur.

(b) Action taken to select a successor with chronological details.

(c) If selection is being made, reasons why this could not be finalized in good time.

(d) Can some officiating or ad-hoc arrangements be made, pending fresh appointment by proper selection? If not, why not?

(iii) Whether orders of the Minister-in charge have been obtained?

13. Whether the prescribed Integrity Certificate, from the appropriate authority, is enclosed.

18.25 Annexure - Pension

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Pension and Pensioners' Welfare)

NOTIFICATION

New Delhi, the 20th December, 2021

G.S.R. 868(E).—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 of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely:-

CHAPTER I

Preliminary

1. Short title and commencement.– (1) These rules may be called the Central Civil Services (Pension) Rules, 2021.

(2) They shall come into force with effect from the date of their publication in the Official Gazette.

2. Application .– Save as otherwise provided in these rules, these rules shall apply to the Government servants appointed on or before 31st day of December, 2003, including civilian Government servants in the Defence Services, appointed substantively to civil services and posts in connection with the affairs of the Union which are borne on pensionable establishments, but shall not apply to,–

(a) railway servants ;

(b) persons in casual and daily rated employment ;

(c) persons paid from contingencies ;

(d) persons entitled to the benefit of a Contributory Provident Fund ;

(e) members of the All India Services ;

(f) persons locally recruited for service in diplomatic, consular or other Indian establishments in foreign countries ;

(g) persons employed on contract except when the contract provides otherwise ; and

(h) persons whose terms and conditions of service are regulated by or under the provisions of the Constitution or any other law for the time being in force.

Explanation.- These rules shall also apply to,-

(1) a Government servant who was put on induction training on or before 31st day of December, 2003 followed by appointment on regular basis after 31st day of December, 2003:

Provided that completion of the induction training was an essential condition for appointment on regular basis to the post, the Government servant was eligible for a salary or a stipend during the period of such training and the period of training was eligible for being counted as qualifying service in accordance with the provisions of Central Civil Services (Pension) Rules, 1972.

(2) a Government servant who was initially appointed on or before 31st December, 2003,-

(i) in an establishment or Department of the Central Government whose employees were covered by a pension scheme other than the Central Civil Services (Pension) Rules, 1972; or

(ii) in a State Government or an autonomous body under the Central Government or State Government having a non-contributory pension scheme similar to the Central Civil Services (Pension) Rules, 1972,

and was subsequently appointed after 31st December, 2003 in an establishment of a Central Government to which these rules apply, subject to the condition that the said Government servant fulfils all other conditions for counting of service rendered in such establishment of the Central Government or State Government or autonomous body, in accordance with these rules or any general or special order issued in this regard.

(3) a Government servant appointed after 31st December, 2003 to a civil service or post in connection with the affairs of the Union, if he fulfils the conditions for coverage under these rules in accordance with any special or general order issued by the Government in this regard.

(4) subject to the provisions of rule 15, persons who were regularly appointed in Government service after 31st December, 2003 but were conferred temporary status on or before 31st December, 2003 in accordance with the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993" notified by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) and such temporary status is followed without interruption by regular appointment in Government service.

(5) the cases where in the event of death or discharge from service on the ground of invalidation in the case of a Government servant who, having been appointed to civil services and posts in connection with the affairs of the Union after 31st day of December, 2003, is covered by the Central Civil Services (Implementation of National Pension System) Rules, 2021, the benefits of Invalid Pension under rule 39 and Family Pension under rule 50 shall be payable to the Government servant or his family, as the case may be, if the Government servant had exercised an option to this effect under rule 10 of the Central Civil Services (Implementation of National Pension System) Rules, 2021 or in whose case the default option is for availing benefits under these rules or the Central Civil Services (Pension) Rules, 1972.

(6) the case of Government servants appointed in temporary capacity to civil services and posts in connection with the affairs of the Union on or before 31st day of December, 2003, who retired or were retired before having been appointed in a substantive capacity, the benefits under these rules shall be payable to the Government servant to the extent provided in the Central Civil Services (Temporary Service) Rules, 1965.

3. Definitions.- (1) In these rules, unless the context otherwise requires,-

(a) "Accounts Officer" means an officer, whatever his official designation, who maintains the accounts of a Ministry, Department or Office of the Central Government or Union territory and includes an Accountant-General, who is entrusted with the functions of maintaining the accounts or part of accounts of the Central Government or Union territory;

(b) "Allottee" means a Government servant to whom Government accommodation has been allotted on payment of licence fee or otherwise;

(c) "Average emoluments" means average emoluments as determined in accordance with rule 32;

(d) "Bhavishya" means an online system for sanction of retirement benefits and tracking of sanction and payment of pension by the Government servant and the authorities concerned with sanction of pension to the Government servant;

(e) "Child" means a son or daughter of the Government servant who is eligible to receive death gratuity under rule 45 or family pension under rule 50 and the expression `children' shall be construed accordingly;

(f) "Dearness relief" means Dearness Relief on Pension and Family Pension as specified in rule 52;

(g) "Defence Service" means services under the Government of India in the Ministry of Defence including the Defence Accounts Department, paid out of the Civil Estimates of Ministry of Defence and not subject to the Air Force Act, 1950 (45 of 1950) or the Army Act, 1950 (46 of 1950) or the Navy Act, 1957 (62 of 1957);

(h) "Emoluments" means emoluments as defined in rule 31;

(i) "Family Pension" means family pension admissible under rule 50 but does not include Dearness Relief;

(j) "Foreign service" means service in which a Government servant receives his pay with the sanction of the 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;

(k) "Form" means a form appended to these rules;

(l) "Format" means a format appended to these rules;

(m) "Government" means the Central Government;

(n) "Government dues" means dues as defined in sub-rule (2) of rule 67;

(o) "Gratuity" includes -

(i) 'service gratuity' payable under rule 44;

(ii) retirement gratuity or death gratuity payable under sub-rule (1) of Rule 45; and

(iii) 'residuary gratuity' payable under sub-rule (3) of rule 45;

(p) "Head of Department" means an authority specified in Schedule I to the Delegation of Financial Powers Rules, 1978, and includes such other authority or person whom the President may, by order, specify as Head of a Department;

(q) "Head of Office" means a Gazetted Officer declared as such under rule 14 of the Delegation of Financial Powers Rules, 1978, and includes such other authority or person whom the competent authority may, by order, specify as Head of Office;

(r) "Local Fund administered by Government" means the fund administered by a body which, by law or rule having the force of law, comes under the control of the Government and over whose expenditure the Government retains complete and direct control;

(s) "Minor" means a person who has not completed the age of eighteen years;

(t) "Pension" includes gratuity except when the term pension is used in contradistinction to gratuity, but does not include dearness relief;

(u) "Pension Disbursing Authority" means –

(i) Banks selected in consultation with the Reserve Bank of India (RBI) for payment of pension to Central Government civil pensioners, as specified by Controller General of Accounts; or

(ii) Post Office; or

(iii) Treasury including sub-treasury; or

(iv) Accounts Officer;

(v) "Pension Payment Order" includes e-Pension Payment Order;

(w) "Qualifying Service" means service rendered while on duty or otherwise which shall be taken into account for the purpose of pensions and gratuities admissible under these rules;

(x) "Retirement Benefits" includes pension or service gratuity, and retirement gratuity, where admissible;

(y) "Service Book" includes service roll, if any; and

(z) "Treasury" includes a Sub-Treasury.

(2) Words and expressions used herein and not defined but defined in the Fundamental Rules, 1922 have the meanings respectively assigned to them in those rules.

4. Government servants transferred from services and posts to which these rules do not apply.- (1) A Government servant who is transferred permanently to a service or post to which these rules apply from a service or post to which these rules do not apply shall become subject to these rules:

Provided that it shall be open to him, within six months of the date of issue of the order of his permanent transfer or, if he is on leave on that day, then, within six months of his return from leave, whichever is later, to elect to be governed by the pension rules to which he was subject immediately before the date of his transfer.

(2) The option under the proviso to sub-rule (1) shall be exercised in writing and communicated to the authority making such order of transfer.

(3) The option, once exercised, shall be final.

CHAPTER II

General Conditions

5. Claims to pension or family pension.- (1) Any claim to pension or family pension shall be regulated by the provisions of these rules in force at the time when a Government servant retires or is retired or is discharged or is allowed to resign from service or dies, as the case may be.

(2) The day on which a Government servant retires or is retired or is discharged or is allowed to resign from service, as the case may be, shall be treated as his last completed working day and the date of death shall also be treated as a completed working day:

Provided that in a case where the Government servant immediately before his retirement or death was absent from duty on leave or otherwise or was under suspension, the day of retirement or death shall be part of such leave or absence or suspension.

6. Limitations on number of pensions.- (1) A Government servant shall not earn two pensions in the same service or post at the same time or by the same continuous service.

(2) Except as provided in rule 19 or rule 20, a Government servant who, having retired on a superannuation pension or retiring pension or compulsory retirement pension or who is in receipt of a compassionate allowance on having been dismissed or removed from service, is subsequently re-employed, shall not be entitled to a separate pension or gratuity for the period of his re-employment:

Provided that a Government servant who was previously appointed in an autonomous body or a public sector undertaking and was subsequently appointed, with proper permission of that body or undertaking, in the Government service on or before 31st December, 2003, will be eligible for pension and gratuity for the service rendered in the Government in addition to the pension and gratuity, if any, received by him from the autonomous body or the public sector undertaking for the service rendered in that body or undertaking:

Provided further that the total amount of gratuity in respect of the service rendered in the autonomous body or the public sector undertaking and the service rendered under the Government shall not exceed the amount that would have been admissible taking into account the entire service rendered by the Government servant in the autonomous body or the public sector undertaking and the Government and the emoluments on retirement from Government.

Explanation.-1 A Government servant shall be deemed to have been appointed in the Government with proper permission if he had applied for the service or post in the Government with previous permission of the autonomous body or the public sector undertaking and the order of the autonomous body or the public sector undertaking clearly indicates that the employee is resigning to join the post in the Government with proper permission of the autonomous body or the public sector undertaking, as the case may be.

Explanation.-2 Pension, if any, on account of service rendered in an autonomous body or a public sector undertaking shall be paid by the concerned autonomous body or the public sector undertaking itself and there shall be no liability on the part of the Government towards pension for the service rendered by the Government servant in the said autonomous body or the public sector undertaking before joining service under the Government.

7. Pension and family pension subject to future good conduct.- (1)(a) Future good conduct shall be an implied condition of every grant of pension and its continuance under these rules.

(b) the Appointing Authority may, by order in writing, withhold or withdraw a pension or a part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct:

Provided that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the amount of minimum pension under rule 44.

(2) Where a pensioner is convicted of a serious crime by a Court of Law, action under sub-rule (1) shall be taken in the light of the judgment of the court relating to such conviction.

(3) In a case not falling under sub-rule (2), if the authority referred to in sub-rule (1) considers that the pensioner is prima facie guilty of grave misconduct, he shall before passing an order under sub-rule (1),-

(a) serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days, as may be allowed by the said authority, such representation, as he may wish to make against the proposal; and

(b) take into consideration the representation, if any, submitted by the pensioner under Clause (a).

(4) (a) Without prejudice to the provisions of sub-rule (3), no Government servant who having worked in an Intelligence or Security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005), shall, without prior clearance from the Head of the Organisation, make any publication after retirement of any material relating to and including,-

(i) domain of the organisation, including any reference or information about any personnel and his designation, and expertise or knowledge gained by virtue of working in that organisation; and

(ii) sensitive information, the disclosure of which would prejudicially affect the sovereignty and integrity of India, the security, strategic, scientific or economic interests of the State or relation with a foreign State, or which would lead to incitement of an offence.

(b) The Government servants who have worked in any Intelligence or Security-related organisation included in the Second Schedule to the Right to Information Act, 2005 (22 of 2005), shall give an undertaking in regard to the above restriction in Format1 and any failure to observe such an undertaking on the part of retired Government servants shall be treated as grave misconduct under this rule.

(c) In the case of a Government servant transferred out of an organisation referred to in clause (b) on completion of deputation or otherwise, the required undertaking, in duplicate, shall be obtained from the Government servant at the time of transfer and one copy of the undertaking shall be kept in the service book of the Government servant and an entry to this effect shall be made in the service book and the other copy of the undertaking shall be kept in the aforesaid organisation for record.

(5) The Head of the Organisation shall vest with the authority to decide as to whether the proposed material for publication is sensitive or non-sensitive, and whether it falls in the domain of the organisation.

(6) Where the authority competent to pass an order under sub-rule (1) is the President, the Union Public Service Commission shall be consulted before any order is passed.

(7) An appeal against an order under sub-rule (1), passed by any authority other than President, shall lie to the President and the President shall, in consultation with the Union Public Service Commission, pass such orders on the appeal as he deems fit.

Explanation.- For the purpose of this rule,-

(a) the expression ‘pension’ includes family pension and the expression ‘pensioner’ includes family pensioner.

(b) the expression `serious crime' includes a crime involving an offence under the Official Secrets Act, 1923 (19 of 1923).

(c) the expression 'grave misconduct' includes the communication or disclosure of any secret official code or password or any sketch, plan, model, article, note, document or information, such as is mentioned in section 5 of the Official Secrets Act, 1923 (19 of 1923) (which was obtained while holding office under the Government) so as to prejudicially affect the interests of the general public or the security of the State.

(d) the expression 'publication' includes communication to the press or electronic media or publish or publication of any book, letter, pamphlet, poster or other document, in any form.

(e) the expression 'information' includes any material in any form including records, documents, memos, e-mails, opinion, advice, press releases, circulars, orders, logbooks, contracts, reports, papers, samples, models and data material in any electronic form held or accessed by the Government servant while in service.

8. Power to withhold or withdraw pension .- (1) The President reserves to himself the right of withholding a pension or gratuity, or both, either in full or in part, or withdrawing a pension in full or in part, whether permanently or for a specified period, and of ordering recovery from a pension or gratuity of the whole or part of any pecuniary loss caused to the Government, if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of service, including service rendered upon re-employment after retirement :

Provided that the Union Public Service Commission shall be consulted before any final orders are passed:

Provided further that where a part of pension is withheld or withdrawn the amount of such pension shall not be reduced below the amount of minimum pension under rule 44.

(2)(a) The departmental proceedings referred to in sub-rule (1), if instituted while the Government servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government servant had continued in service:

Provided that in all cases where the departmental proceedings are instituted by an authority subordinate to the President, that authority shall submit a report recording its findings to the President and the President shall take the final decision in the matter in accordance with sub-rule (1).

(b) Notwithstanding anything mentioned in sub-rule (1) and clause (a), departmental proceedings instituted under rule 16 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, while the Government servant was in service and continued after retirement, shall have no effect on the pension and gratuity of the pensioner.

(c) The departmental proceedings, if not instituted while the Government servant was in service, whether before his retirement, or during his re-employment, -

(i) shall not be instituted save with the sanction of the President in Format 2;

(ii) shall not be in respect of any event which took place more than four years before such institution; and

(iii) shall be conducted by such authority and in such place as the President may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government servant during his service:

Provided that for the purpose of instituting departmental proceedings under this sub-rule, a memorandum of charges shall be communicated to the pensioner concerned in Format 3.

(d) Where a full-fledged enquiry is conducted giving an opportunity to the pensioner to show cause during the proceedings in accordance with the Central Civil Services (Classification, Control and Appeal) Rules, 1965, any further opportunity to show cause would not be necessary before taking action under sub-rule (1).

(3) In the case of Government servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings instituted under rule 14 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965 are continued under sub-rule (2), a provisional pension as provided in sub-rule (4) shall be sanctioned.

(4) (a) In respect of a Government servant referred to in sub-rule (3), the Accounts Officer shall authorise the provisional pension equal to the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government servant, or if he was under suspension on the date of retirement, up to the date immediately preceding the date on which he was placed under suspension.

(b) The provisional pension shall be authorised by the Accounts Officer during the period commencing from the date following the date of retirement up to and including the date on which, after the conclusion of departmental or judicial proceedings, final orders are passed by the competent authority.

(c) No gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon.

(d) The provisions of this sub-rule shall not be applicable where allegations of misconduct are under investigation against a Government servant or where departmental or judicial proceedings are contemplated against a Government servant but have not actually been instituted or deemed to have been instituted in accordance with sub-rule (9) till the date of retirement of the Government servant. The pension and gratuity in such cases shall be authorised to be paid to the Government servant on his retirement in accordance with rule 63:

Provided that any departmental proceedings instituted after retirement of the Government servant shall be subject to the provisions of sub-rule (2).

(5) Payment of provisional pension made under sub-rule (4) shall be adjusted against final retirement benefits sanctioned to such Government servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

(6) Where the President decides not to withhold or withdraw pension but orders recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government servant.

(7) The President may at any time, either on his own motion or otherwise call for the records of any inquiry and revise any order made under these rules, after consultation with the Union Public Service Commission, and may confirm, modify or set aside the order; or remit the case to any authority directing such authority to make such further enquiry as it may consider proper in the circumstances of the case or pass such other order as he may deem fit:

Provided that no order enhancing the amount of pension or gratuity to be withheld or withdrawn, shall be made by the President unless the Government servant concerned has been given a reasonable opportunity of making a representation against the order proposed and except after consultation with the Union Public Service Commission.

(8) The President may at any time, either on his own motion or otherwise review any order passed under these rules, where extenuating or special circumstances exist to warrant such review or when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought, to his notice:

Provided that no order enhancing the amount of the pension or gratuity to be withheld or withdrawn, shall be made by the President unless the Government servant concerned has been given a reasonable opportunity of making a representation against the order proposed and except after consultation with the Union Public Service Commission.

Explanation.- For the purpose of this rule,-

(1)(a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government servant or pensioner, or if the Government servant has been placed under suspension from an earlier date, on such date; and

(b) judicial proceedings shall be deemed to be instituted –

(i) in the case of criminal proceedings, on the date on which the complaint or report of a police officer, of which the Magistrate takes cognizance, is made; and

(ii) in the case of civil proceedings, on the date the suit is filed in the court.

(2) the expression "misconduct" means any act done or omitted to be done by the pensioner, during the period of service, including service rendered upon re-employment after retirement, and which was in violation of any provisions of the Central Civil Services (Conduct) Rules, 1964 for which action under Central Civil Services (Classification Control and Appeal) Rules, 1965 could be taken during the period of service.

(3) action under sub-rule (1) may be taken, if the pensioner is found guilty of,-

(i) any corrupt practices during service;

(ii) any misconduct whether in relation to the performance of official duty or otherwise; and

(iii) any misconduct whether resulting in pecuniary loss to the Government or otherwise.

(4) the expression "civil proceedings" would mean such proceedings in respect of a civil suit filed by the Government only.

9. Commercial employment after retirement.- (1) If a pensioner who, immediately before his retirement was a member of Central Service Group `A' wishes to accept any commercial employment before the expiry of one year from the date of his retirement, he shall obtain the previous sanction of the Government to such acceptance by submitting an application in Form 1:

Provided that a Government servant who was permitted by the Government to take up a particular form of commercial employment during his leave preparatory to retirement or during refused leave shall not be required to obtain subsequent permission for his continuance in such employment after retirement:

Provided further that a Government servant shall not negotiate for commercial employment during service without prior permission of the administrative Ministry or Department and such permission shall not be given unless there are special reasons for doing so.

(2) Subject to the provisions of sub-rule (3), the Government may, by order in writing, on an application made under sub-rule (1) by a pensioner,-

(a) grant necessary permission to such pensioner to take up the commercial employment specified in the application, subject to such conditions, if any, as it may deem necessary; or

(b) refuse permission to such pensioner to take up the commercial employment specified in the application, for reasons to be recorded in the order.

(3) In granting or refusing permission under sub-rule (2) to a pensioner for taking up any commercial employment, the Government shall have regard to the following factors, namely:-

(a) whether a 'No Objection'' for the proposed post retirement commercial employment has been obtained from the cadre controlling authority and from the office where the officer retired;

(b) whether the officer has been privy to sensitive or strategic information in the last three years of his service which is directly related to the areas of interest or work of the organisation which he proposes to join or the areas in which he proposes to practise or consult;

(c) whether there is conflict of interest between the policies of the office he has held in the last three years and the interest represented or work undertaken by the organisation he proposes to join;

Explanation.- For the purposes of this clause, "conflict of interest" shall not include normal economic competition with the Government or its undertakings.

(d) whether the organisation he proposes to join has been known to be in any way in conflict with or prejudicial to India's foreign relations, national security and domestic harmony, and whether the organisation is undertaking any activity for intelligence gathering;

(e) whether service record of the officer is clear, particularly with respect to integrity and dealings with non-Government organisations;

(f) whether the proposed emoluments and pecuniary benefits are far in excess of those currently prevailing in the industry;

Explanation.- For the purposes of this clause, the words "far in excess" shall not be construed as to cover increase in such benefit that may be as a result of buoyancy in the industry or in the economy as a whole.

(g) any other relevant factor which may be in the knowledge of the administrative Ministry but are not included in the criteria in this rule or the matters on which specific instructions may be issued by Department of Personnel and Training from time to time.

(4) The applications of pensioners for permission to accept commercial employment shall be considered in accordance with the Government of India (Transaction of Business) Rules, 1961 and the instructions issued by the Government from time to time.

(5) In order to ensure that all aspects relating to the case have received proper attention, the administrative Ministry or Department shall maintain a check list in Form 2.

(6) Where the pensioner is not disqualified on account of any of the factors mentioned in clause (b) to clause (g) of sub-rule (3), the Government may,-

(i) liberally grant permission for Directorship of a firm or consultancy or practice in professional areas;

(ii) actively encourage post service employment in scientific, literary, cultural, social and artistic activity;

(iii) be liberal in granting permission for posts of responsibility in non-Government sector; and

(iv) not distinguish between honorary and paid employment and self- employment.

(7) Where the Government grants the permission applied for subject to any conditions or refuses such permission, the applicant may, within thirty days of the receipt of the order of the Government to that effect, make a representation against any such condition or refusal and the Government may make such orders thereon as it deems fit:

Provided that no order other than an order cancelling such condition or granting such permission without any conditions shall be made under this sub-rule without giving the pensioner making the representation an opportunity to show cause against the order proposed to be made.

(8) If any pensioner takes up any commercial employment at any time before the expiry of one year from the date of his retirement without the prior permission of the Government or commits a breach of any condition subject to

which permission to take up any commercial employment has been granted to him under this rule, it shall be competent for the Government to declare by order in writing and for reasons to be recorded therein that he shall not be entitled to the whole or such part of the pension and for such periods as may be specified in the order:

Provided that no such order shall be made without giving the pensioner concerned an opportunity of showing cause against such declaration:

Provided further that in making any order under this sub-rule, the Government shall have regard to the following factors, namely:-

(i) the financial circumstances of the pensioner concerned;

(ii) the nature of, and the emoluments from the commercial employment taken up by the pensioner concerned; and

(iii) any other relevant factor.

(9) Every order passed by the Government under this rule shall be communicated to the pensioner concerned.

Explanation.- For the purpose of this rule,-

(a) the expression "commercial employment" means :-

(i) an employment in any capacity including that of an agent, under a company, co-operative society (which includes holding of any office, whether elective or otherwise, such as that of President, Chairman, Manager, Secretary, Treasurer and the like, by whatever name called in such society), firm or individual engaged in trading, commercial, industrial, financial or professional business and includes also a directorship of such company and partnership of such firm, but does not include employment under a body corporate, wholly or substantially owned or controlled by the Central Government or a State Government;

(ii) setting up practice, either independently or as a partner of a firm, as adviser or consultant in matters in respect of which the pensioner -

(A) has no professional qualifications and the matters in respect of which the practice is to be set up or is carried on are relatable to his official knowledge or experience; or

(B) has professional qualifications but the matters in respect of which such practice is to be set up are such as are likely to give his clients an unfair advantage by reason of his previous official position; or

(C) has to undertake work involving liaison or contact with the offices or officers of the Government.

(b) the expression "date of retirement", in relation to a Government servant re-employed after retirement, without any break, either in the same or in another Group `A' post under the Government or in any other equivalent post under a State Government, means the date on which such Government servant finally ceases to be so re-employed in Government service.

10. Employment after retirement under a Government outside India.- (1) If a pensioner, who immediately before his retirement was a member of Central Service, Group `A', wishes to accept any employment under any Government outside India, he shall obtain the previous permission of the Central Government for such acceptance, and no pension shall be payable to a pensioner who accepts such an employment without proper permission in respect of any period for which he is so employed or such longer period as the Government may direct :

Provided that a Government servant who was permitted by the Central Government to take up a particular form of employment under any Government outside India during his leave preparatory to retirement shall not be required to obtain subsequent permission for his continuance in such employment after retirement.

(2) The request of a pensioner for permission to accept employment under a Government outside India shall be considered in accordance with the Government of India (Transaction of Business) Rules, 1961 and the instructions issued by the Government from time to time.

CHAPTER III

Qualifying Service

11. Commencement of qualifying service.- Subject to the provisions of these rules, qualifying service of a Government servant shall commence from the date he takes charge of the post to which he is first appointed either substantively or in an officiating or temporary capacity:

Provided that officiating or temporary service is followed without interruption by substantive appointment in the same or another service or post:

Provided further that service rendered before attaining the age of eighteen years shall not count, except in the cases of counting of military service for civil pension under rule 20.

12. Conditions subject to which service qualifies.- The service of a Government servant shall not qualify, unless his duties and pay are regulated by the Government, or under conditions determined by the Government.

Explanation.- For the purposes of this rule, the expression "service" means service under the Government and paid by that Government from the Consolidated Fund of India or a Local Fund administered by that Government but does not include service in an establishment not having a non-contributory pension scheme, unless such service is treated as qualifying service by that Government.

13. Service in State Governments.- (1) In the case of a Government servant belonging to a State Government, who was initially appointed in a pensionable establishment of the State Government on or before 31st December, 2003 and who is permanently transferred to a service or post to which these rules apply, the continuous service rendered under the State Government in an officiating or temporary or substantive capacity shall qualify:

Provided that continuous service rendered under that Government in an officiating or temporary capacity shall qualify if that service is followed without interruption by substantive appointment in the State Government or the Central Government.

(2) In the case of a Government servant belonging to a State Government who is appointed with proper permission to a service or post to which these rules apply after acceptance of his resignation from the service of State Government, the continuous service rendered under the State Government in an officiating or temporary or substantive capacity shall qualify, subject to the condition that the service rendered under that Government in an officiating or temporary capacity is followed without interruption by substantive appointment in the State Government or the Central Government.

Explanation.- A Government servant shall be deemed to have been appointed in the Government with proper permission if he had applied for the service or post in the Government with previous permission of the State Government and the order of the State Government clearly indicates that the employee is resigning to join the post in the Government with proper permission of the State Government.

(3) The liability for pension and gratuity in cases covered under sub-rule (1) and sub-rule (2) shall be borne by the Central Government and no recovery of proportionate pension shall be made from the State Government.

14. Service in autonomous bodies.- (1) In the case of a person who was initially appointed, on or before 31st December, 2003, in an autonomous body under the Central Government or a State Government having a non-contributory pension scheme similar to these rules and who is subsequently appointed with proper permission to a service or post in the Central Government to which these rules apply, after acceptance of his resignation from the said autonomous body, the service rendered under the said autonomous body in an officiating or temporary or substantive capacity shall qualify, subject to the following conditions, namely :-

(a) the appointment of that Government servant in an officiating or temporary capacity in the Central Government is followed without interruption by substantive appointment;

(b) the Government servant is not drawing a separate pension from the said autonomous body for the service rendered in that body before acceptance of resignation; and

(c) the pension liability is discharged by the said Autonomous body by paying in lump sum the amount of pension or service gratuity and retirement gratuity for the service rendered in the autonomous body; and

(d) the lump sum amount of pension shall be determined with reference to the commutation table laid down in the Central Civil Services (Commutation of Pension) Rules, 1981.

(2) The condition for discharge of pension liability by an autonomous body under the State Government having a non-contributory pension scheme similar to these rules shall be binding on that autonomous body in accordance with the reciprocal arrangement entered into by the Central Government with the concerned State Government.

Explanation.- A Government servant shall be deemed to have been appointed in the Government with proper permission if he had applied for the service or post in the Government with previous permission of the Autonomous Body and the order of the Autonomous Body clearly indicates that the employee is resigning to join the post in the Government with proper permission of the autonomous body.

(3) Service rendered in a public sector undertaking, including nationalized bank and financial institution, before appointment in the Central Government shall not count as qualifying service for the purpose of these rules.

15. Service rendered in temporary status by casual labourers.- Fifty percent of the service rendered in 'temporary status' capacity by a Government servant, who was conferred temporary status on or before 31st December, 2003 and was subsequently regularised in Government service, in accordance with the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993 notified by Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training), shall count as qualifying service for the purpose of these rules.

16. Counting of service on probation.- Service on probation against a post if followed by confirmation in the same or another post shall qualify.

17. Counting of service as apprentice.- Service as an apprentice shall not qualify, except in the case of Subordinate Accounts Service apprentice in the Indian Audit and Accounts Department or the Defence Accounts Department.

18. Counting of service on contract.- A person,

(i) who was initially engaged by the Government on a contract for a specified period and was subsequently appointed, on or before 31st December, 2003, to the same or another post in a temporary, officiating or substantive capacity in an establishment to which these rules apply, without interruption of duty; and

(ii) who, in accordance with the option exercised under the Central Civil Services (Pension) Rules, 1972, refunded to the Government, the Government contribution in the Contributory Provident Fund with interest thereon including any other compensation for that service,

shall count the period of service, on the said contract, as qualifying service.

19. Counting of pre-retirement civil service in the case of re-employed Government servants.- (1) A Government servant who, having retired on compensation pension or invalid pension or compensation gratuity or invalid gratuity, was re-employed and appointed, on or before 31st December, 2003 to a service or post to which these rules apply and who on such reemployment or appointment, in accordance with an option exercised under the Central Civil Services (Pension) Rules, 1972, ceased to draw his pension and refunded or agreed to refund–

(i) the pension already drawn,

(ii) the value received for the commutation of a part of pension, and

(iii) the amount of retirement gratuity including service gratuity, if any,

shall count the former service, as qualifying service :

(2) In accordance with the Central Civil Services (Pension) Rules, 1972, for counting past service under the relevant rule,

(i) the pension drawn prior to the date of re-employment was not required to be refunded,

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay was to be refunded by the Government servant, and

(iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account for fixation of his pay was to be set off against the amount of retirement gratuity and the commuted value of pension and the balance, if any, was to be refunded by him.

(3) A Government servant who opted for counting of his former service was required to refund the gratuity received in respect of his earlier service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option. In such case, the right to count previous service as qualifying service shall not revive unless the whole amount has been refunded.

(4) In the case of a Government servant, who, having elected to refund the gratuity, dies before the entire amount is refunded, the amount of unrefunded gratuity shall be adjusted against the death gratuity which may become payable to his family.

(5) In the case of a Government servant who opted to continue to draw the pension or retain the gratuity sanctioned for his earlier service, and in whose case his former service was not to be counted as qualifying service, the pension or gratuity admissible for his subsequent service is subject to the limitation that service gratuity, or the capital value of the pension and retirement gratuity, if any, shall not be greater than the difference between the value of the pension and retirement gratuity, if any, that would be admissible at the time of the Government servant's final retirement if the two periods of service were combined and the value of retirement benefits already granted to him for the previous service.

Explanation.- The capital value of pension shall be calculated in accordance with the table prescribed by the President under the Central Civil Services (Commutation of Pension) Rules, 1981 applicable at the time of the second or final retirement.

20. Counting of military service rendered before civil employment.- (1) A Government servant, who after having rendered military service, was re-employed in a civil service or post on or before 31st December, 2003 and who on such reemployment, in accordance with an option exercised under the Central Civil Services (Pension) Rules, 1972, ceased to draw his pension and refunded or agreed to refund-

(i) the pension already drawn; and

(ii) the value received for the commutation of a part of military pension; and

(iii) the amount of retirement gratuity including service gratuity, if any;

shall count previous military service, as qualifying service.

Explanation.-1 In accordance with the Central Civil Services (Pension) Rules, 1972, for counting past military service under the relevant rule,

(i) the pension drawn prior to the date of re-employment was not required to be refunded.

(ii) the element of pension which was ignored for fixation of his pay including the element of pension which was not taken into account for fixation of pay on re-employment was not required to be refunded by him,

(iii) the element of pension equivalent of gratuity including the element of commuted part of pension, if any, which was taken into account of fixation of pay was required to be set off against the amount of retirement gratuity and the commuted value of pension and the balance, if any, was required to be refunded by him.

Explanation.-2 A Government servant, who had rendered military service and who on re-employment in a civil service or post on or before 31st December, 2003, had opted, in accordance with Rule 19 of the Central Civil Services (Pension) Rules, 1972, to continue to draw the military pension or retain gratuity received on discharge from military service, his former military services shall not count as qualifying service under these rules.

Explanation.-3 A Government servant, who had rendered military service after joining that service after 31st December, 2003, shall, on re-employment in a civil service or post, continue to draw the military pension or retain gratuity received on discharge from military service and on re-employment in a civil service or post, he shall be covered by the rules governing the National Pension System.

(2) A Government servant, who had exercised the option referred to in sub-rule (1), was required to refund the pension, bonus or gratuity received in respect of his earlier military service, in monthly instalments not exceeding thirty-six in number, the first instalment beginning from the month following the month in which he exercised the option and in the case of such Government servant, the right to count previous service as qualifying service shall not revive unless the whole amount has been refunded.

(3) In the case of a Government servant, who, having elected to refund the pension, bonus or gratuity, dies before the entire amount is refunded, the unrefunded amount of pension or gratuity shall be adjusted against the death gratuity which may become payable to his family.

(4) Where an order was passed under the Central Civil Services (Pension) Rules, 1972 allowing previous military service to count as part of the service qualifying for civil pension, the order shall be deemed to include the condonation of interruption in service, if any, in the military service and between the military and civil services.

(5) The pension and gratuity for the service rendered after re-employment in civil service or post shall not be subject to any limitation with reference to the pension and gratuity drawn by the Government servant in respect of the military service.

21. Counting of periods spent on leave.- All leave during service for which leave salary is payable and all extraordinary leave granted on medical certificate shall count as qualifying service:

Provided that in the case of extraordinary leave other than extraordinary leave granted on medical certificate, the appointing authority may, at the time of granting such leave, allow the period of that leave to count as qualifying service if such leave is granted to a Government servant,-

(i) due to his inability to join or re-join duty on account of civil commotion; or

(ii) for prosecuting higher scientific and technical studies.

Explanation.- In the case of extraordinary leave other than extraordinary leave granted on medical certificate and extraordinary leave allowed to be counted as qualifying service under proviso to this rule, at the time of grant of such leave, a definite entry shall be made in the service book of the Government servant to the effect that the period of extraordinary leave shall not be treated as qualifying service and such an entry in the service book, if not made at the time of grant of extraordinary leave, can be made subsequently but not later than six months before the date of retirement of the Government servant on superannuation and if no such entry is made in the service book, the period of extraordinary leave shall be treated as qualifying service.

22. Counting of periods spent on training.- (1) In the case of a Government servant who was required to undergo a departmental training before regular appointment to a Group C post and was in receipt of pay in a scale of pay or a stipend or a nominal allowance during such training, the period of such training shall count as qualifying service.

(2) In cases not covered under sub-rule (1), the Government may, by order, decide whether the time spent by a Government servant under training immediately before appointment to service under that Government shall be counted as qualifying service.

(3) Where time spent by a Government servant under training immediately before appointment to service under that Government is counted as qualifying service, interruption due to the training and regular appointment being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be counted as qualifying service.

(4) Where the period of interruption is in excess of joining time due to administrative reasons, such period of interruption in excess of joining time shall be regularised by grant of leave of the kind due or, if no such leave is due, by grant of extraordinary leave by the Head of Department and the period of interruption regularised by grant of extraordinary leave shall be counted as qualifying service.

23. Counting of periods of suspension.- (1) Time passed by a Government servant under suspension pending inquiry into conduct shall be counted as qualifying service where, on conclusion of such inquiry, he has been fully exonerated or only a minor penalty is imposed and the suspension is held to be wholly unjustified.

(2) In cases not covered under sub-rule (1), the period of suspension shall not count unless the authority competent to pass orders under the rule governing such cases expressly declares at the time that it shall count to such extent as the Competent Authority may declare.

(3) In all cases of suspension, the competent authority shall pass an order specifying the extent to which, if any, the period of suspension shall count as qualifying service and a definite entry shall be made in the service book of the Government servant in this regard.

24. Forfeiture of service on dismissal or removal.- Dismissal or removal of a Government servant from a service or post shall entail forfeiture of his past service.

25. Counting of past service on reinstatement.- (1) A Government servant who was dismissed, removed or compulsorily retired from service, and is subsequently reinstated on appeal or review, is entitled to count his past service as qualifying service.

(2) The period of interruption in service between the date of dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement, and the period of suspension, if any, shall not count as qualifying service unless regularized as duty or leave by a specific order of the authority which passed the order of reinstatement.

26. Forfeiture of service on resignation.- (1) Resignation from a service or a post, unless it is allowed to be withdrawn in the public interest by the appointing authority, entails forfeiture of past service.

(2) A resignation shall not entail forfeiture of past service if it has been submitted to take up, with proper permission, another appointment, whether temporary or permanent, under the Government where service qualifies.

(3) The order accepting the resignation should clearly indicate that the Government servant has resigned to join another appointment with proper permission and a specific entry to this effect shall also be made by the Head of Office in the service book of the Government servant.

(4) Interruption in service in a case falling under sub-rule (2), due to the two appointments being at different stations, not exceeding the joining time permissible under the rules of transfer, shall be covered by grant of leave of any kind due to the Government servant on the date of relief or by formal condonation to the extent to which the period is not covered by leave due to him.

(5) The appointing authority may permit a person to withdraw his resignation in the public interest on the following conditions, namely :-

(i) that the resignation was tendered by the Government servant for some compelling reasons which did not involve any reflection on his integrity, efficiency or conduct and the request for withdrawal of the resignation has been made as a result of a material change in the circumstances which originally compelled him to tender the resignation ;

(ii) that during the period intervening between the date on which the resignation became effective and the date from which the request for withdrawal was made, the conduct of the person concerned was in no way improper ;

(iii) that the period of absence from duty between the date on which the resignation became effective and the date on which the person applies for permission to withdraw the resignation is not more than ninety days;

(iv) that the post, which was vacated by the Government servant on the acceptance of his resignation or any other comparable post, is available.

(6) Request for withdrawal of a resignation shall not be accepted by the appointing authority where a Government servant resigns his service or post with a view to taking up an appointment in or under a private commercial company or in or under a corporation or company wholly or substantially owned or controlled by the Government or in or under a body controlled or financed by the Government.

(7) When an order is passed by the appointing authority allowing a person to withdraw his resignation and to resume duty, the order shall be deemed to include the condonation of interruption in service but the period of interruption shall not count as qualifying service.

(8) A resignation submitted for the purpose of rule 35 or rule 36 shall not entail forfeiture of past service under the Government.

27. Effect of interruption in service.- (1) An interruption in the service of a Government servant entails forfeiture of his past service, except in the following cases, namely:-

(a) authorised leave of absence ;

(b) unauthorised absence in continuation of authorized leave of absence so long as the post of absentee is not filled substantively;

(c) suspension, where it is immediately followed by reinstatement, whether in the same or a different post, or where the Government servant dies or is permitted to retire or is retired on attaining the age of superannuation while under suspension ;

(d) transfer to non-qualifying service in an establishment under the control of the Government if such transfer has been ordered by a competent authority in the public interest ;

(e) joining time while on transfer from one post to another.

(2) Notwithstanding anything contained in sub-rule (1), the appointing authority may, by order, commute retrospectively the periods of absence without leave as extraordinary leave.

28. Condonation of interruption in service.- (1) In the absence of a specific indication to the contrary in the service book, an interruption between two spells of civil service rendered by a Government servant under Government including civil service rendered and paid out of Defence Services Estimates or Railway Estimates shall be treated as automatically condoned and the pre-interruption service treated as qualifying service.

(2) Nothing in sub-rule (1) shall apply to interruption caused by resignation, dismissal or removal from service or for participation in a strike.

(3) The period of interruption referred to in sub-rule (1) shall not count as qualifying service.

(4) The appointing authority may consider condonation of interruption in service and to treat the pre-interruption service as qualifying service.

(5) The appointing authority may take a decision not to condone interruption in service only in exceptional and grave circumstances.

(6) No such order against condonation of interruption in service shall be passed by the appointing authority without extending to the Government servant a reasonable opportunity of representation and being heard in person.

29. Deputation to United Nations and other organizations.- A Government servant who is deputed on foreign service to the United Nations' Secretariat or other United Nations' Bodies or the International Monetary Fund or the International Bank of Reconstruction and Development, or the Asian Development Bank or the Commonwealth Secretariat or any other International organization may opt,-

(a) to pay the pension contributions in respect of his foreign service and count such service as qualifying for pension under these rules; or

(b) not to pay the pension contributions in respect of his foreign service and not count such service as qualifying for pension under these rules:

Provided that where a Government servant opts for clause (b), pension contributions, if any, paid by the Government servant, shall be refunded to him.

30. Periodic verification of qualifying service.- (1) On each occasion after a Government servant has completed eighteen years of service and on his being left with five years of service before the date of superannuation, the Head of Office in consultation with Accounts Officer shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Format 4, the period of qualifying service so determined

(2) For the purposes of verification of service, the Head of Office shall follow the procedure provided in clause (a) of sub-rule (1) of rule 57.

(3) Notwithstanding anything contained in sub-rule (1), where a Government servant is transferred to another department from a temporary department or on account of the closure of the department he had been previously serving or because the post he held had been declared surplus, the verification of his service may be done whenever such event occurs.

(4) The verification done under this rule shall be treated as final and shall not be reopened except when necessitated by a subsequent change in the rules and orders governing the conditions under which the service qualifies for pension.

(5) By 31st January of each year, a report shall be submitted to the Secretary of the Administrative Ministry or Department giving the details of the Government servants who were required to be issued a certificate of qualifying service during the previous calendar year under sub-rule (1), the details of the Government servants who have actually been issued the said certificate during the said period and the reasons for not issuing the said certificate in the remaining cases.

CHAPTER IV

Emoluments and Average Emoluments

31. Emoluments.- (1) The expression '*emoluments*' means basic pay, as defined in rule 9 (21) (a) (i) of the Fundamental Rules, 1922 which a Government servant was receiving immediately before his retirement or on the date of his death; and will also include non-practising allowance granted to a medical officer in lieu of private practice.

Explanation.- Stagnation increment shall be treated as emoluments for calculation of retirement benefits.

(2) Where a Government servant immediately before his retirement or death while in service had been absent from duty on leave for which leave salary is payable or on extraordinary leave on medical certificate or, having been suspended, had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall form part of his emoluments:

Provided that any increase in pay [other than the increment referred to in sub-rule (5) and the notional increase in pay referred to in sub-rule (10) or sub-rule (11)] which is not actually drawn shall not form part of his emoluments.

(3) Where a Government servant immediately before his retirement or death while in service had proceeded on leave for which leave salary is payable after having held a higher appointment whether in an officiating or temporary capacity, the benefit of emoluments drawn in such higher appointment shall be given only if it is certified that the Government servant would have continued to hold the higher appointment but for his proceeding on leave.

(4) Where a Government servant immediately before his retirement or death while in service had been absent from duty on extraordinary leave or had been under suspension, the period whereof does not count as service, the emoluments which he drew immediately before proceeding on such leave or being placed under suspension shall form part of his emoluments.

(5) Where a Government servant immediately before his retirement or death while in service, was on leave, and earned an increment which was not withheld, such increment, though not actually drawn, shall form part of his emoluments.

(6) Pay drawn by a Government servant while on deputation to an ex-cadre post in the same or some other Department of the Government or to the Armed Forces of India shall be treated as emoluments:

Provided that in the case of a Government servant while on leave after release from the ex-cadre post on completion of the period of deputation, the pay which he would have drawn in the parent department had he not been on leave shall be treated as emoluments.

(7) Pay drawn by a Government servant while on deputation to a State Government or while on foreign service shall not be treated as emoluments, but the pay which he would have drawn under the Central Government had he not been on deputation to the State Government or on foreign service shall alone be treated as emoluments.

(8) Where a pensioner who is re-employed in Government service elected to retain his pension for earlier service and whose pay on re-employment had been reduced by an amount not exceeding his pension, the element of pension by which his pay is reduced shall be treated as emoluments.

(9) When a Government servant has been transferred to a public sector undertaking or an autonomous body consequent on the conversion of a Department of the Government into such public sector undertaking or autonomous body and the Government servant so transferred opts to retain the pensionary benefits under the rules of the Government, the emoluments drawn under the public sector undertaking or autonomous body shall be treated as emoluments.

(10) Where the pay of a Government servant is notionally increased with retrospective effect in any of the following circumstances after his retirement, such notional pay shall be treated as emoluments, namely:-

(i) the pay scale of the post from which the pensioner retired is increased with retrospective affect from a date when the pensioner was in service and his pay in the higher pay scale is fixed from such date on notional basis;

(ii) the retired Government servant is promoted from a retrospective date on the recommendation of a Review DPC or on exoneration in any departmental proceedings or in compliance of a court order and the benefit of fixation of pay is allowed to the pensioner on notional basis from the date of such promotion.

(11) Where a Government servant dies during the currency of a penalty which has the effect of reducing his pay only during the currency of that penalty and on expiry of which he would have regained the pay admissible to him without any impact of the said penalty, the notional pay on the date of death ignoring the effect of such penalty shall be treated as emoluments.

32. Average Emoluments.- (1) Average emoluments shall be determined with reference to the emoluments drawn by a Government servant during the last ten months of his service.

(2) In case during the last ten months of his service a Government servant had been absent from duty on leave for which leave salary is payable or on Extraordinary leave on medical certificate or having been suspended had been reinstated without forfeiture of service, the emoluments which he would have drawn had he not been absent from duty or suspended shall be taken into account for determining the average emoluments :

Provided that any increase in pay [other than the increment referred to in sub-rule (4) and the notional increase in pay referred to in sub-rule (5) or sub-rule (6)] which is not actually drawn shall not form part of his emoluments.

(3) In case during the last ten months of his service, a Government servant had been absent from duty on extraordinary leave, or had been under suspension the period whereof does not count as service, the aforesaid period of leave or suspension shall be disregarded in the calculation of the average emoluments and equal period before the ten months shall be included. In order that the fractions of a month, when added, worked out to one full month, a month for this purpose shall be reckoned as consisting of thirty days.

Illustration: A Government servant retires on 16th July, 2019. The last ten months comprise nine full months and fractions of fourteen days of September, 2018 and sixteen days of July, 2019. The emoluments for fractional periods shall be computed by multiplying the emolument by the factor 14/30 and 16/30 irrespective of the number of days in the month. This formula shall also apply in the case of the month of February, irrespective of whether the month has twenty eight days or twenty nine days.

(4) In the case of a Government servant who was on leave during the last ten months of his service and earned an increment, which was not withheld, such increment though not actually drawn shall be included in the average emoluments.

(5) Where the pay of a Government servant is notionally increased with retrospective effect during the last ten months of his service in any of the following circumstances after his retirement, such notional pay shall be taken into account for determining the average emoluments for the purpose of this rule,-

(i) the pay scale of the post from which the pensioner retired is increased with retrospective affect from a date when the pensioner was in service and his pay in the higher pay scale is fixed from such date on notional basis;

(ii) the retired Government servant is promoted from a retrospective date on the recommendation of a review Departmental Promotion Committee or on exoneration in any departmental proceedings or in compliance of a court order and the benefit of fixation of pay is allowed to the pensioner on notional basis from the date of such promotion.

(6) Where a Government servant dies during the currency of a penalty which has the effect of reducing his pay only during the currency of that penalty and on expiry of which he would have regained the pay admissible to him without any impact of the said penalty, the notional pay during the last ten months of his service ignoring the effect of such penalty shall be taken into account for determining the average emoluments.

CHAPTER V

Classes of pensions and conditions governing their grant

33. Superannuation pension or service gratuity.- A superannuation pension or superannuation service gratuity, as the case may be, shall be granted in accordance with rule 44 to a Government servant who is retired on his attaining the age of superannuation or, if the service of the Government servant has been extended beyond superannuation, on expiry of such period of extension of service beyond the age of superannuation.

34. Retiring pension or service gratuity.- (1) A retiring pension or retiring service gratuity, as the case may be, shall be granted in accordance with rule 44, to a Government servant ,-

(a) who retires on his own volition, before attaining the age of superannuation, in accordance with the provisions of rule 43 of these rules, or rule 56 of the Fundamental Rules; or

(b) who, on being declared surplus, opts for voluntary retirement in accordance with the provisions of the Special Voluntary Retirement Scheme for surplus employees notified by the Department of Personnel and Training vide Office Memorandum No. 25013/6/2001-Estt.(A), dated the 28th February, 2002, as amended from time to time; or

(c) who is retired by the Government, before attaining the age of superannuation, in accordance with the provisions of rule 42 of these rules or rule 56 of the Fundamental Rules.

(2) A permanent Government servant, who on being declared surplus to the establishment in which he was serving, opts for Special Voluntary Retirement Scheme notified by the Department of Personnel and Training vide

Office Memorandum No. 25013/6/2001-Estt. (A), dated the 28th February, 2002 as amended from time to time, shall be entitled to payment of ex-gratia amount in accordance with that Scheme, in addition to the Retiring pension or service gratuity in accordance with rule 44 and Retirement gratuity under rule 45.

35. Pension on absorption in or under a State Government.- (1) A Government servant, who has been permitted to be absorbed in a service or post in or under a State Government, shall be deemed to have retired from service under the Central Government from the date of such absorption and, subject to sub-rule (6), he shall be eligible, on such absorption, to receive pension or service gratuity, as the case may be, and retirement gratuity on the basis of the qualifying service and emoluments on the date of absorption in accordance with rule 44 and rule 45:

Provided that on retirement from the State Government, the total amount of gratuity in respect of the service rendered under the Government and the service rendered in the State Government shall not exceed the amount that would have been admissible had the Government servant continued in the Central Government service and retired on the same pay which he drew on retirement from the State Government.

(2) The date of absorption shall be –

(i) in case a Government employee joins a State Government on immediate absorption basis, the date on which he actually joins that Government. For this purpose, immediate absorption would mean acceptance of a technical resignation of a Government servant from Central Government service to enable him to take up an appointment in the State Government, for which he had applied with proper permission;

(ii) in case a Government employee initially joins a State Government on deputation, the date from which his unqualified resignation is accepted by the Central Government.

(3) In the case of a Government employee who joins a State Government on immediate absorption basis, the relieving order shall be issued in the Format 5 which, shall indicate the period within which the Government servant shall join the State Government:

Provided that this period may be extended by the relieving authority for reasons beyond the control of the Government servant, which shall be recorded in writing.

(4) The period between the date of relief and the date of joining in the State Government may be regularised by grant of leave due and, if no such leave is due, the period may be regularised by grant of extraordinary leave.

(5) The relieving authority, before processing the case for sanction of retirement benefits, will ascertain the date of joining by the Government servant in the State Government and accept the resignation of the Government servant from the date preceding the date of joining.

(6) Where a pension scheme similar to the pension scheme under these rules exists in the State Government in which a Government servant is absorbed, he shall be entitled to exercise option either,-

(a) to receive retirement benefits for the service rendered under the Central Government in accordance with sub-rule (1); or

(b) to count the service rendered under the Central Government in that State Government.

(7) Where a Government servant is absorbed in a State Government and exercises an option under clause (b) of sub-rule (6), on retirement from the State Government, the payment of pension and gratuity for the entire service, including the service rendered in the Central Government, shall be made by that Government and no liability of proportionate pension shall be borne by the Central Government.

36. Pension on absorption in or under a corporation, company or body.- (1) A Government servant who has been permitted to be absorbed in a service or post in or under a Corporation or Company wholly or substantially owned or controlled by the Central Government or a State Government or in or under a Body controlled or financed by the Central Government or a State Government, shall be deemed to have retired from service from the date of such absorption and, subject to sub-rule (9), he shall be eligible, on such absorption, to receive pension or service gratuity, as the case may be, and retirement gratuity on the basis of the qualifying service and emoluments on the date of absorption in accordance with rule 44 and rule 45:

Provided that on retirement from such Corporation or Company or Body, the total amount of gratuity in respect of the service rendered under the Government and the service rendered in such Corporation or Company or Body shall not exceed the amount that would have been admissible had the Government servant continued in Government service and retired on the same pay which he drew on retirement from that Corporation or Company or Body.

(2) The date of absorption shall be,–

(i) in case, a Government servant joins a corporation or company or body on immediate absorption basis, the date on which he actually joins that corporation or company or body. For this purpose, immediate absorption would mean acceptance of a technical resignation of a Government servant from Government service to enable him to take up an appointment in a Corporation or Company wholly or

substantially owned or controlled by the Central Government or a State Government or in or under a Body controlled or financed by the Central Government or a State Government, for which he had applied with proper permission;

(ii) in case, a Government employee initially joins a corporation or company or body on foreign service terms, the date from which his unqualified resignation is accepted by the Government.

(3) The provisions of sub-rule (1) shall also apply to Central Government servants who are permitted to be absorbed in joint sector undertakings, wholly under the joint control of the Central Government and State Governments or Union territory administrations or under the joint control of two or more State Governments or Union territory administrations.

(4) In the case of a Government servant who joins a corporation or company or body on immediate absorption basis, the relieving order shall be issued in the Format 5.

(5) The relieving order shall indicate the period within which the Government servant shall join the Corporation or Company or the Body:

Provided that this period may be extended by the relieving authority for reasons beyond the control of the Government servant, which shall be recorded in writing.

(6) The period between the date of relief and the date of joining in the Corporation or Company or the Body may be regularised by grant of leave due and if no such leave is due, the period may be regularised by grant of extraordinary leave.

(7) The relieving authority, before processing the case for sanction of retirement benefits, will ascertain the date of joining by the Government servant in the Corporation or Company or the Body and accept the resignation of the Government servant from the date preceding the date of joining.

(8) No lien of the Government servant shall be retained in the relieving department and all his connections with the Government shall stand severed on his absorption in the Corporation or Company or the Body.

(9) Where a pension scheme similar to the pension scheme under these rules exists in a body controlled or financed by the Central Government or a State Government in which a Government servant is absorbed, he shall be entitled to exercise option either,-

(a) to receive retirement benefits for the service rendered under the Central Government in accordance with sub-rule (1); or

(b) to count the service rendered under the Central Government in that body for pension.

(10) Where a Government servant is absorbed in a body controlled or financed by the Central Government or a State Government and exercises an option under clause (b) of sub-rule (9), the Government will discharge its pension liability by paying in lump sum as a one time payment.

(11) The pension liability shall comprise the capitalised value of pension or service gratuity and retirement gratuity for the service up to the date of absorption in that body.

(12) Lump sum amount of pension shall be determined with reference to the Table of values for commutation of pension appended to the Central Civil Services (Commutation of Pension) Rules, 1981.

Explanation.- Body means autonomous body or statutory body.

37. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Public Sector Undertaking.- (1) On conversion of a department of the Central Government into a public sector undertaking, all Government servants of that Department shall be transferred en-masse to that public sector undertaking, on deemed deputation on terms of foreign service without any deputation allowance till such time as they get absorbed in the said undertaking, and such transferred Government servants shall be absorbed in the public sector undertaking with effect from such date as may be notified by the Government.

(2) The public sector undertaking shall frame its rules and regulations within a time frame not exceeding five years.

After such rules and regulations are framed by the public sector undertaking, all Government servants on deemed deputation shall be asked, within a period not exceeding three months from the date of notification of the rules and regulations by the public sector undertaking, to exercise their option to revert back to the Government or to seek permanent absorption in the public sector undertaking.

Such Government servants shall be asked to exercise this option within a period of three months from the date of the communication asking the Government servants to exercise the option.

(3) The option referred to in sub-rule (2) shall be exercised by every transferred Government servant in such manner as may be specified by the Government.

(4) In case, a Government servant, does not exercise any option within the prescribed time limit, shall be deemed to have opted for permanent absorption in the public sector undertaking.

(5) The permanent absorption of the Government servants as employees of the public sector undertaking shall take effect from the date on which their options are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be Government servants and they shall be deemed to have retired from Government service.

(6) Upon absorption of Government servants in the public sector undertaking, the posts which they were holding in the Government before such absorption shall stand abolished.

(7) The employees who opt to revert to Government service shall be repatriated to the Government within two years from the date of exercise of the option and shall be redeployed through the surplus cell of the Government.

(8) The period between the date of option and the date of reversion to the Government shall continue to be on deemed deputation on terms of foreign service without any deputation allowance.

(9) Where an employee retires or dies during the period of such deemed deputation, the pay which he would have drawn under the Central Government had he not been on deemed deputation shall be treated as emoluments for calculating the pensionary benefits to be paid by the Government.

(10) The pensionary benefits in respect of such employee shall be drawn and paid in the manner to be specified by the administrative Ministry of the public sector undertaking.

(11) Subject to the provisions of sub-rule (12) to sub-rule (17), the employees including temporary employees but excluding casual labourers, who opt for permanent absorption in the public sector undertaking shall, on and from the date of absorption, be governed by the rules and regulations or bye-laws of the public sector undertaking.

(12) A Government servant who has been absorbed as an employee of a public sector undertaking shall be entitled to exercise option either,-

(a) to receive pension or service gratuity, as the case may be, and retirement gratuity from the Government for the service rendered under the Central Government in accordance with rule 44 and rule 45; or

(b) to count the service rendered under the Central Government in that public sector undertaking for pension and gratuity.

(13) In the case of a Government servant who has exercised option under clause (a) of sub-rule (12), the pay which he would have drawn under the Central Government had he not been on deemed deputation shall be treated as emoluments for calculating the pensionary benefits to be paid by the Government and the pensionary benefits in respect of such employee shall be drawn and paid in the manner to be specified by the administrative Ministry of the public sector undertaking.

(14) A Government servant who has exercised option under clause (b) of sub-rule (12) and his family shall be eligible for pensionary benefits (including commutation of pension, gratuity, family pension or extra-ordinary pension), on the basis of combined service rendered by the employee in the Government and in the public sector undertaking in accordance with the formula for calculation of such pensionary benefits as may be in force in the Central Government at the time of his retirement from the public sector undertaking or his death.

(15)(a) On retirement from the public sector undertaking or on death of an absorbed employee who has exercised option under clause (b) of sub-rule (12), the amount of pension or family pension shall be calculated in the same manner as calculated in the case of a Central Government servant retiring or dying, on the same day.

Explanation.- The emoluments or average emoluments for this purpose shall be based on the pay drawn in the public sector undertaking as per Industrial Dearness Allowance pattern.

(b) The pensionary benefits of such employee shall be drawn and paid in the manner specified in sub-rule (18) to sub-rule (26).

(16) In addition to pension or family pension, as the case may be, the employee who opts for pension on the basis of combined service shall also be eligible to dearness relief as per Industrial Dearness Allowance pattern.

(17) If a Permanent Government servant absorbed in a public sector undertaking or a temporary Government servant, who has been confirmed in the public sector undertaking subsequent to his absorption therein, had exercised option under clause (b) of sub-rule (12), he shall be eligible to seek voluntary retirement after completing ten years of qualifying service with the Government and the public sector undertaking taken together, and such person shall be eligible for pensionary benefits on the basis of these rules.

(18) The Central Government shall create a Pension Fund in the form of a trust and the pensionary benefits of absorbed employees shall be paid out of such Pension Fund.

(19)(a) The Secretary of the administrative Ministry of the public sector undertaking shall be the Chairperson of the Board of Trustees of the Pension Fund.

(b) The Board of Trustees shall include representatives of the Department of Expenditure, Department of Pension and Pensioners' Welfare, Ministry of Labour and Employment, concerned public sector undertaking, employees of the concerned public sector undertaking and experts in the relevant field to be nominated by the Central Government.

(20) The procedure and the manner in which pensionary benefits to the employees, who have exercised option under clause (b) of sub-rule (12), are to be sanctioned and disbursed from the Pension Fund shall be determined by the Government on the recommendation of the Board of Trustees.

(21)(a) The Government shall discharge its pensionary liability in respect of employees who have exercised option under clause (b) of sub-rule (12), by paying in lump sum as a one time payment to the Pension Fund.

(b) The pensionary liability shall comprise the capitalised value of pension or service gratuity and retirement gratuity for the service rendered till the date of absorption of the Government servant in the public sector undertaking.

(c) Lump sum amount of the pension shall be determined with reference to Commutation Table laid down in Central Civil Services (Commutation of Pension) Rules, 1981.

(22) The manner of sharing the financial liability on account of payment of pensionary benefits by the public sector undertaking to the employees who have exercised option under clause (a) of sub-rule (12), shall be determined by the Government.

(23) In respect of the employees who have exercised option under clause (b) of sub-rule (12), the public sector undertaking shall make pensionary contribution to the Pension Fund for the period of service to be rendered by the concerned employees under that undertaking at the rates as may be determined by the Board of Trustees so that the Pension Fund shall be self-supporting.

(24) If, for any financial or operational reason, the Trust is unable to discharge its liabilities fully from the Pension Fund and the public sector undertaking is also not in a position to meet the shortfall, the Government, through the administrative Ministry for the public sector undertaking, shall be liable to meet such expenditure and such expenditure shall be debited to either the Fund or to the public sector undertaking.

(25) Payments of pensionary benefits of the pensioners of a Government Department who retired from that Department before the date of its conversion into a Public Sector Undertaking shall continue to be the responsibility of the Government and the mechanism for sharing its liabilities on this account shall be determined by the Government.

(26) Nothing contained in sub-rules (18) to (25) shall apply in the case of conversion of the Departments of Telecom Services and Telecom Operations into Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited, in which case the pensionary benefits including family pension shall be paid by the Government.

(27) For the payment of pensionary benefits including family pension referred to in sub-rule (26), the Government shall specify the arrangements and the manner including the rate of pensionary contributions to be made by Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited to the Government and the manner in which financial liabilities on this account shall be met.

(28) The arrangements under sub-rule (27) shall be applicable to the existing pensioners and to the employees who are deemed to have retired from the Government service for absorption in Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited and shall not apply to the employees directly recruited by the Bharat Sanchar Nigam Limited and Mahanagar Telephone Nigam Limited for whom they shall devise their own pension schemes and make arrangements for funding and disbursing the pensionary benefits.

(29) Upon conversion of a Government Department into a public sector undertaking,-

(a) the balance of provident fund standing at the credit of the absorbed employees on the date of their absorption in the public sector undertaking shall, with the consent of such undertaking, be transferred to the new Provident Fund Account of the employees in such undertaking;

(b) earned leave and half pay leave at the credit of the employees on the date of absorption shall stand transferred to such undertaking;

(c) the dismissal or removal from service of the public sector undertaking of any employee after his absorption in such undertaking for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment the decisions of the undertaking shall be subject to review by the Ministry administratively concerned with the undertaking.

(30) In case the Government disinvests its equity in any public sector undertaking to the extent of fifty-one per cent or more, it shall specify adequate safeguards for protecting the interest of the absorbed employees of such public sector undertaking.

(31) The safeguards specified under sub-rule (30) shall include option for voluntary retirement or continued service in the undertaking or retirement benefits on terms applicable to Government employees or employees of the public sector undertaking as per option of the employees and assured payment of earned pensionary benefits with relaxation in period of qualifying service, as may be decided by the Government.

38. Conditions for payment of pension on absorption consequent upon conversion of a Government Department into a Central Autonomous Body.- (1) On conversion of a department of the Central Government into an autonomous body, all Government servants of that Department shall be transferred en-masse to that autonomous body on deemed deputation on terms of foreign service without any deputation allowance till such time as they get absorbed in the said body and such transferred Government servants shall be absorbed in the autonomous body with effect from such date as may be notified by the Government.

(2) The autonomous body shall frame its rules and regulations within a time frame not exceeding five years. After such rules and regulations are framed by the autonomous body, all employees on deemed deputation shall be asked, within a period not exceeding three months from the date of notification of the rules and regulations by the autonomous body, to exercise their option to revert back to the Government or to seek permanent absorption in the autonomous body. Such employees shall be asked to exercise this option within a period of three months from the date of the communication asking the employees to exercise the option.

(3) The option referred to in sub-rule (2) shall be exercised by every transferred Government servant in such manner as may be specified by the Government and an employee, who does not exercise any option within the prescribed time limit, shall be deemed to have opted for permanent absorption in the autonomous body.

(4) The permanent absorption of the Government servants as employees of the autonomous body shall take effect from the date on which their options are accepted by the Government and on and from the date of such acceptance, such employees shall cease to be Government servants and they shall be deemed to have retired from Government service.

(5) In case of absorption of Government servants in the autonomous body, the posts which they were holding in the Government before such absorption shall stand abolished.

(6) The employees who opt to revert to Government service shall be repatriated to the Government within two years from the date of exercise of the option and shall be redeployed through the surplus cell of the Government.

(7) The period between the date of option and the date of reversion to the Government shall continue to be on deemed deputation on terms of foreign service without any deputation allowance.

(8) Where an employee retires or dies during the period of such deemed deputation, the pay which he would have drawn under the Central Government had he not been on deemed deputation shall be treated as emoluments for calculating the pensionary benefits to be paid by the Government.

(9) The pensionary benefits in respect of such employee shall be drawn and paid in the manner to be specified by the administrative Ministry of the autonomous body.

(10) Subject to the provisions of sub-rule (11) to sub-rule (15), the employees including temporary employees but excluding casual labourers, who opt for permanent absorption in the autonomous body shall, on and from the date of absorption, be governed by the rules and regulations or bye-laws of the autonomous body.

(11) A Government servant who has been absorbed as an employee of the autonomous body shall be entitled to exercise option either,-

(a) to receive pension or service gratuity and retirement gratuity, as the case may be, for the service rendered under the Central Government in accordance with rule 44 and rule 45 of these rules; or

(b) to count the service rendered under the Central Government in that body for pension and gratuity.

(12) In the case of a Government servant who has exercised option under clause (a) of sub-rule (11), the pay which he would have drawn under the Central Government had he not been on deemed deputation shall be treated as emoluments for calculating the pensionary benefits to be paid by the Government.

(13) The pensionary benefits in respect of such employee shall be drawn and paid in the manner to be specified by the administrative Ministry of the autonomous body.

(14) A Government servant who has exercised option under clause (b) of sub-rule (11) and his family shall be eligible for pensionary benefits (including commutation of pension, gratuity, family pension or extra-ordinary pension), on the basis of combined service rendered by the employee in the Government and in the autonomous body in accordance with the formula for calculation of such pensionary benefits as may be in force at the time of his retirement from the autonomous body or his death.

Explanation.- The amount of pension or family pension in respect of the absorbed employee on retirement from the autonomous body or on death shall be calculated in the same manner as calculated in the case of a Central Government servant retiring or dying, on the same day. The pensionary benefits in respect of such employee shall be drawn and paid in the manner specified in sub-rule (16) to sub-rule (27).

(15) In addition to pension or family pension, as the case may be, the absorbed employees who opt for pension on the basis of combined service shall also be eligible to dearness relief as per central dearness allowance pattern.

(16) The Central Government shall create a Pension Fund in the form of a trust and the pensionary benefits of absorbed employees shall be paid out of such Pension Fund.

(17) The Secretary of the administrative Ministry of the autonomous body shall be the Chairperson of the Board of Trustees which shall include representatives of the Department of Expenditure, Department of Pension and Pensioners' Welfare, Ministry of Labour and Employment, concerned autonomous body, employees of the concerned autonomous body and experts in the relevant field to be nominated by the Central Government.

(18) The procedure and the manner in which pensionary benefits to the employees, who have exercised option under clause (b) of sub-rule (11), are to be sanctioned and disbursed from the Pension Fund shall be determined by the Government on the recommendation of the Board of Trustees.

(19) The Government shall discharge its pensionary liability in respect of employees, who have exercised option under clause (b) of sub-rule (11), by paying in lump sum as a one time payment to the Pension Fund.

(20) The pensionary liability shall comprise the capitalised value of pension or service gratuity and retirement gratuity for the service rendered till the date of absorption of the Government servant in the autonomous body.

(21) Lump sum amount of the pension shall be determined with reference to Commutation Table laid down in Central Civil Services (Commutation of Pension) Rules, 1981

(22) The manner of sharing the financial liability on account of payment of pensionary benefits to the employees, who have exercised option under clause (a) of sub-rule (11), by the autonomous body shall be determined by the Government.

(23) In respect of the employees who have exercised option under clause (b) of sub-rule (11), the autonomous body shall make pensionary contribution to the Pension Fund for the period of service to be rendered by the concerned employees under that body at the rates as may be determined by the Board of Trustees so that the Pension Fund shall be self-supporting.

(24) If, for any financial or operational reason, the Trust is unable to discharge its liabilities fully from the Pension Fund and the autonomous body is also not in a position to meet the shortfall, the Government, through the administrative Ministry for the autonomous body, shall be liable to meet such expenditure and such expenditure shall be debited to either the Fund or to the autonomous body, as the case may be.

(25) Payments of pensionary benefits of the pensioners of a Government Department who retired from that Department before the date of its conversion into an autonomous body shall continue to be the responsibility of the Government and the mechanism for sharing its liabilities on this account shall be determined by the Government.

(26) In case of conversion of a Government Department into an autonomous body,-

(a) the balance of provident fund standing at the credit of the absorbed employees on the date of their absorption in the autonomous body shall, with the consent of such body, be transferred to the new Provident Fund Account of the employees in such body;

(b) earned leave and half pay leave at the credit of the employees on the date of absorption shall stand transferred to such body;

(c) the dismissal or removal from service of the autonomous body of any employee after his absorption in such body for any subsequent misconduct shall not amount to forfeiture of the retirement benefits for the service rendered under the Government and in the event of his dismissal or removal or retrenchment the decisions of the body shall be subject to review by the Ministry administratively concerned with the body.

(27) In case the Government disinvests its equity in any autonomous body to the extent of fifty-one per cent or more, it shall specify adequate safeguards for protecting the interest of the absorbed employees of such autonomous body.

(28) The safeguards specified under sub-rule (27) shall include option for voluntary retirement or continued service in the body, as the case may be, or voluntary retirement benefits on terms applicable to Government employees or employees of the autonomous body as per option of the employees, assured payment of earned pensionary benefits with relaxation in period of qualifying service, as may be decided by the Government.

(29) Nothing contained in this rule shall be applicable to the officers or employees including members of Indian Information Service, Central Secretariat Service or any other service or to the persons borne on cadres outside Akashvani and Doordarshan, serving in the Akashvani and Doordarshan and engaged in the performance of functions transferred to Prasar Bharati established under Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

39. Invalid pension.- (1) The case of a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, shall be governed by the provisions of the said section:

Provided that such employee shall produce a disability certificate from the competent authority as prescribed under the Rights of Persons with Disabilities Rules, 2017.

(2) If a Government servant, in a case where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are not applicable, intends to retire from the service on account of any bodily or mental infirmity which permanently incapacitates him for the service, he may apply to the Head of Department for retirement on Invalid Pension:

Provided that an application for invalid pension submitted by the spouse of the Government servant failing which by a member of the family of the Government servant may also be accepted, if the Head of Department is satisfied that the Government servant himself is not in a position to submit such application on account of the bodily or mental infirmity:

Provided further that where a Government servant, who has acquired a disability and in whose case the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, intends to retire under this rule, the Government servant shall be advised that he has the option of continuing in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw his request for retirement under this rule, his request may be processed in accordance with the provisions of this rule.

(3) On receipt of an application under sub-rule (2), the Head of Office or Head of Department shall, within fifteen days of the receipt of such application, request the concerned authority for examination of the Government servant, not later than thirty days from the date of receipt of such request by the following medical authority, namely:-

(a) a Medical Board in the case of a Gazetted Government servant and of a non-Gazetted Government servant whose pay, as defined in rule 9 (21) of the Fundamental Rules, 1922 exceeds fifty- four thousand rupees per month; and

(b) Civil Surgeon or a District Medical Officer or Medical Officer of equivalent status in other cases.

(4) The medical authority shall also be supplied by the Head of the Office or Head of Department in which the applicant is employed with a statement of what appears from official records to be the age of the applicant, and if a service book is being maintained for the applicant, the age recorded therein should be reported and a copy of the letter requesting for examination by the medical authority shall be endorsed to the Government servant.

(5) The Government servant shall appear before the concerned medical authority for medical examination on the date fixed by that authority and the medical authority shall examine the Government servant to ascertain whether or not the Government servant is fit for further service or whether he is fit for further service of less laborious character than that which he had been doing.

(6) No medical certificate of incapacity for service may be granted unless the medical authority has received a request from the Head of his Office or Head of Department for medical examination of the Government servant.

(7) A lady doctor shall be included as a member of the Medical Board when a woman candidate is to be examined.

(8) Where the medical authority referred to in sub-rule (3) has found a Government servant mentioned in sub-rule (2) not fit for further service or has found him fit for further service of less laborious character than that which he had been doing, it shall issue a Medical Certificate in Format 6 and if the Government servant is found to be unfit for further service, he may be granted invalid pension in accordance with rule 44 not later than forty five days from the date of the receipt of medical certificate in Format 6.

(9) A Government servant, who retires from service even before completing qualifying service of ten years, shall also be granted invalid pension and, in his case, the amount of pension shall also be calculated at fifty percent of emoluments or average emoluments, whichever is more beneficial to him in accordance with rule 44:

Provided that in such cases the Government servant-

(a) *has been examined by the appropriate medical authority either before his appointment or after his appointment to the Government service and declared fit by such medical authority for Government service; and*

(b) *fulfils all other conditions mentioned in this rule for grant of invalid pension.*

(10) In case, the Government servant has been found to be fit for further service of less laborious character than that which he had been doing, he shall, if, he is willing to be so employed, be employed on lower post and if there be no means of employing him even on a lower post, he may be admitted to invalid pension.

40. Compulsory retirement pension .- (1) A Government servant compulsorily retired from service as a penalty may be granted, by the authority competent to impose such penalty, pension or retirement gratuity or both at a rate not less than two-thirds and not more than full superannuation pension or gratuity or both admissible to him on the date of his compulsory retirement.

(2) Whenever in the case of a Government servant the President passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full superannuation pension admissible under these rules, the Union Public Service Commission shall be consulted before such order is passed.

Explanation.- For the purpose of this sub-rule, the expression "pension" includes retirement gratuity.

(3) The order regarding the quantum of pension and gratuity to be granted under sub-rule (1) may be issued simultaneous with the order of imposition of penalty of compulsory retirement. Where such an order regarding the quantum of pension and gratuity to be granted under sub-rule (1) is not issued simultaneous with the order of imposition of penalty of compulsory retirement, a provisional pension and a provisional gratuity at a rate of two-thirds of full superannuation pension and gratuity shall be sanctioned to the Government servant immediately.

(4) Where a provisional pension and a provisional gratuity is sanctioned to the Government servant under sub-rule (3), order for grant of final pension and gratuity under sub-rule (1) shall be issued in consultation with Union Public Service Commission, where necessary, not later than three months after the date of issue of the order imposing the penalty of compulsory retirement and the provisional pension shall continue to be paid till the payment of final pension and gratuity in accordance with the order issued under sub-rule (1).

(5) A pension or provisional pension granted or awarded under sub-rule (1) or, as the case may be, under sub-rule (2), shall not be less than the amount of minimum pension mentioned in rule 44.

41. Compassionate allowance.- (1) A Government servant who is dismissed or removed from service shall forfeit his pension and gratuity:

Provided that the authority competent to dismiss or remove him from service may, if the case is deserving of special consideration, sanction a compassionate allowance not exceeding two - thirds of pension or gratuity or both which would have been admissible to him if he had retired on superannuation pension.

(2) The competent authority shall, either on its own or after taking into consideration the representation of the Government servant, if any, examine whether any compassionate allowance is to be granted and take a decision in this regard in accordance with the proviso to sub-rule (1) not later than three months after the date of issue of the order imposing the penalty of dismissal or removal from service.

(3) The competent authority shall consider,-

(a) each case of dismissal and removal from service on its merit to decide whether the case deserves of special consideration for sanction of a compassionate allowance and, if so, the quantum thereof.

(b) the actual misconduct which occasioned the penalty of dismissal or removal from service and the kind of service rendered by the Government servant.

(c) in exceptional circumstances, factors like family members dependent on the Government servant along with other relevant factors.

(4) Where an order imposing the penalty of dismissal or removal from service was issued before the date of commencement of these rules and the competent authority, at that time, did not examine or decide whether or not any compassionate allowance was to be granted in that case, that authority shall take a decision in this regard not later than six months from the date of commencement of these rules.

(5) No compassionate allowance shall be sanctioned after the expiry of the aforesaid period of six months, to a Government servant on whom a penalty of dismissal or removal from service was imposed before the date of commencement of these rules.

(6) A compassionate allowance sanctioned under the proviso to sub-rule (1) shall not be less than the amount of minimum pension under rule 44.

CHAPTER VI

Premature Retirement and Voluntary Retirement

42. Retirement on completion of thirty years' qualifying service.- (1) At any time after a Government servant has completed a qualifying service of thirty years, he may be required by the appointing authority to retire in the public interest and in the case of such retirement, the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44.

(2) The appointing authority may give a notice in writing to a Government servant at least three months before the date on which he is required to retire in the public interest or three months' pay and allowances in lieu of such notice.

(3) For retirement of a Government servant under this rule, the same procedure, as laid down by Department of Personnel and Training for retirement under rule 56 of the Fundamental Rules, 1922 shall be applicable.

Explanation.- For the purpose of this rule the expression 'appointing authority' shall mean the authority which is competent to make appointments to the service or post from which the Government servant retires.

43. Retirement on completion of twenty years' qualifying service.- (1) At any time after a Government servant has completed twenty years' qualifying service, he may, by giving notice of not less than three months in writing to the appointing authority, retire from service and in the case of such retirement the Government servant shall be entitled to a retiring pension calculated in accordance with rule 44:

Provided that before giving notice of voluntary retirement, a Government servant shall request the appropriate administrative authority for a certificate regarding completion of qualifying service of twenty years on the intended date of retirement and the administrative authority shall issue the required certificate within fifteen days of such request by the Government servant and if no such certificate is issued by the administrative authority within the prescribed period of fifteen days, the Government servant may give the notice of voluntary retirement without such certificate:

Provided further that before accepting the notice for voluntary retirement and passing orders in this regard, the appointing authority shall satisfy itself that the Government servant has completed the qualifying service of twenty years:

Provided also that this sub-rule shall not apply to a Government servant, including scientist or technical expert who is,-

(i) on assignments under the Indian Technical and Economic Cooperation (ITEC) Programme of the Ministry of External Affairs and other aid programmes; or

(ii) posted abroad in foreign based offices of the Ministries or Departments; or

(iii) 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:

Provided also that a Government servant shall be eligible to retire under this rule only if he has completed or will complete a qualifying service of twenty years on the intended date of retirement and the provision in sub-rule (7) of rule 44 for treating fraction of a year equal to three months and above as a completed six monthly period, shall not be applicable for the purpose of determining the qualifying service under this rule.

(2) The notice of voluntary retirement given under sub-rule (1) shall require acceptance by the appointing authority:

Provided that where the appointing authority does not refuse to grant the permission for retirement before the expiry of the period specified in the said notice, the retirement shall become effective from the date of expiry of the said period.

(3) It shall be open to the appropriate appointing authority to withhold permission to a Government servant who seeks to retire under this rule in the following circumstances,-

(i) If the Government servant is under suspension; or

(ii) If a charge sheet has been issued and the disciplinary proceedings are pending; or

(iii) If judicial proceedings on charges which may amount to grave misconduct, are pending:

Provided that in cases where the appointing authority proposes to accept the notice of voluntary retirement in spite of the circumstances referred to in this sub-rule, approval of President shall be obtained.

Explanation.- For the purpose of this sub-rule, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings.

(4) (a) Government servant referred to in sub-rule (1) may make a request in writing to the appointing authority to accept notice of voluntary retirement of less than three months giving reasons therefor.

(b) On receipt of a request under clause (a), the appointing authority, subject to the provisions of sub-rule (2), 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.

(5) If a Government servant acquiring a disability, where the provisions of section 20 of the Rights of Persons with Disabilities Act, 2016 (49 of 2016) are applicable, gives a notice of voluntary retirement under this rule, the Government servant shall be advised that he has the option of continuing in service with the same pay scale and service benefits which he is otherwise entitled to and in case the Government servant does not withdraw the notice for voluntary retirement, his request for voluntary retirement may be processed.

(6) Government servant, who has elected to retire under this rule and has given the necessary notice to that effect to the appointing authority, shall be precluded from withdrawing his notice except with the specific approval of such authority:

Provided that the request for withdrawal shall be made not less than fifteen days before the intended date of voluntary retirement.

(7) This rule shall not apply to a Government servant who –

(a) retires under the Special Voluntary Retirement Scheme relating to voluntary retirement of surplus employees; or

(b) retires from Government service for being absorbed permanently in an autonomous body or a public sector undertaking to which he is on deputation at the time of seeking voluntary retirement or for joining an autonomous body or a public sector undertaking on immediate absorption basis.

Explanation.- For the purpose of this rule the expression "appointing authority" shall mean the authority which is competent to make appointments to the service or post from which the Government servant seeks voluntary retirement.

CHAPTER VII

Regulation of pension and gratuity

44. Amount of Pension.- (1) A Government servant, who retires under rule 33, rule 34, rule 35, rule 36, rule 37, rule 38 or rule 39, after completing a qualifying service of not less than ten years, shall become eligible for grant of a pension calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him, subject to a minimum of nine thousand rupees per month and maximum of one lakh twenty-five thousand rupees per month:

Provided that a Government servant who retires under rule 39 before completing a qualifying service of ten years but fulfils the conditions mentioned in sub-rule (9) of rule 39, shall also be eligible for an invalid pension calculated at fifty per cent of emoluments or average emoluments, whichever is more beneficial to him and the condition of completion of minimum qualifying service of ten years shall not be applicable for grant of pension in his case.

(2) A Government servant, who retires under any of the rules referred to in sub-rule (1) but has not become eligible for grant of pension in accordance with that sub-rule, shall be eligible for grant of a service gratuity.

The amount of service gratuity in such cases shall be calculated at the rate of half month's emoluments for every completed six monthly period of qualifying service.

(3) In case the emoluments of a Government servant have been reduced during the last ten months of his service, average emoluments as referred to in rule 32 shall be treated as emoluments for the purpose of sub-rule (2) and the dearness allowance admissible on the date of retirement shall also be treated as part of emoluments.

(4)(a) Where a Government servant is compulsorily retired from service after completing a qualifying service of not less than ten years and has become eligible for grant of compulsory retirement pension under rule 40, the amount of compulsory retirement pension shall be such portion or percentage of the superannuation pension calculated under sub-rule (1), as the competent authority may sanction under rule 40.

(b) A Government servant, who is compulsorily retired from service before completing a qualifying service of ten years, shall be eligible for grant of a compulsory retirement service gratuity under rule 40 and the amount of service gratuity in such cases shall be such portion or percentage of the superannuation service gratuity calculated under sub-rule (2), as the competent authority may sanction under rule 40.

(5)(a) Where a Government servant is dismissed or removed from service after having completed a qualifying service of not less than ten years and is sanctioned a compassionate allowance under rule 41, the amount of compassionate allowance shall be such portion or percentage of the pension which would have been admissible to him if he had retired on superannuation pension, as the competent authority may sanction under rule 41.

(b) A Government servant, who is dismissed or removed from service before completing a qualifying service of ten years and is sanctioned a compassionate allowance under Rule 41, the amount of compassionate allowance in such cases shall be such portion or percentage of the service gratuity which would have been admissible to him if he had retired on superannuation service gratuity, as the competent authority may sanction under rule 41.

(6) After completion of eighty years of age or above by a retired Government servant, in addition to a pension or a compassionate allowance admissible under this rule, additional pension or additional compassionate allowance shall be payable to the retired Government servant in the following manner, namely:-

Sl.No.	Age of pensioner	Additional pension/ additional compassionate allowance
(1)	(2)	(3)
(i)	From 80 years to less than 85 years	20% of basic pension/ compassionate allowance
(ii)	From 85 years to less than 90 years	30% of basic pension/ compassionate allowance
(iii)	From 90 years to less than 95 years	40% of basic pension/ compassionate allowance
(iv)	From 95 years to less than 100 years	50% of basic pension/ compassionate allowance
(v)	100 years or more	100% of basic pension/ compassionate allowance

(b) The additional pension or additional compassionate allowance shall be payable from first day of the calendar month in which it falls due.

Illustration: A pensioner born on 20th August, 1942 shall be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August, 2022. A pensioner born on 1st August, 1942 shall also be eligible for additional pension at the rate of twenty percent of the basic pension with effect from 1st August, 2022.

(7) In calculating the length of qualifying service, fraction of a year equal to three months and above shall be treated as a completed six monthly period and reckoned as qualifying service.

(8) In the case of a Government servant who has rendered a qualifying service of nine years and nine months or more but less than ten years, his qualifying service for the purpose of this rule shall be ten years and he shall be eligible for pension in accordance with sub-rule (1).

(9) The amount of pension or service gratuity or compassionate allowance or additional pension or additional compassionate allowance finally determined under this rule, shall be expressed in whole rupees and where it contains a fraction of a rupee, each such amount shall be rounded off to the next higher rupee separately for arriving at the final amount payable to the retired Government servant.

(10) In cases where pension is discontinued in the middle of a calendar month, the amount of pension payable for the fraction of that month shall also be rounded off to the next higher rupee.

45. Retirement Gratuity and Death Gratuity.- (1)(a) A Government servant, who has completed five years' qualifying service and has become eligible for service gratuity or pension under Rule 44 shall, on his retirement, be granted retirement gratuity equal to one-fourth of his emoluments for each completed six monthly period of qualifying service, subject to a maximum of 16½ times the emoluments.

(b) If a Government servant dies while in service, the death gratuity shall be paid to his family in the manner indicated in sub-rule (1) of Rule 47 at the rates given in the Table below, namely:-

Sl. No.	Length of qualifying service	Rate of death gratuity
(1)	(2)	(3)
(i)	Less than 1 year	2 times of emoluments.
(ii)	One year or more but less than 5 years	6 times of emoluments.
(iii)	5 years or more but less than 11 years	12 times of emoluments.
(iv)	11 years or more but less than 20 years	20 times of emoluments
(v)	20 years or more	Half of emoluments for every completed six-monthly period of qualifying service subject to a maximum of 33 times of emoluments.

Provided that the amount of retirement gratuity or death gratuity payable under this rule shall in no case exceed twenty lakh rupees:

Provided further that where the amount of retirement or death gratuity, as finally calculated, contains a fraction of a rupee, it shall be rounded off to the next higher rupee.

(2) The provision of clause (b) of sub-rule (1) shall also be applicable in the case of death of a Government servant by suicide.

(3) In case a Government servant, who, on retirement, became eligible for a service gratuity or pension, dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension, together with the retirement gratuity admissible under sub-rule (1) and the commuted value of any portion of pension commuted by him are less than the amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency may be granted to his family in the manner indicated in sub-rule (1) of rule 47.

(4) In calculating the length of qualifying service under this rule, fraction of a year equal to three months and above shall be treated as a completed six monthly period and reckoned as qualifying service.

(5) In the case of a Government servant who has rendered a qualifying service of four years and nine months or more but less than five years, his qualifying service for the purpose of this rule shall be five years and he shall be eligible for retirement gratuity in accordance with clause (a) of sub-rule (1).

(6) The emoluments for the purpose of gratuity admissible under this rule shall be reckoned in accordance with rule 31:

Provided that if the emoluments of a Government servant have been reduced during the last ten months of his service, average emoluments as referred to in rule 32 shall be treated as emoluments.

Provided further that the dearness allowance admissible on the date of retirement or death, as the case may be, shall also be treated as emoluments for the purpose of this rule.

Explanation.- For the purposes of this rule and rules 46, 47, 48 and 49, 'family', in relation to a Government servant, means,-

(i) wife or wives including judicially separated wife or wives in the case of a male Government servant;

(ii) husband, including judicially separated husband in the case of a female Government servant;

(iii) sons including stepsons and adopted sons;

(iv) unmarried daughters including stepdaughters and adopted daughters;

(v) widowed or divorced daughters including stepdaughters and adopted daughters;

(vi) father including adoptive parents in the case of individuals whose personal law permits adoption;

(vii) mother including adoptive parents in the case of individuals whose personal law permits adoption;

(viii) brothers including stepbrothers who are suffering from any disorder or disability of mind including the mentally retarded or physically crippled or disabled without any limit of age and brothers, including stepbrothers, below the age of eighteen years, in other cases;

(ix) unmarried sisters, widowed sisters and divorced sisters including stepsisters;

(x) married daughters; and

(xi) children of a pre-deceased son.

46. Nominations.- (1) A Government servant shall, on his initial appointment in a service or post, make a nomination in Form 3 conferring on one or more persons the right to receive the retirement gratuity and death gratuity payable under rule 45.

(2) In case at the time of making the nomination,–

(i) the Government servant has one or more members of family as referred to in the explanation below sub-rule (6) of rule 45, the nomination shall be in favour of any member or members of his family referred to in that rule; or

(ii) the Government servant has no family as referred to in the explanation below sub-rule (6) of rule 45, the nomination may be made in favour of a person or persons, or a body of individuals, whether incorporated or not.

(3) If a Government servant nominates more than one person under sub-rule (2), he shall specify in the nomination the share payable to each of the nominees, in such manner as to cover the entire gratuity.

(4) A Government servant may provide in the nomination,-

(i) that in respect of any specified nominee who predeceases the Government servant, or who dies after the death of the Government servant but before receiving the payment of gratuity, the right conferred on that nominee shall pass on to such other person as may be specified in the nomination:

Provided that if at the time of making the nomination the Government servant has a family consisting of more than one member, the person so specified shall not be a person other than a member of his family:

Provided further that where a Government servant has only one member in his family, and a nomination has been made in his favour, it is open to the Government servant to nominate any person or a body of individuals, whether incorporated or not as alternate nominee or nominees;

(ii) that the nomination shall become invalid in the event of the happening of the contingency provided therein.

(5)(a) Where a Government servant has no family, as referred to in the explanation below sub-rule (6) of rule 45, at the time of making a nomination, the nomination made by the Government servant in favour of a person or a body of individuals under clause (ii) of proviso to sub-rule (2) shall become invalid in the event of the Government servant subsequently acquiring a family.

(b) Where a Government servant has only one member in his family at the time of making a nomination and a nomination has been made in his favour, in the event of the Government servant subsequently acquiring an additional member in the family, the alternate nomination made by the Government servant in favour of a person or a body of individuals under the second proviso to clause (i) of sub-rule (4), if any, shall become invalid but the nomination made by the Government servant in favour of a member of the family under clause (i) of proviso to sub-rule (2) shall not be affected.

(6) Nomination made by an unmarried Government servant, under clause (i) of sub-rule (2), in favour of any member of his family specified in the explanation below sub-rule (6) of rule 45 shall not become invalid on his or her marriage, unless the Government servant cancels the earlier nomination and files a fresh nomination in accordance with sub-rule (7).

(7) A Government servant may, at any time, cancel a nomination by sending a notice in writing to the Head of Office:

Provided that he shall, along with such notice, send a fresh nomination made in accordance with this rule.

(8) Immediately on the death of a nominee in respect of whom no special provision has been made in the nomination under clause (i) of sub-rule (4) or on the occurrence of any event by reason of which the nomination becomes invalid in pursuance of clause (ii) of sub-rule (4), the Government servant shall send to the Head of Office a notice in writing cancelling the nomination together with a fresh nomination made in accordance with this rule.

(9)(a) Every nomination made (including every notice of cancellation, if any, given) by a Government servant under this rule, shall be sent to the Head of Office.

(b) The Head of Office shall, immediately on receipt of such nomination, verify that the nomination made by the Government servant is in accordance with the provisions of this rule and, if the Government servant has a family, the nomination made is in favour of one or more members of the family as referred to in the explanation below sub-rule (6) of rule 45. The Head of Office shall, thereafter, countersign the nomination indicating the date of receipt and keep it under his custody:

Provided that the Head of Office may authorise his subordinate Gazetted Officers to countersign nomination forms of non-gazetted Government servants.

(c) Suitable entry regarding receipt of nomination shall be made in the service book of the Government servant concerned.

(d) A duly signed copy of the nomination form shall be returned to the Government servant for keeping it in his safe custody.

(10) Every nomination made, and every notice of cancellation given, by a Government servant shall, to the extent that it is valid, take effect from the date on which it is received by the Head of Office.

47. Persons to whom gratuity is payable.- (1)(a) The gratuity payable under rule 45 shall be paid to the person or persons on whom the right to receive the gratuity is conferred by means of a nomination under rule 46.

(b) In case there is no such nomination or if the nomination made does not subsist, the gratuity shall be paid in the manner indicated below,–

(i) if there are one or more surviving members of the family as in clauses (i), (ii), (iii), (iv) and (v) of the explanation below sub-rule (6) of rule 45, to all such members in equal shares; or

(ii) if there are no such surviving members of the family as in sub-clause (i) above, but there are one or more members as in clauses (vi), (vii), (viii), (ix), (x) and (xi) of the explanation below sub-rule (6) of rule 45, to all such members in equal shares.

(2) In case a nominee pre-deceases the Government servant and the right conferred on that nominee has not been passed on to any other person under sub-rule (4) of rule 46 or the nomination made in respect of such person does not subsist or the nomination has become invalid on account of happening of any contingency mentioned therein, the share of gratuity in respect of such nominee shall be disbursed equally to all other members of the family who were eligible and alive on the date of death of the Government servant, including the members of the family in whose favour nomination has been made for payment of remaining amount of gratuity.

(3) In case a Government servant dies after retirement without receiving the retirement gratuity admissible under sub-rule (1) of rule 45, the gratuity shall be disbursed to the family in the manner indicated in sub-rule (1) of this rule.

(4) The right of a female member of the family, or that of a brother, of a Government servant who dies while in service or after retirement, to receive the share of gratuity shall not be affected if the female member marries or re-marries, or the brother attains the age of eighteen years, after the death of the Government servant and before receiving her or his share of the gratuity.

(5) Where gratuity is granted under rule 45 to a minor member of the family of the deceased Government servant, it shall be payable to the guardian on behalf of the minor.

(6) Payment of the minor's share of gratuity shall be made to the natural guardian of the minor, if any. In the absence of a natural guardian, the payment of minor's share of gratuity shall be made to the person who furnishes a certificate of guardianship.

(7) In the absence of a natural guardian, payment of an amount not exceeding twenty percent of minor's share of gratuity may be made to the guardian without the production of a guardianship certificate but on production of an indemnity bond in Format 7 and the balance amount of minor's share of gratuity may be paid to the guardian on production of the certificate of guardianship.

(8) If there are more than one member of the family eligible to receive gratuity under this rule and if a member of the family has not submitted his claim for gratuity in Form 9, the case for sanction of gratuity to him may be processed after his claim has been received and the case of other eligible members of the family for sanction of gratuity may be processed without linking it with the case of the family member who has not submitted the claim in Form 9.

48. Debarring a person from receiving gratuity.- (1) If a person who in the event of death of a Government servant while in service is eligible to receive gratuity in terms of rule 47, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, his claim to receive his share of gratuity shall remain suspended till the conclusion of the criminal proceedings instituted against him.

(2) If on the conclusion of the criminal proceedings referred to in sub-rule (1), the person concerned,-

(a) is convicted for the murder or abetting in the murder of the Government servant, he shall be debarred from receiving his share of gratuity which shall be payable to other eligible members of the family, if any,

(b) is acquitted of the charge of murdering or abetting in the murder of the Government servant, his share of gratuity shall be payable to him.

(3) The provisions of sub-rule (1) and sub-rule (2) shall also apply to the undisbursed gratuity referred to in sub-rule (3) of rule 47.

Explanation.- For the purpose of this rule, the charge of murder or abetting in the murder of Government servant will include the charge of abetting death by suicide.

49 Lapse of retirement gratuity and death gratuity.- Where a Government servant dies while in service or after retirement without receiving the amount of gratuity and leaves behind no family and –

(a) has made no nomination, or

(b) the nomination made by him does not subsist,

the amount of retirement gratuity or death gratuity payable in respect of such Government servant under rule 45 shall lapse to the Government:

Provided that the amount of death gratuity or retirement gratuity shall be payable to the person in whose favour a Succession Certificate in respect of the gratuity in question has been granted by a Court of Law.

CHAPTER VIII

Family Pension

50. Family Pension.- (1) Where a Government servant dies,-

(i) after completion of one year of continuous service; or

(ii) before completion of one year of continuous service, provided the deceased Government servant concerned immediately prior to his appointment to the service or post was examined by the appropriate medical authority and declared fit by that authority for Government service; or

(iii) after retirement from service and was on the date of death in receipt of a pension, or compassionate allowance, referred to in these rules,

the family of the deceased shall be entitled to a family pension from the date following the date of death of the Government servant or the retired Government servant, as the case may be.

Explanation - 'Continuous service' means service rendered in a temporary or permanent capacity in a pensionable establishment and does not include period of suspension, if any and period of service, if any, rendered before attaining the age of eighteen years.

(2)(a)(i) Subject to sub-clause (ii) and sub-clause (iii), the amount of family pension shall be determined at a uniform rate of thirty per cent of pay subject to a minimum of nine thousand rupees per month and a maximum of seventy-five thousand rupees per month.

(ii) Where a Government servant dies while in service, the rate of family pension payable to the family shall be equal to fifty per cent of the pay and the amount so admissible shall be payable from the date following the date of death of the Government servant for a period of ten years.

(iii) In the event of death of a Government servant after retirement, the family pension as determined under sub-clause (ii) shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of sixty seven years had he survived, whichever is less:

Provided that in no case the amount of family pension determined under this sub-clause shall exceed the pension authorised on retirement or dismissal from Government service:

Provided further that where the amount of pension authorised on retirement or dismissal is less than the amount of family pension admissible under sub-clause (i), the amount of family pension determined under this sub-clause shall be limited to the amount of family pension admissible under sub-clause (i).

(iv) The amount of family pension payable under sub-clause (ii) or sub-clause (iii) shall be subject to a minimum of nine thousand rupees per mensem and a maximum of one lakh twenty five thousand rupees per mensem.

Explanation.-1. Pay for the purpose of sub-clause (i) and sub-clause (ii) means (i) emoluments as referred to in rule 31 or (ii) average emoluments as referred to in rule 32, whichever is more.

Explanation.-2. For the purpose of sub-clause (iii), pension authorised on retirement includes the part of the pension which the retired Government servant may have commuted before death.

Explanation.-3. For the purpose of sub-clause (iii), the expression 'pension authorised on retirement' includes the pension authorised on compulsory retirement and compassionate allowance sanctioned on dismissal or removal from Government service.

(b) After the expiry of the period referred to in sub-clause (ii) and sub-clause (iii) of clause (a), the family, in receipt of family pension under those sub-clauses, shall be entitled to family pension at the rate admissible under sub-clause (i) of clause (a).

(3)(a) In addition to family pension admissible in accordance with sub-rule (2), additional family pension shall be payable to the family pensioner after completion of age of eighty years in the following manner:-

Sl. No.	Age of family pensioner	Additional family pension
(1)	(2)	(3)
(i)	From 80 years to less than 85 years	20 per cent of basic family pension.
(ii)	From 85 years to less than 90 years	30 per cent of basic family pension.
(iii)	From 90 years to less than 95 years	40 per cent of basic family pension.
(iv)	From 95 years to less than 100 years	50 per cent of basic family pension.
(v)	100 years or more	100 per cent of basic family pension.

(b) The additional family pension shall be payable from first day of the calendar month in which it falls due.

Illustration: A family pensioner born on 20th August, 1942 shall be eligible for additional family pension at the rate of twenty percent of the basic family pension with effect from 1st August, 2022. A family pensioner born on 1st August, 1942 shall also be eligible for additional family pension at the rate of twenty percent of the basic family pension with effect from 1st August, 2022.

(4) The amount of family pension admissible under sub-rule (2) and additional family pension admissible under sub-rule (3), where applicable, shall be fixed at monthly rates and shall be expressed in whole rupees and where the family pension or the additional family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that in no case a family pension under sub-rule (2) shall be allowed in excess of the maximum prescribed under this rule.

(5) (a) Where an award of family pension under the Central Civil Services (Extraordinary Pension) Rules, 1939 is authorised, no family pension under this rule shall be payable during the currency of award.

(b) Where a claim for an award of family pension under the Central Civil Services (Extraordinary Pension) Rules, 1939 is under consideration, a family pension may be authorised in accordance with these rules and if, subsequently, it is decided to authorise family pension under the Central Civil Services (Extraordinary Pension) Rules, 1939, a revised Pension Payment Authority shall be issued for payment of family pension under those Rules and the family pension authorised under these rules shall be discontinued.

(c) The family pension payable under this rule shall not be subject to any limitation with reference to the family pension admissible to a member of the family in respect of the same Government servant or pensioner for the service rendered by him in any other organisation, including the service rendered in the armed forces.

(6) The family pension shall be payable to the members of the family of the deceased Government servant or pensioner in the following order, namely:-

(i) subject to provisions of sub- rule (8), widow or widower, (including a post-retiral spouse and judicially separated wife or husband),

(ii) subject to provisions of sub-rule (9), children (including adopted children, step children and children born after retirement of the pensioner),

(iii) subject to provisions of sub-rule (10), dependent parents (including adoptive parents) of the deceased Government servant or pensioner,

(iv) subject to provisions of sub-rule (11), dependent siblings (i.e. brother or sister) of the deceased Government servant or pensioner, suffering from a mental or physical disability,

Explanation.- For the purposes of this rule 'widow' and 'widower', shall mean a spouse, legally wedded to the deceased Government servant or the pensioner.

(7)(a) Subject to the proviso to clause (b), clauses (c), (d), (e), (f) and (g) of sub-rule (8) and clause (g), proviso to sub-clause (iii) of clause (h) and clause (k) of sub-rule (9), the family pension shall not be payable to more than one member of the family of the deceased Government servant or the pensioner at the same time.

(b) Where the family pension is payable to more than one member of the family at the same time, it will be paid in equal shares and if the share of the family pension contains a fraction of a rupee, it shall be rounded off to the next higher rupee:

Provided that a family pension in excess of the maximum prescribed under this rule shall not be allowed and if, as a result of rounding off fraction of a rupee on division of family pension among two or more members of the family, total amount of family pension exceeds the maximum prescribed under this rule, such fraction of a rupee shall be ignored.

(8)(a) If the deceased Government servant or the pensioner is survived by a widow or widower, family pension at the rate specified in sub-rule (2) shall be payable to such widow or widower, up to the date of death or re-marriage, whichever is earlier and the eligibility of widow or widower for family pension shall not be affected by the amount of her or his income from other sources.

(b) Where a deceased Government servant is survived by a childless widow, on re-marriage by the childless widow, family pension shall continue to be payable to her, if her income from all other sources is less than the amount of minimum family pension under sub-rule (2) and the dearness relief admissible thereon:

Provided that if, after re-marriage, income of childless widow from all other sources becomes equal to or exceeds the amount of minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon, family pension payable to her shall be stopped and shall become payable to the other eligible member of the family, if any, of the deceased Government servant.

(c) Where the deceased Government servant or pensioner is survived by more widows than one, the family pension shall be paid to the widows in equal shares and on the death or ineligibility of a widow, her share of the family pension shall become payable to her child or children who fulfil the eligibility conditions mentioned in sub-rule (9).

(d) In case, the widow is not survived by any child, her share of the family pension shall not lapse but shall be payable to the other widows in equal shares, or if there is only one such other widow, in full, to her.

(e) Where the deceased Government servant or pensioner is survived by a widow without any child eligible for family pension but has left behind eligible child or children from another wife who is not alive, the child or children who fulfil the eligibility conditions mentioned in sub-rule (9) shall be entitled to the share of family pension which the mother would have received if she had been alive at the time of the death of the Government servant or pensioner and on the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares shall not lapse, but shall be payable to the other widow or widows and/or to other child or children otherwise eligible in accordance with sub-rule (9), in equal shares, or if there is only one widow or child, in full, to such widow or child:

Provided that if the deceased Government servant or pensioner is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable, such share shall be payable to her child or children in accordance with clause (c) and sub-rule (9).

(f) Where the deceased Government servant or pensioner is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a divorced wife or wives, the child or children who fulfil the eligibility conditions mentioned in sub-rule (9) shall be entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had she not been so divorced. On the share or shares of family pension payable to such a child or children or to a widow or widows ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the other widow or widows and/or to the other child or children otherwise eligible in accordance with sub-rule (9), in equal shares, or if there is only one widow or child, in full, to such widow or child:

Provided that if the deceased Government servant or pensioner is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable, such share shall be payable to her eligible child or children in accordance with clause (c) and sub-rule (9).

(g) Where the deceased Government servant or pensioner is survived by a widow without any child eligible for family pension but has left behind eligible child or children from a void or voidable marriage, the child or children from the void or voidable marriage who fulfil the eligibility conditions mentioned in sub-rule (9) shall be entitled to the share of family pension which the mother would have received at the time of the death of the Government servant or pensioner had the marriage not been void or voidable and on the share or shares of family pension payable to such a child or children or to a widow ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the widow or to the child or children otherwise eligible, in equal shares, or if there is only one widow or child, in full, to such widow or child.

Provided that if the deceased Government servant or pensioner is survived by the widow with child or children eligible for family pension, on the share of family pension payable to the widow ceasing to be payable, such share shall be payable to her eligible child or children in accordance with clause (c) sub-rule (9).

(h) Where a male Government servant or pensioner or female Government servant or pensioner dies leaving behind a judicially separated widow or widower and no child or children, the family pension in respect of the deceased shall be payable to the person surviving.

(i) Where a male Government servant or pensioner or female Government servant or pensioner dies leaving behind a judicially separated widow or widower with a minor child or children or a child or children suffering from disorder or disability of mind including the mentally retarded, the family pension in respect of deceased shall be payable to the surviving person provided he or she is the guardian of such child or children and if the surviving person ceases to be the guardian of such child or children, such family pension shall be payable to the person who is the actual guardian of such child or children:

Provided that where the minor child, after attaining the age of majority, remains eligible for family pension, the family pension shall become payable to such child from the date on which he attains the age of majority and after the child ceases to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(j) Where a male Government servant or pensioner or female Government servant or pensioner dies leaving behind a judicially separated widow or widower with a child who has attained the age of majority but is eligible for family pension, the family pension shall become payable to such child after the death of the Government servant. After the child or children cease to be eligible for family pension under this rule, such family pension shall become payable to the surviving judicially separated spouse of the deceased Government servant till his or her death or remarriage, whichever is earlier.

(k) It shall be the duty of a childless widow after her re-marriage to furnish a certificate to the Pension Disbursing Authority once in a year that she has not started earning her livelihood.

Explanation.- For the purposes of this rule, a childless widow shall be deemed to be earning her livelihood if her income from other sources is equal to or more than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

(9)(a) If the deceased Government servant or the pensioner is not survived by a widow or widower or if the widow or widower dies or ceases to be eligible for family pension, family pension at the rate specified in sub-rule (2) shall be payable to the child or children who fulfil the following conditions:

(i) In the case of a son (other than a son suffering from a mental or physical disability) (including adopted son, step son and son born after retirement of the pensioner) – unmarried, below the age of twenty five years and not earning his livelihood;

(ii) In the case of a daughter (other than a daughter suffering from a mental or physical disability) (including adopted daughter, step daughter and daughter born after retirement of the pensioner) – unmarried or widowed or divorced and not earning her livelihood

(iii) In the case of a son or daughter suffering from a mental or physical disability (including adopted son or daughter, step son or daughter and son or daughter born after retirement of the pensioner) – not earning his or her livelihood.

(b) A son or a daughter, other than a son or a daughter suffering from a mental or physical disability, shall be deemed to be earning his or her livelihood if his or her income from other sources is equal to or more than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

(c) A child suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood, if his or her overall income from sources other than family pension is less than the entitled family pension under sub-clause (i) of clause (a) of sub-rule (2) of this rule and the dearness relief admissible thereon, payable on death of the Government servant or pensioner concerned.

(d) Where a deceased Government servant or pensioner leaves behind more children than one, family pension shall first be payable to children below the age of twenty-five years, who fulfil the eligibility conditions for grant of family pension, in the order of their birth.

(e) The elder child shall be entitled to the family pension till he or she has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood, whichever is the earliest and the younger of the children will be eligible for family pension after the elder next above him or her has attained the age of twenty-five years or has got married or remarried or has started earning his or her livelihood or has died.

(f) Where family pension is granted under this rule to a minor, it shall be payable to the minor through the guardian.

(g) Where the family pension is payable to twin children it shall be paid to such children in equal shares and when one such child ceases to be eligible, his or her share shall revert to the other child and when both of them cease to be eligible the family pension shall be payable to the next eligible single child or twin children.

(h) Where a deceased Government servant or pensioner is not survived by a son or daughter below the age of twenty-five years and eligible for family pension or where such son or daughter has died or has ceased to be eligible for family pension, the family pension shall be payable for life to a son or daughter who is suffering from any disorder or disability of mind including the mentally retarded or is physically disabled or suffering from any other disability referred to in the Rights of Persons with Disabilities Act, 2016 (49 of 2016) so as to render him or her unable to earn a living even after attaining the age of twenty-five years, subject to the following conditions, namely:-

(i) the disability existed before the death of the Government servant or pensioner and his or her spouse;

(ii) if such son or daughter is one among two or more children of the Government servant, the family pension shall be initially payable to the children below the age of twenty-five years in the order set out in clause (d) until the last child attains the age of twenty-five and thereafter the family pension shall be resumed in favour of the son or daughter suffering from a disability referred to in clause (h) and shall be payable to him or her, for life;

(iii) if there are more than one such children suffering from a disability referred to in clause (e), the family pension shall be paid in the order of their birth and the younger of them will get the family pension only after the elder next above him or her ceases to be eligible or dies:

Provided that where the family pension is payable to such twin children it shall be paid in the manner set out in clause (d);

(iv) the family pension shall be paid to a son or daughter, who is suffering from any disorder or disability of mind including the mentally retarded, through the guardian as if he or she were a minor except in the case of the physically disabled son or daughter who has attained the age of majority;

(v) before allowing the family pension for life to any such son or daughter, the appointing authority shall satisfy that the disability is of such a nature so as to prevent him or her from earning his or her livelihood and the same shall be evidenced by a certificate obtained from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration; or

(B) a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of disability, setting out, as far as possible, the exact mental or physical condition of the child.

(vi) the person receiving the family pension as guardian of such son or daughter or such son or daughter not receiving the family pension through a guardian shall produce a certificate, from,-

(A) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration; or

(B) a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of disability including mental retardation,

once, if the disability is permanent and if the disability is temporary, once in every five years, to the effect that he or she continues to suffer from a disability referred to in clause (h);

(vii) in the case of a mentally retarded son or daughter, the family pension shall be payable to a person nominated by the Government servant or the pensioner, as the case may be, and in case no such nomination has been furnished to the Head of Office by such Government servant or pensioner during his lifetime, to the person nominated by the spouse of such Government servant or family pensioner, as the case may be, later on and the Guardianship Certificate issued under section 14 of the National Trust Act,1999 (44 of 1999), by a local level Committee, shall also be accepted for nomination or appointment of guardian for grant of family pension in respect of the person suffering from Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities as indicated in the said Act;

(i) Marriage by a child who is suffering from a disability referred to in clause (h) shall not render him or her ineligible for family pension under this sub-rule;

(j) Where a deceased Government servant or pensioner is not survived by a son or daughter eligible for family pension under clause (d) or clause (h) or if a son or daughter eligible for family pension under clause (d) or clause (h) dies or ceases to fulfil the eligibility conditions for family pension prescribed in those clauses, the family pension shall be granted or continued to be payable to an unmarried or widowed or divorced daughter beyond the age of twenty-five years for life or until she gets married or re-married or until she starts earning her livelihood, whichever is the earliest subject to the following conditions, namely:-

(i) the family pension shall be initially payable to the children in the order set out in clause (d) until the last child attains the age of twenty-five years;

(ii) there is no disabled child eligible to receive family pension in accordance with clause (e);

(iii) the unmarried or widowed or divorced daughter was dependant on her parent or parents when he or she or they were alive;

(iv) where a deceased Government servant or pensioner leaves behind more than one unmarried or widowed or divorced daughter beyond the age of twenty-five years, family pension shall first be payable to such daughter, who fulfil the eligibility conditions for grant of family pension under this sub-rule, in the order of their birth;

(v) The elder daughter shall be entitled to the family pension till she has got married or remarried or has started earning her livelihood, whichever is earlier and the younger of the daughters will be eligible for family pension after the elder next above her has got married or remarried or has started earning his or her livelihood or has died;

(vi) in the case of widowed daughter, death of her husband and in the case of divorced daughter, her divorce took place during the lifetime of the Government servant or pensioner or his or her spouse:

Provided that the family pension shall be payable to a divorced daughter from the date of divorce if the divorce proceedings were filed in a competent court during the life time of the Government servant or pensioner or his or her spouse but the divorce took place after their death:

Provided further that if, consequent on the death of the Government servant or pensioner and his or her spouse, the family pension to any other eligible member of the family has become payable before the date of divorce of daughter, the family pension to such divorced daughter shall not commence before the aforesaid member of the family ceases to be eligible for family pension or dies;

(k) Where a deceased Government servant or pensioner leaves behind children from more than one widow or from a widow and a divorced wife or from a widow or a divorced wife and void or voidable marriage, the child or children who fulfil the eligibility conditions mentioned in this sub-rule shall be entitled to the share of family pension which their mother would have received at the time of the death of the Government servant or pensioner if she had been alive or if she had not been so divorced or if the marriage had not been void or voidable, as the case may be.

(l) Where there are more than one child from a widow or a divorced wife and void or voidable marriage, the share of family pension to such children shall be payable in the manner specified in this sub-rule.

(m) Where the share or shares of family pension payable to such a child or children ceasing to be payable, such share or shares, shall not lapse, but shall be payable to the child or children from other widow or divorced wife or void or voidable marriage, otherwise eligible, in equal shares, or if there is only one child, in full, to such child.

Explanation.- The expressions 'son' or 'daughter' will include a posthumous son or posthumous daughter, respectively.

(n) An unmarried son or an unmarried or widowed or divorced daughter, except a disabled son or daughter, shall become ineligible for family pension from the date he or she gets married or remarried.

(o) The family pension payable to a son or a daughter shall be stopped if he or she starts earning his or her livelihood.

(p) It shall be the duty of son or daughter or the guardian to furnish a certificate to the Pension Disbursing Authority once in a year that,-

(i) he or she has not started earning his or her livelihood; and

(ii) he or she has not yet married or remarried and a similar certificate shall be furnished by the son or daughter suffering from a mental or physical disability to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood.

(10)(a) Where a deceased Government servant or pensioner is not survived by a widow or widower or a child eligible for family pension or if the widow or widower and all children cease to be eligible for family pension, the family pension at the rate specified in sub-rule (2) shall be payable to the parents for life, if the parents were dependent on the Government servant or pensioner immediately before his or her death.

(b) The family pension, wherever admissible to parents will be payable to the mother of the deceased Government servant or pensioner failing which to the father of the deceased Government servant or pensioner.

Explanation.- Parents shall be deemed to be dependent on the Government servant if their combined income is less than the minimum family pension under sub-rule (1) of this rule and the dearness relief admissible thereon.

(c) It shall be the duty of parents to furnish a certificate to the Pension Disbursing Authority once in a year that they have not started earning their livelihood and the family pension payable to parents shall be stopped if they start earning their livelihood.

(11)(a) Where a deceased Government servant or pensioner is not survived by a widow or widower or a child or parents eligible for family pension or if the widow or widower, children and parents of the Government servant or pensioner cease to be eligible for family pension, the family pension at the rate specified in sub-rule (2) shall be payable to the dependent siblings suffering from a mental of physical disability, of the Government servant or pensioner for life if the siblings were wholly dependent upon the Government servant or pensioner immediately before his or her death.

(b) Such a sibling shall be eligible for family pension for life in the same manner and subject to same eligibility conditions and following the same disability criteria, as laid down in clause (h) and clause (i) of sub-rule (9) in the case of son or daughter of a Government employee or pensioner suffering from any disability referred to in clause (h), so as to render him or her unable to earn a living even after attaining the age of twenty-five years:

Provided that the family pension to such sibling shall be payable if the disability existed before the death of the Government servant or pensioner.

Explanation.- A sibling suffering from a mental or physical disability shall be deemed to be dependent on the Government servant if his or her overall income from sources other than family pension is less than the entitled family pension under sub-clause (i) of clause (a) of sub-rule (2) of this rule and the dearness relief admissible thereon, payable on death of the Government servant/pensioner concerned.

(c) It shall be the duty of such a sibling to furnish a certificate to the Pension Disbursing Authority once in a year that he or she has not started earning his or her livelihood and the family pension payable to such a sibling shall be stopped if he or she starts earning his or her livelihood.

Explanation.- For the purpose of this rule,-

(a) a member of the family, other than a child or a sibling, suffering from a mental or physical disability, shall be deemed to be earning his or her livelihood if his or her income from other sources is equal to or more than the minimum family pension under sub-rule (2) of this rule and the dearness relief admissible thereon.

(b) in the case of a child or a sibling suffering from a mental or physical disability shall be deemed to be not earning his or her livelihood, if his or her overall income from sources other than family pension is less than the entitled family pension under sub-clause (i) of clause (a) of sub-rule (2) of this rule and the dearness relief admissible thereon, payable on death of the Government servant or pensioner concerned.

(12)(a) The family pension admissible to a person consequent on death of a Government servant or pensioner shall not be considered as income for the purpose of determination of eligibility for a family pension under this rule consequent on death of another Government servant or pensioner, subject to the condition that the sum of both the family pensions shall not exceed the limits specified in sub-rule (13).

(b) (i) In order to decide the eligibility for family pension under this rule, a member of the family, other than the widow or widower of the deceased Government servant or pensioner, shall be required to submit, along with the claim for family pension, a copy of the last Income Tax Return filed by the said member of the family with the Income Tax Department.

(ii) In case the said member of the family informs that he or she has not filed the Income Tax Return with the Income Tax Department, he or she shall submit a certificate of income from a sub-divisional magistrate.

(iii) In case the member of the family is not able to submit either a copy of the Income Tax Return or a certificate of income from a sub-divisional magistrate, the Head of Office may rely on any other document produced by the said member of the family in support of his or her claim regarding income and decide the eligibility of the said member of the family for family pension accordingly.

(c) A person, while claiming family pension on death of a Government servant or a pensioner or a family pensioner, shall indicate against the specific column in Form 10 whether or not he or she is already in receipt of a family pension in respect of another Government servant or pensioner and, if so, the amount of family pension being received by him or her.

(d) The Head of Office, while determining the amount of family pension payable to such person, shall take into account the information furnished by the claimant in this regard and ensure that the sum of family pensions payable to that person does not exceed the limits specified in sub-rule (13).

(13) In case, both wife and husband are Government servants and are governed by the provisions of this rule and one of them dies while in service or after retirement, the family pension in respect of the deceased shall become payable to the surviving husband or wife and in the event of the death of the husband or wife, the surviving child or children shall be granted the two family pensions in respect of the deceased parents, subject to the limits specified below, namely,-

(i) if the surviving child or children is or are eligible to draw two family pensions at the rate mentioned in sub-clause (ii) or sub-clause (iii) of clause (a) of sub-rule (2), the amount of both the family pensions shall be limited to one lakh twenty-five thousand rupees per mensem;

(ii) if one of the family pensions ceases to be payable at the rate mentioned in sub-clause (ii) or sub-clause (iii) of clause (a) of sub-rule (2), and in lieu thereof the family pension at the rate mentioned in sub-clause (i) of clause (a) of sub-rule (2) becomes payable, the amount of both the pensions shall also be limited to one lakh twenty-five thousand rupees per mensem;

(iii) if both the family pensions are payable at the rates mentioned in sub-clause (i) of clause (a) of sub-rule (2), the amount of two family pensions shall be limited to seventy-five thousand rupees per mensem.

(14)(a) A child of a Government servant or a pensioner, while claiming family pension on death of the said Government servant or pensioner, shall indicate against the specific column in Form 10 whether or not he or she is eligible for another family pension under this rule in respect of the other parent and, if so, the amount of family pension admissible to him or her from that source.

(b) The Head of Office, while determining the amount of family pension payable to such person, shall take into account the information furnished by the claimant in this regard and ensure that the sum of family pensions payable to that person in respect of both parents does not exceed the limits specified in sub-rule (13).

(c) If a person, who in the event of death of a Government servant while in service, is eligible to receive family pension under this rule, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, the family pension shall not be paid to such a person till the conclusion of the criminal proceedings instituted against him.

(d) During the period the family pension is not paid to a person under clause (c), the family pension shall be paid to other eligible member of the family, if any, from the date following the date of death of the Government servant:

Provided that if the spouse of the Government servant is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence and the other member of the family eligible for family pension is a minor child of the deceased Government servant, the family pension to such minor child shall be payable through a duly appointed guardian, and the mother or father of the minor child shall not act as guardian for the purpose of drawal of family pension.

(e) If on the conclusion of the criminal proceedings referred to in clause (c), the person concerned,-

(i) is convicted for the murder or abetting in the murder of the Government servant, such a person shall be debarred from receiving the family pension which shall be continued to be paid to other eligible member of the family, if any;

(ii) is acquitted of the charge of murder or abetting in the murder of the Government servant, the family pension shall become payable to such a person-from the date of such acquittal and the family pension to other member of the family shall be discontinued from that date:

Provided that if there was no other eligible member of the family or the family pension ceased to be payable to the other eligible member of the family before the date of acquittal of the person concerned, the family pension shall be payable to such a person from the date following the date of death of the Government servant or from the date on which family pension ceased to be payable to the other eligible member of the family, as the case may be.

(f) The provisions of clause (c) to clause (e) shall also apply for the family pension becoming payable on the death of a Government servant after his retirement.

Explanation.- For the purpose of this sub-rule, the charge of murdering or abetting in the murder of Government servant will include the charge of abetting death by suicide.

15(a)(i) As soon as a Government servant enters Government service, he shall give details of his family in Form 4 to the Head of Office, which shall include all relevant details relating to spouse, all children, parents and disabled siblings (whether or not eligible for family pension).

(ii) If the Government servant has no family, he shall furnish the details in Form 4 as soon as he acquires a family.

(b) The Government servant shall communicate to the Head of Office any subsequent change in the size of his family, including the fact of marriage of his child.

(c) As and when the disability referred to in clause (h) of sub-rule (9) manifests itself in a child or dependant sibling which makes him or her unable to earn his or her living, the fact shall be brought to the notice of the Head of Office duly supported by a Medical Certificate from, -

(i) an authority competent to issue disability certificate in accordance with the Rights of Persons with Disabilities Act, 2016 (49 of 2016), the Rights of Persons with Disabilities Rules, 2017 and the guidelines and notifications issued by the Central Government or a State Government or a Union territory administration; or

(ii) a Medical Board comprising of a Medical Superintendent or a Principal or a Director or Head of the Institution or his nominee as Chairman and two other members, out of which at least one shall be a Specialist in the particular area of disability including mental retardation.

(d) (i) The Head of Office shall, on receipt of the said Form 4 verify that it has been properly filled by the Government servant in accordance with this rule and acknowledge receipt of the said Form 4 indicating the date of its receipt and get it pasted on the service book of the Government servant concerned and all further communications received from the Government servant in this behalf shall also be acknowledged by the Head of Office indicating the date of their receipt;

(ii) The Head of Office on receipt of communication from the Government servant regarding any change in the size of family shall have such a change incorporated in Form 4 under his signature and the fact regarding disability or change of marital status of a family member shall be indicated in the 'Remarks' column of Form 4;

(e) The Government servant shall submit the up to date details of the family in Form 4 again along with the pension papers, before retirement from Government service.

(f) Where a Government servant marries or remarries or a child is born to the Government servant after retirement, he shall give an intimation to this effect to the Head of Office in Form 5 along with a copy of the marriage certificate or birth certificate, as the case may be, from an authority competent to issue such certificate.

(g) Where the family of a Government servant undergoes a change after his retirement rendering a member of the family to be eligible for family pension on account of events such as birth of a child or disability of a child or sibling or divorce of a daughter or death of husband of a daughter, the retired Government servant or, if the Government servant has already died, his or her spouse or any other member of the family in receipt of the family pension, may give an intimation to this effect along with the supporting documents to the Head of Office and the Head of Office shall return a copy of the intimation acknowledging the receipt of the said intimation.

(h) The details of the following members of the family shall be included in Form 4,-

(i) Wife or husband, including a judicially separated wife or husband;

(ii) Son or daughter, whether or not eligible for family pension on the date of submission of Form 3 and the details of all children (including those from a deceased or divorced wife or from a void or voidable marriage);

(iii) Parents;

(iv) Disabled siblings.

(i) The claim of a member of the family of the deceased Government servant shall not be rejected on the ground that the details of such member of the family are not available in Form 4 or office records, if the Head of Office is otherwise satisfied about the eligibility of the member of the family for grant of family pension under these rules.

(16) Nothing contained in this rule shall apply to a re-employed Government servant who had retired from civil service or military service if, on such reemployment, he is not eligible for a pension or service gratuity under these rules.

51. Entitlements of family of a missing Government servant or pensioner or family pensioner.- (1)(a) In the case of a Government servant who goes missing, family pension shall be payable to a member or members of the family at a rate specified in sub-rule (2) of rule 50, and in the manner and subject to the eligibility conditions as applicable in the case of death of a Government servant during service.

(b) The family pension under clause (a) shall be payable from the date following the date up to which leave was sanctioned to the Government servant before he went missing or from the date up to which pay and allowances have been paid to the Government servant or from the date on which a report has been lodged with the concerned Police Station in the form of First Information Report or a Daily Diary Entry or a General Diary Entry, whichever is the latest.

(2)(a) In the case of a pensioner who goes missing, family pension shall be payable to an eligible member or members of the family at a rate specified in sub-rule (2) of rule 50, and in the manner and subject to the eligibility conditions as applicable in the case of death of a pensioner.

(b) The family pension under clause (a) shall be payable from the date following the date up to which pension has been paid to the pensioner who went missing or from the date on which a report was lodged with the concerned Police Station in the form of First Information Report or a Daily Diary Entry or a General Diary Entry, whichever is later.

(3)(a) In the case of a family pensioner who goes missing, family pension shall be payable to a member of the family who is eligible to receive the family pension after the death of the family pensioner, at a rate specified in sub-rule (2) of rule 50, and in the manner and subject to the eligibility conditions as applicable on death of a family pensioner.

(b) The family pension under clause (a) shall be payable from the date following the date up to which family pension has been paid to the family pensioner before he went missing or from the date on which a report was lodged with the concerned Police Station in the form of First Information Report or a Daily Diary Entry or a General Diary Entry, whichever is later.

(4) In the case of a Government servant who goes missing or a retired Government servant who goes missing without receiving the retirement gratuity admissible under sub-rule (1) of Rule 45, the amount of retirement gratuity shall be payable to a member or members of the family in the manner and subject to the conditions applicable in the case of a Government servant who dies after retirement without receiving the retirement gratuity.

(5)(a) Claims for payment of family pension and gratuity shall be submitted to the Head of Office by the member or members of the family eligible for family pension and nominees or members of family eligible to receive the amount of gratuity, after a report has been lodged with the concerned Police Station in the form of a First Information Report or a Daily Diary Entry or a General Diary Entry.

(b) The claims shall be accompanied by an Indemnity Bond in Format 8 along with a copy each of the report lodged with the concerned Police Station and the report obtained from the police to the effect that the Government servant or pensioner or family pensioner could not be traced so far despite all efforts made in that regard.

(6) In the case of a Government servant referred to in clause (a) of sub-rule (1), the pay for family pension and emoluments for retirement gratuity shall be determined in accordance with Explanation-1 below sub-rule (2) of rule 50 and sub-rule (6) of rule 45, respectively, based on the pay and emoluments on the last date on which he was on duty before he went missing or, if he was on leave, the date on which leave sanctioned to him expired.

(7) In the case of a retired Government servant referred to in sub-rule (4) the emoluments for the purpose of retirement gratuity shall be reckoned in accordance with sub-rule (6) of rule 45.

(8)(a) The payment of family pension (including the arrears of family pension for the period from the date specified in sub-rule (1) or sub-rule (2) or sub-rule (3), as the case may be, up to the date of commencement of payment of family pension) and the amount of gratuity shall not be made before the expiry of a period of six months from the date of lodging of report with the concerned Police Station:

Provided further that if the payment of gratuity is delayed and the delay is attributable to administrative lapses or reasons, interest shall be payable for the period of delay beyond a period of six months from the date of submission of claim and responsibility shall be fixed for such delayed payment of gratuity, in accordance with rule 65.

(b) In the case of a Government servant referred to in clause (a) of sub-rule (1), death gratuity shall become payable after the death of the Government servant is conclusively established or on expiry of a period of seven years from the date of lodging of the report with the police, whichever is earlier.

(c) The difference between the amount of death gratuity and retirement gratuity shall be paid to the person or persons eligible for payment of death gratuity in accordance with these rules, not later than three months from the date of submission of claim for difference between the amount of death gratuity and retirement gratuity.

(d) If the payment of difference between the amount of death gratuity and retirement gratuity is delayed and the delay is attributable to administrative lapses or reasons, interest shall be payable for the period of delay beyond a period of six months from the date of submission of claim for difference between the amount of death gratuity and retirement gratuity.

(9) In addition to the family pension and retirement gratuity, the family of the Government servant shall also be entitled to receive arrears of pay and allowances or leave salary, if any, cash equivalent to leave salary and amount available in the General Provident Fund Account of the Government servant in accordance with the rules as applicable to a Government servant who dies during service.

(10) Nothing in this rule shall apply in the case of a Government servant or a pensioner or a family pensioner who disappears and against whom allegation of fraud or embezzlement or any other crime is under investigation or who has been charged or convicted for such crimes.

(11) No payment under this rule shall be authorised to be paid to a person or persons other than a member or members of the family eligible to receive that payment.

CHAPTER IX

Dearness Relief

52. Dearness Relief on Pension and Family Pension .- (1) Relief against price rise may be granted to the pensioners, including the persons drawing compassionate allowance under rule 41 and family pensioners, in the form of dearness relief at such rates and subject to such conditions as the Central Government may specify from time to time.

(2) If a pensioner drawing pension or compassionate allowance under these rules is re-employed under the Central Government or State Government or a Corporation or Company or Body or Bank under them in India or abroad including permanent absorption or immediate absorption in such Corporation or Company or Body or Bank, he shall not be eligible to draw dearness relief on the pension or compassionate allowance during the period of such re-employment or permanent absorption or immediate absorption:

Provided that the dearness relief shall continue to be payable to a pensioner on re-employment or on permanent absorption or immediate absorption if,-

(i) before such re-employment, including permanent absorption or immediate absorption, he was not holding a post included or classified as Group 'A'; and

(ii) in accordance with the relevant rules or orders, his pay was fixed at the minimum of the scale of pay of the post in which he was so re-employed or absorbed and such minimum of the scale of pay was less than the pay which he was drawing immediately before his retirement or absorption; and

(iii) while fixing his pay in the post in which he was so re-employed or absorbed, the entire amount of pension sanctioned by the Central Government was ignored.

(3) For claiming dearness relief on pension or compassionate allowance, a pensioner who is re-employed, including permanent absorption or immediate absorption, under the Central or State Government or a Corporation or Company or Body or Bank under them in India or abroad, shall be required to obtain a certificate from the said Central or State Government Department or office or the Corporation or the Company or the Body or the Bank to the effect that,-

(i) the re-employed pensioner or absorbee pensioner was holding a civil post not included or classified as Group 'A' in the Central Government before such re-employment; and

(ii) the pay of the re-employed pensioner or absorbee pensioner was fixed at the minimum of the pay scale of the post in which he is so re-employed or absorbed and such minimum of the pay scale is less than the pay which the pensioner was drawing immediately before his retirement or absorption; and

(iii) the entire amount of pension or compassionate allowance sanctioned by the Central Government was ignored in fixation of the pay on re-employment or absorption and no part of the pension or compassionate allowance was taken into account in such fixation of pay in the pay scale of the post in which the pensioner is re-employed or absorbed.

(4) Nothing in sub-rule (2) or sub-rule (3) shall be applicable in the case of a family pensioner who is employed under the Central or State Government or a Corporation or Company or Body or Bank under them in India or abroad and is eligible to draw a family pension from the Government in respect of a deceased member of his family in accordance with rule 50 and such family pensioner shall continue to be eligible to draw dearness relief on family pension during the period of such employment in accordance with sub-rule (1).

CHAPTER X

Determination and authorisation of the amounts of pension and gratuity

53. Processing of pension cases in the online pension sanctioning system.- (1) Unless otherwise exempted by a general or special order of the Government, the pension case of a Government servant shall be processed through 'Bhavishya'.

(2)(a) **In the case of a department or office or person exempted from the purview of Bhavishya in accordance with sub-rule (1), the details or documents in respect of the person due to retire shall be transmitted in physical mode and his pension case shall be processed manually.**

(b) In a case or cases where a particular action or activity cannot be performed under Bhavishya, such action or activity shall be performed manually.

54. Preparation of list of Government servants due for retirement.- (1) Every Head of Department shall have a list prepared by 15th day of every month, of all Government servants who are due to retire within the next fifteen months of that date.

(2) A copy of every such list shall be supplied to the Accounts Officer concerned before the last day of every month.

(3) In the case of a Government servant retiring for reasons other than by way of superannuation, the Head of Office shall inform the Accounts Officer concerned not later than ten days from the date of issue of order regarding retirement of Government servant.

55. Intimation to the Directorate of Estates regarding issue of "No Demand Certificate".- (1) Immediately after preparing the list of Government servants due to retire within the next fifteen months, the Head of Office shall obtain from each such Government servant, who was or is in occupation of a Government accommodation (hereinafter referred to as the allottee), the complete details regarding the Government accommodation, as prescribed by the Directorate of Estates and shall send these details to the Directorate of Estates, at least one year before the anticipated date of retirement of the Government servant for issuing a `No demand certificate' in respect of the period preceding eight months of the retirement of the allottee.

(2) Immediately after the orders for retirement of a Government servant for reasons other than by way of superannuation, the Head of Office shall also obtain from such Government servant, the details regarding the Government accommodation held by him from time to time, if any.

(3) The Head of Office shall, within ten days of receipt of the details from the Government servant, send these details to the Directorate of Estates along with a copy of intimation sent by him to the Accounts Officer under sub-rule (3) of rule 54 for issuing a `No demand certificate', if the Government servant concerned was or is an allottee of Government accommodation.

(4) A Government servant, referred to in sub-rule (1), if he is not in occupation of any residential accommodation and had also not been allotted any residential accommodation during his service, shall submit a declaration to the Head of Office to this effect one year before his retirement on superannuation.

(5) A Government servant, referred to in sub-rule (2), if he is not in occupation of any residential accommodation and had also not been allotted any residential accommodation during his service, shall submit a declaration to the Head of Office to this effect immediately after the competent authority has approved such retirement or the retirement has become effective, as the case may be.

(6) The Head of Office, after verification of the records, shall issue the 'No Demand Certificate' in respect of a Government servant referred to in sub-rule (4) and sub-rule (5). No separate 'No Demand Certificate' from the Directorate of Estates shall be necessary in such a case.

Explanation.- The term 'Directorate of Estates', wherever occurring in these rules, shall also include any other office or agency concerned with allotment and maintenance of accommodation for Government servants in a Department or office.

56. Preparation for processing of pension case.- Every Head of Office shall undertake the preparatory work for processing of pension case one year before the date on which a Government servant is due to retire on superannuation, or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier.

57. Stages for the processing of pension case on superannuation.- (1) The Head of Office shall divide the period of preparatory work of one year referred to in Rule 56 in the following three stages, namely:–

(a) First Stage. – Verification of service,–

(i) the Head of Office shall go through the service book of the Government servant and satisfy himself as to whether the certificates of verification for the service subsequent to the service verified under rule 30 are recorded therein;

(ii) in respect of the unverified portion or portions of service, he shall verify the portion or portions of such service, as the case may be, based on pay bills, acquittance rolls or other relevant records, such as last pay certificate and pay slip for month of April (which shows verification of service for the previous financial year) and record necessary certificates in the service book;

(iii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i) and sub-clause (ii), that period of service having been rendered by the Government servant in another office or Department, the Head of Office under which the Government servant is at present serving shall refer the said period of service to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification;

(iv) on receipt of communication referred to in sub-clause (iii), the Head of Office in that office or Department shall verify the portion or portions of such service, in the manner as specified in sub-clause (ii), and send necessary certificates to the referring Head of Office within two months from the date of receipt of such a reference:

Provided that in case a period of service is incapable of being verified, it shall be brought to the notice of the referring Head of Office simultaneously;

(v) if no response is received within the time referred to in the preceding sub-clause, such period or periods shall be deemed to qualify for pension;

(vi) if at any time thereafter, it is found that the Head of Office and other concerned authorities had failed to communicate any non-qualifying period of service, the Secretary of the administrative Ministry or Department shall fix responsibility for such non-communication;

(vii) the process specified in sub-clauses (i), (ii), (iii), (iv) and (v) shall be completed eight months before the date of superannuation;

(viii) if any portion of service rendered by a Government servant is not capable of being verified in the manner specified in sub-clause (i) or sub-clause (ii) or sub-clause (iii) or sub-clause (iv) or sub-clause (v), the Government servant shall be asked to file a written statement on plain paper within a month, stating that he had in fact rendered service for that period, and shall, at the foot of the statement, make and subscribe to a declaration as to the truth of that statement;

(ix) the Head of Office shall, after taking into consideration the facts in the written statement referred to in sub-clause (viii) admit that portion of service as having been rendered for the purpose of calculating the pension of that Government servant; and

(x) if a Government servant is found to have given any incorrect information wilfully, which makes him or her entitled to any benefits which he or she is not otherwise entitled to, it shall be construed as a grave misconduct.

(b) Second Stage.- Making good the omissions in the service book,-

(i) the Head of Office while scrutinising the certificates of verification of service, shall also identify if there are any other omissions, imperfections or deficiencies which have a direct bearing on the determination of emoluments and the service qualifying for pension;

(ii) every effort shall be made to complete the verification of service, as specified in clause (a) and to make good the omissions, imperfections or deficiencies referred to in sub-clause (i);

(iii) any omission, imperfection or deficiency which is incapable of being made good and the periods of service about which the Government servant has submitted no statement and the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in clause (a) shall be ignored and service qualifying for pension shall be determined on the basis of the entries in the service book;

(iv) for the purpose of calculation of emoluments and average emoluments, the Head of Office shall verify from the service book the correctness of the emoluments drawn or to be drawn during the last ten months of service;

(v) in order to ensure that the emoluments during the last ten months of service have been correctly shown in the service book, the Head of Office shall verify the correctness of emoluments only for the period of twenty-four months preceding the date of retirement of a Government servant, and not for any period prior to that date.

(c) Third Stage.- As soon as the second stage is completed, but not later than eight months prior to the date of retirement of the Government servant, the Head of Office shall,-

(i) furnish to the retiring Government servant a certificate regarding the length of qualifying service proposed to be admitted for the purpose of pension and gratuity and also the emoluments and the average emoluments proposed to be reckoned for retirement gratuity and pension;

(ii) direct the retiring Government servant to furnish to the Head of Office the reasons for non-acceptance, supported by the relevant documents in support of his claim within two months if the certified service and emoluments as indicated by the Head of Office are not acceptable to him;

(iii) advise the retiring Government servant to submit Form 4 and Form 6 along with an undertaking to the Bank in Format 9, a common nomination form for arrears of pension and commuted value of pension in Form A appended to the Payment of Arrears of Pension (Nomination) Rules, 1983 and an option form for availing Fixed Medical Allowance or out-patient medical facility provided by the Government.

(2)(a) The Government servant shall submit to the Head of Office duly completed Form 4 and Form 6 along with an undertaking to the Bank in Format 9, a common nomination form for arrears of pension and commuted value of pension in Form A appended to the Payment of Arrears of Pension (Nomination) Rules, 1983 and an option form for availing Fixed Medical Allowance or out-patient medical facility provided by the Government, not later than six months prior to his date of retirement.

(b) The Government servant shall also apply in Form 6, if he so desires, for commutation of a percentage of pension in accordance with the Central Civil Services (Commutation of Pension) Rules, 1981.

(3)(a) Where the Head of Office is satisfied that the Government servant is not in a position to submit the forms referred to in sub-rule (2) on account of any bodily or mental infirmity, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, the member of the family eligible to receive family pension on death of Government servant, to submit Form 4 and Form 6.

(b) If there is no member of the family eligible to receive family pension on death of Government servant, a member of the family in whose favour a nomination was made by the Government servant for payment of gratuity, may be allowed to submit Form 4 and Form 6:

Provided that where the said forms are submitted by the spouse or any other member of the family, the Government servant shall not be entitled to the benefit of commutation of a percentage of pension until he himself subsequently applies for such commutation in accordance with the Central Civil Services (Commutation of Pension) Rules, 1981.

58. Submission of forms by Government servant retiring for reasons other than superannuation.- (1) A Government servant, who is retiring or has retired for reasons other than superannuation, shall submit to the Head of Office duly completed Form 4 and Form 6 along with an undertaking to the Bank in Format 9, a common nomination form for arrears of pension and commuted value of pension in Form A appended to the Payment of Arrears of Pension (Nomination) Rules, 1983 and an option form for availing Fixed Medical Allowance or out-patient medical facility provided by the Government, immediately after the competent authority has approved such retirement or the retirement has become effective, as the case may be.

(2)(a) Where the Head of Office is satisfied that the Government servant is not in a position to submit the forms referred to in sub-rule (1) on account of any bodily or mental infirmity, the Head of Office may allow the spouse of the Government servant or, in the absence of the spouse, any other member of the family eligible to receive family pension on death of Government servant, to submit Form 4 and Form 6.

(b) If there is no member of the family eligible to receive family pension on death of Government servant, a member of the family in whose favour a nomination was made by the Government servant for payment of gratuity, may be allowed to submit Form 4 and Form 6:

Provided that where the forms are submitted by the spouse or any other member of the family, the Government servant shall not be entitled to the benefit of commutation of a percentage of pension until he himself subsequently applies for such commutation in accordance with the Central Civil Services (Commutation of Pension) Rules, 1981.

59. Completion of pension case.- (1) In cases under rule 57, the Head of Office shall complete Part I of Form 7 along with the check list and the pension calculation sheet not later than four months before the date of retirement of a Government servant. In cases under rule 58, the Head of Office shall complete Part I of Form 7 along with the check list and the pension calculation sheet within two months after submission of Form 4 and Form 6 by a Government servant or his or her spouse or member of his or her family, as the case may be.

(2) In the case of a Government servant who has died after retirement and in respect of whom Forms referred to in rule 57 or rule 58 have not been submitted, action shall be taken in accordance with sub-rule (5) of rule 80.

60. Forwarding of pension case to Accounts Officer.- (1) After complying with the requirement of rules 57, 58 and 59**, the Head of Office shall forward the pension case to the Accounts Officer and shall also send to the Accounts Officer,-**

(i) copies of Form 4, Form 6 and an undertaking to the Bank in Format 9, signed and submitted by the Government servant;

(ii) copies of Form 7 (including the check list and the pension calculation sheet) and the covering letter in Format 10, and

(iii) duly completed and up-to-date service book of the Government servant along with any other documents relied upon for the verification of service.

(2) The particulars of the Government dues referred to in rule 67 ascertained and assessed by the Head of Office and the amount to be withheld, if any, as per the intimation of Directorate of Estates under sub-rule (5) of rule 68 shall also be furnished to the Accounts Officer in Format 10 so that the dues are recovered out of the gratuity before its payment is authorised.

(3) The Head of Office shall retain a copy of each of the Forms referred to in sub-rule (1) and sub-rule (2) for his records.

(4) The pension case and the papers referred to in sub-rule (1) and sub-rule (2) shall be forwarded to the Accounts Officer not later than four months before the date of superannuation of a Government servant and in cases other than retirement on superannuation not later than two months after the date of submission of Form 4 and Form 6.

61. Intimation to Accounts Officer regarding any event having bearing on pension or any Government dues.- (1) If, after the pension case and pension papers have been forwarded to the Accounts Officer under rule 60, any event occurs which has a bearing on the amount of pension admissible, the fact shall be promptly reported to the Accounts Officer by the Head of Office.

(2) If, after the particulars of Government dues have been intimated to the Accounts Officer under sub-rule (2) of rule 60, any additional Government dues come to the notice of the Head of Office, such dues shall be promptly reported to the Accounts Officer.

62. Provisional pension for reasons other than Departmental or Judicial proceedings.–(1) Where, in a case of retirement on superannuation, after a Government servant or his or her spouse or a member of his or her family, as the case may be, has submitted the Forms in accordance with sub-rule (2) or sub-rule (3) of rule 57 but,-

(i) in spite of following the procedure laid down in rule 57, it is not possible for the Head of Office to forward the pension case and pension papers referred to in rule 60 to the Accounts Officer within the period specified in sub-rule (4) of that rule; or

(ii) the pension case and pension papers forwarded to the Accounts Officer have been returned by the Accounts Officer to the Head of Office for eliciting further information before issuing pension payment order and order for the payment of gratuity,

and the Government servant is likely to retire before his pension and gratuity or both can be finally assessed and settled in accordance with the provisions of these rules, the Head of Office shall rely upon such information as may be available in the official records and shall determine the amount of provisional pension and the amount of provisional retirement gratuity.

(2) In a case of retirement otherwise than on superannuation, on receipt of Forms from Government servant or his or her spouse or a member of his or her family in accordance with sub-rule (1) or sub-rule (2) of rule 58, the Head of Office shall rely upon such information as may be available in the official records and shall determine the amount of provisional pension and the amount of provisional retirement gratuity.

(3) Where the amount of pension and gratuity cannot be determined for reasons other than the departmental or judicial proceedings and a provisional pension and provisional gratuity is required to be sanctioned in accordance with sub-rule (1) or sub-rule (2), the Head of Office shall do the following, namely:-

(a) issue a letter of sanction addressed to the Government servant endorsing a copy thereof to the Accounts Officer authorising,–

(i) 100 per cent. of pension as provisional pension from the date following the date of retirement; and

(ii) 100 per cent. of the gratuity as provisional gratuity withholding ten per cent of gratuity.

(b) specify in the letter of sanction, the amount recoverable from the gratuity as assessed under rule 67 and after issuing the letter of sanction referred to in clause (a), the Head of Office shall draw ,–

(i) the amount of provisional pension; and

(ii) the amount of provisional gratuity after deducting therefrom the amount specified in sub-clause (ii) of clause (a) and the dues, if any, specified in rule 68, in the same manner as pay and allowances of the establishment are drawn by him.

(4) A sanction for provisional pension under sub-rule (3) shall be issued not later than ten days after the date of retirement of Government servant in cases covered under sub-rule (1) and within one month from the date of submission of forms in cases covered under sub-rule (2).

(5) The amount of provisional pension and gratuity payable under sub-rule (2) or sub-rule (3) shall, if necessary, be revised on the completion of the detailed scrutiny of the records.

(6)(a) The payment of provisional pension shall not continue beyond the period of six months from the date of retirement of a Government servant or from the date of submission of Form 4 and Form 6 by the Government servant, whichever is later, and if the amount of final pension and the amount of final gratuity had been determined by the Head of Office in consultation with the Accounts Officer before the expiry of the said period of six months, the Accounts Officer shall,-

(i) issue the pension payment order; and

(ii) direct the Head of Office to draw and disburse the difference between the final amount of gratuity and the amount of provisional gratuity paid under sub-clause (ii) of clause (b) of sub-rule (3) after adjusting the Government dues, if any, which may have come to notice after the payment of provisional gratuity.

(b) If the amount of provisional pension disbursed to a Government servant under sub-rule (3) is, on its final assessment, found to be in excess of the final pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount of pension out of gratuity withheld under sub-clause (ii) of clause (a) of sub-rule (3) or recover the excess amount of pension in instalments by making short payments of the pension payable in future.

(c) (i) If the amount of provisional gratuity disbursed by the Head of Office under sub-rule (3) is more than the amount finally assessed, the retired Government servant shall not be required to refund the excess amount actually disbursed to him.

(ii) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount finally assessed are minimized and the officials responsible for the excess payment shall be accountable for the over-payment.

(7) If the final amount of pension and gratuity have not been determined by the Head of Office in consultation with the Accounts Officer within a period of six months referred to in clause (a) of sub-rule (6), the Accounts Officer shall treat the provisional pension and gratuity as final and issue pension payment order immediately on the expiry of the period of six months.

(8) As soon as the pension payment order has been issued by the Accounts Officer under clause (a) of sub-rule (6) or sub-rule (7), the Head of Office shall release the amount of withheld gratuity under sub-clause (ii) of clause (a) of sub-rule (3) to the retired Government servant after adjusting Government dues which may have come to notice after the payment of provisional gratuity under sub-clause (ii) of clause (b) of sub-rule (3).

(9) If a Government servant is or was an allottee of Government accommodation, the withheld amount should be paid on receipt of `No Demand Certificate' from the Directorate of Estates.

(10) It shall be the responsibility of the Head of Office to ensure that in cases where there is a delay in issue of Pension Payment Order, a provisional pension and provisional gratuity is sanctioned in accordance with this rule.

63. Authorisation of pension and gratuity by the Accounts Officer.- (1)(a) On receipt of pension case and pension papers referred to in rule 60, the Accounts Officer shall apply the requisite checks, record the account enfacement in Part II of Form 7 and assess the amount of pension, family pension and gratuity and issue the pension payment order not later than two months in advance of the date of the retirement of a Government servant on attaining the age of superannuation.

(b) In the cases of retirement otherwise than on attaining the age of superannuation, the Accounts Officer shall apply the requisite checks, complete Part II of Form 7, assess the amount of pension, family pension and gratuity, assess dues and issue the pension payment order within forty five days of the date of receipt of pension papers from the Head of Office.

(c) While applying the requisite checks, the Accounts Officer shall verify the correctness of emoluments only for the period of twenty-four months preceding the date of retirement of a Government servant, and not for any period prior to that date.

(d) The Accounts Officer shall indicate in the Pension Payment Order, the name of the spouse of the Government servant, if alive, as family pensioner:

Provided that in the case of a Government servant whose family includes more than one wife who is alive, the Accounts Officer shall indicate, in the Pension Payment Order, the names of all the wives with their respective share in the family pension:

Provided further that in the case of a Government servant whose family includes a wife, who is alive, and a child or children from a wife who is not alive or from a divorced wife or from a void or voidable marriage, the Accounts Officer shall indicate, in the Pension Payment Order, only the name of wife who is alive with her share in the family pension, then on death of the pensioner, the share of family pension indicated in the Pension Payment Order shall initially become payable to the surviving widow and on receipt of a communication from the Head of Office, the Accounts Officer shall issue a revised Pension Payment Authority, indicating the names of all the members of family who are eligible for family pension on the date of death of the pensioner with their respective share in the family pension, in accordance with rule 50.

(e) The Accounts Officer shall also indicate in the Pension Payment Order, the names of the permanently disabled child or children and dependent parents and disabled siblings as family pensioners if there is no other member of family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.

(f) On receipt of a written communication from the Head of Office on an application in Form 8 from an existing pensioner or family pensioner, the Accounts Officer shall also indicate in the Pension Payment Order, the names of the permanently disabled child or children and dependent parents and disabled siblings as family pensioners if there is no other member of family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.

(g) Where an intimation regarding marriage or remarriage after retirement has been received from a retired Government servant in accordance with clause (f) of sub-rule (15) of Rule 50, the Head of Office, after due verification, forward the papers to the Account Officer and the Account Officer shall take the said intimation on record and, if there is no child or children from an earlier marriage or if the child or children from an earlier marriage are not eligible for family pension, issue a Revised Pension Payment Authority including the name of such spouse as family pensioner in the pension payment order.

(h) The Pension Disbursing Authority shall commence disbursement of family pension, as authorized in the Pension Payment Order, to the members of family referred to in clause (c), (d), (e) or (f), in accordance with the provisions of rule 79 and in the order indicated in rule 50.

(2) The amount of gratuity as determined by the Accounts Officer under Clause (a) of sub-rule (1) shall be intimated to the Head of Office with the remarks that the amount of the gratuity may be drawn and disbursed by the Head of Office to the retired Government servant after adjusting the Government dues, if any, referred to in rule 67 and the amount to be withheld, if any, as per the intimation of Directorate of Estates under sub-rule (5) of rule 68.

(3) The amount of gratuity withheld under sub-rule (5) of rule 68 shall be adjusted by the Head of Office against the outstanding licence fee intimated by the Directorate of Estates and the balance, if any, refunded to the retired Government servant.

(4)(a) The Accounts Officer shall forward a copy of the Pension Payment Order or the Revised Pension Payment Authority issued under this rule along with the undertaking in Format 9 to the Central Pension Accounting Office, not later than two months from the date of receipt of pension papers from the Head of Office, for issuing a Special Seal of Authority.

(b) The Central Pension Accounting Office shall issue the Special Seal of Authority and forward the same to the Pension Disbursing Authority along with the copy of the Pension Payment Order or the Revised Pension Payment Authority issued by the Accounts Officer and the undertaking in Format 9, not later than twenty one days from the date of receipt of the Pension Payment Order or the Revised Pension Payment Authority from the Accounts Officer, in accordance with the orders issued by the Controller General of Accounts.

(c) The Pension Disbursing Authority shall take action to disburse the pension to the retired Government servant on the date on which it becomes due, in accordance with the orders issued by the Controller General of Accounts and Central Pension Accounting Office.

(5)(a) In case, any departmental or judicial proceedings are pending against the Government servant, a provisional pension as provided in sub-rule (5) of rule 8 shall be authorised by the Accounts Officer and no gratuity shall be paid to the Government servant until the conclusion of the departmental or judicial proceedings and issue of final orders

thereon and after the conclusion of departmental or judicial proceedings and issue of final orders thereon, the Head of Office shall forward the copy of final orders passed by the competent authority along with the details in Form 7-A, not later than thirty days from the date of issue of the said orders.

(b) On receipt of the copy of final orders passed by the competent authority and the details in Form 7-A from the Head of Office, the Accounts Officer shall take further action to authorise the final pension to the retired Government servant in accordance with the orders passed by the competent authority in regard to the departmental or judicial proceedings within thirty days of the date of receipt of the said Form 7-A.

64. Government servants on deputation.- (1) In the case of Government servant who retires while on deputation to another Central Government Department, action to authorise pension and gratuity in accordance with the provisions of these rules shall be taken by the Head of Office of the borrowing Department.

(2) If, a Government servant retires from service, while on deputation to a State Government or while on Foreign Service, action to authorise pension and gratuity in accordance with the provisions of these rules shall be taken by the Head of Office or the Cadre authority which sanctioned deputation to the State Government or to foreign service.

65. Interest on delayed payment of gratuity, pension and family pension.- (1) In all cases where provisional pension or provisional family pension or provisional gratuity has not been sanctioned in accordance with these rules or where the payment of pension or family pension or gratuity has been authorised later than the date when its payment becomes due, including in the cases of retirement otherwise than on superannuation, and it is clearly established that the delay in payment was attributable to administrative reasons or lapses, interest shall be paid on arrears of pension or family pension or gratuity at the rate and in the manner as applicable to General Provident Fund amount in accordance with the instructions issued from time to time:

Provided that no interest under this sub-rule shall be payable if the delay in payment was caused on account of failure on the part of the Government servant or the pensioner or the member of the family of the Government servant to comply with the procedure laid down by the Government for processing the pension or family pension case.

(2) Every case of delayed payment of pension or family pension or gratuity (including provisional pension or family pension or gratuity) in respect of employees of a Ministry or Department and the employees of its attached and subordinate offices shall be considered by the Secretary of that Ministry or Department or any other officer, not below the level of Joint Secretary to the Government of India, authorised by him for this purpose, and where the Secretary or the officer authorised by him is satisfied that the delay in the payment of pension or family pension or gratuity was caused on account of administrative reasons or lapse, the said Secretary or the officer authorised by him shall sanction payment of interest.

(3)(a) The administrative Ministry or the Department or the office shall issue sanction for the payment of interest after the Secretary or the officer authorised by him has sanctioned the payment of interest under sub-rule (2).

(b) The payment of interest on delayed payment of gratuity or pension or family pension shall be paid within two months from the date on which payment of interest has been sanctioned by Secretary or the officer authorised by him.

(4) In all cases where the payment of interest has been sanctioned by the Secretary of the administrative Ministry or the Department or the officer authorised by him, such Ministry or the Department or Office shall fix the responsibility and take disciplinary action against the Government servant or servants who are found responsible for the delay in the payment of gratuity or pension or family pension on account of administrative lapses:

Provided that payment of interest under sub-rule (3) shall be made without waiting for the outcome of the disciplinary proceedings, if any.

(5) Without prejudice to the generality of the provisions of sub-rule (1), the period for which interest shall be payable for the delay in payment of pension or gratuity shall be determined in the following manner, namely:-

(a) In the case of a Government servant who retires on superannuation, interest shall be payable from the date following the date of expiry of a period of three months from the date of retirement, up to the date of payment of arrears of pension or gratuity or both;

(b) In the case of a Government servant who retires or is retired otherwise than on superannuation or is absorbed in a public sector undertaking or an autonomous body or dies during service or after retirement, interest shall be payable from the date following the date of expiry of a period of three months from the date of retirement or absorption or death, as the case may be, up to the date of payment of arrears of pension or gratuity;

(c) In the case of a Government servant to whom provisional pension was paid and retirement gratuity was not paid on retirement in accordance with clause (c) of sub-rule (4) of rule 8 on account of departmental or judicial proceedings pending against him on the date of retirement and who is exonerated of all charges on conclusion of such departmental or judicial proceedings, interest shall be payable on retirement gratuity and arrears of pension, if any, from the date following the date of expiry of a period of three months from the date of retirement up to the date of payment of arrears of pension and gratuity;

(d) In the case of a Government servant to whom provisional pension was paid and retirement gratuity was not paid on retirement in accordance with clause (c) of sub-rule (5) of rule 8 on account of departmental or judicial proceedings pending against him on the date of retirement and despite him not having been fully exonerated of all charges on conclusion of such departmental or judicial proceedings, the competent authority decides to allow payment of pension and retirement gratuity, either in full or in part, interest shall be payable on retirement gratuity and arrears of pension, if any, from the date of expiry of a period of three months from the date on which the order for payment of pension and gratuity is issued by the competent authority up to the date of payment of pension and gratuity.

(e) In the case of a Government servant to whom provisional pension was paid and gratuity was not paid on retirement in accordance with clause (c) of sub-rule (5) of rule 8 on account of departmental or judicial proceedings pending against him on the date of retirement and such departmental or judicial proceedings are dropped consequent on his death, interest shall be payable on arrears of pension, family pension and gratuity from the date of expiry of a period of three months from the date of death up to the date of payment of such arrears of pension, family pension and gratuity.

(f) Where arrears of pension or gratuity become payable to a Government servant on account of enhancement of the amount of pension authorised or the amount of gratuity paid on retirement consequent on retrospective revision of emoluments or liberalisation in the provisions relating to grant of pension or gratuity, interest shall be payable on arrears of pension or gratuity to the Government servant from the date of expiry of a period of three months from the date of issue of the order revising the emoluments or liberalising the provisions relating to grant of pension or gratuity, as the case may be, up to the date of payment of arrears of pension or gratuity.

66. Revision of pension after authorisation.- (1) The pension authorised under rule 44 and family pension authorised under rule 50 may be revised by the Government in accordance with any general order issued in implementation of decisions taken on the recommendations of the Central Pay Commissions, or otherwise, and the pension or family pension so revised shall thereafter be the basic pension or basic family pension for grant of additional pension under sub-rule (5) of rule 44 or additional family pension under sub-rule (3) of rule 50 or dearness relief under rule 52.

(2) Subject to the provisions of rule 7 and rule 8, pension or family pension once authorised after final assessment or revised under sub-rule (1) shall not be revised to the disadvantage of the Government servant, unless such revision becomes necessary on account of detection of a clerical error subsequently:

Provided that no revision of pension or family pension to the disadvantage of the pensioner or family pensioner shall be ordered without the concurrence of the Department of Pension and Pensioners' Welfare if the clerical error is detected after a period of two years from the date of authorisation or revision of pension or family pension.

(3) The question whether the revision has become necessary on account of a clerical error or not shall be decided by the administrative Ministry or Department.

(4) If, consequent on revision of pension or family pension under sub-rule (2), an excess payment of pension or family pension is found to have been made to the pensioner or family pensioner and if such excess payment is not on account of any misrepresentation of facts by the pensioner or family pensioner, the administrative Ministry or Department shall examine in consultation with the Ministry of Finance (Department of Expenditure) whether or not recovery of such excess payment can be waived off and issue appropriate orders in accordance with the relevant rules and instructions in this regard.

(5) Where the administrative Ministry or Department decides not to waive off the excess payment of pension or family pension, the retired Government servant concerned or family pensioner shall be served with a notice by the Head of Office requiring him to refund the excess payment of pension within a period of two months from the date of receipt of notice by him.

(6) In case the Government servant fails to comply with the notice, the Head of Office shall, by order in writing, direct that such excess payment shall be adjusted in instalments by short payments of pension in future, in one or more instalments, as the Head of Office may direct.

67. Recovery and adjustment of Government dues.- (1) It shall be the duty of the Head of Office to ascertain and assess Government dues payable by a Government servant due for retirement on superannuation and by the Government servant who has retired or is retiring otherwise than on attaining the age of superannuation.

(2) The Government dues as ascertained and assessed by the Head of Office which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of the retirement gratuity becoming payable.

Explanation.- The expression 'Government dues' includes –

(a) dues pertaining to Government accommodation including arrears of licence fee as well as damages (for the occupation of the Government accommodation beyond the permissible period after the date of retirement of the allottee, subletting, unauthorised occupation, transfer to an ineligible office, etc.) and dues or arrears in respect of electricity, water and PNG charge, if any;

(b) dues other than those pertaining to Government accommodation, namely, balance of house building or conveyance or any other advance, overpayment of pay and allowances or leave salary and arrears of income tax deductible at source under the Income Tax Act, 1961 (43 of 1961).

(3) Only the Government dues as referred to in sub-rule (2) shall be adjusted against the amount of retirement gratuity payable to the retired Government servant and any other dues which are not Government dues in terms of sub-rule (2) shall not be recoverable from the amount of retirement gratuity.

68. Adjustment and recovery of dues pertaining to Government accommodation.- (1)(a) In the case of a Government servant who is due for retirement on superannuation, the Directorate of Estates, on receipt of intimation and details from the Head of Office under sub-rule (1) of rule 55 for issue of a No Demand Certificate, shall scrutinise its records and inform the Head of Office within two months, if any licence fee was recoverable from the Government servant in respect of the period prior to eight months of his retirement.

(b) In the case of a Government servant who has retired or is retiring otherwise than on attaining the age of superannuation, the Directorate of Estates shall inform the Head of Office within one month from the date of receipt of intimation and details from Head of Office under sub-rule (2) of rule 55, if any licence fee was recoverable from the Government servant up to the date of retirement.

(c) If no intimation in regard to recovery of outstanding licence fee is received by the Head of Office by the stipulated date, it shall be presumed that no licence fee was recoverable from the allottee in respect of the period preceding eight months of the date of his superannuation or up to the date of retirement in other cases.

(2) In the case of retirement on superannuation, the Head of Office shall ensure that licence fee for the next eight months, that is upto the date of retirement of the allottee, is recovered every month from the pay and allowances of the allottee.

(3) Where the Directorate of Estates intimates the amount of licence fee recoverable in respect of the period mentioned in sub-rule (1), the Head of Office shall ensure that outstanding licence fee is recovered in instalments from the current pay and allowances of the allottee and where the entire amount is not recovered from the pay and allowances, the balance shall be recovered out of the gratuity before its payment is authorised.

(4) The Directorate of Estates shall also inform the Head of Office the amount of licence fee for the retention of Government accommodation for the permissible period beyond the date of retirement of the allottee and the Head of Office shall adjust the amount of that licence fee from the amount of the gratuity together with the unrecovered licence fee, if any, mentioned in sub-rule (3).

(5) If in any particular case, it is not possible for the Directorate of Estates to determine the outstanding licence fee, that Directorate shall inform the Head of Office that ten per cent of the gratuity may be withheld pending receipt of further information.

(6) The recovery of licence fee (where it is not possible for the Directorate of Estates to determine the outstanding license fee) as well as damages (for occupation of the Government accommodation beyond the permissible period after the date of retirement of allottee) shall be the responsibility of the Directorate of Estates and the withheld amount of gratuity under sub-rule (5) above of the retiring Government employee, who was in occupation of Government accommodation, shall be paid immediately on production of 'No Demand Certificate' from the Directorate of Estates after actual vacation of the Government accommodation.

(7)(a) The Directorate of Estates shall ensure the No Demand Certificate shall be given to the Government servant within a period of fourteen days from the date of submission of application for the said certificate after actual vacation of the Government accommodation**.**

(b) If the Directorate of Estates fails to issue the No Demand Certificate within fourteen days from the date of the application**,** the allottee shall be entitled to payment of interest (as per the rate and manner applicable to General Provident Fund deposit determined from time to time by the Government of India) on the excess withheld amount of gratuity which is required to be refunded after adjusting the arrears of licence fee and damages, if any, payable by the allottee till the date of issue of No Demand Certificate or the date of expiry of the period of fourteen days from the date of application for No demand certificate, whichever is earlier.

(c) The interest shall be payable by the Directorate of Estates through the concerned Account Officer of the retired Government servant from the date of application for the said certificate after vacation of the Government accommodation, up to the date of refund of excess withheld amount of gratuity.

(8) If after adjustment from the withheld amount of gratuity, if any, mentioned under sub-rule (5), or if no amount of gratuity was withheld under sub-rule (5), any amount on account of licence fee or damages (for overstay or unauthorised occupation or subletting or transfer to an ineligible office etc.) or dues on account of electricity, water or PNG charges, remaining unpaid, may be ordered by the Directorate of Estates to be recovered through the concerned Account Officer from the dearness relief without the consent of the pensioner and in such case no dearness relief shall be disbursed until full recovery of such dues has been made.

Explanation.- For the purpose of this rule, the licence fee shall also include any other charges payable by the allottee for any damage or loss caused by him to the accommodation or its fittings.

69. Adjustment and recovery of dues other than dues pertaining to Government accommodation.- (1) For the dues other than the dues pertaining to occupation of Government accommodation as referred to in clause (b) of sub-rule (2) of rule 67, the Head of Office shall take steps to assess the dues one year before the date on which a Government servant is due to retire on superannuation or on the date on which he proceeds on leave preparatory to retirement, whichever is earlier, in the case of retirement on superannuation and immediately on retirement or when the fact of retirement of the Government servant is known to the Head of Office, whichever is earlier, in the case of retirement otherwise than on superannuation.

(2) The assessment of Government dues referred to in sub-rule (1) shall be completed by the Head of Office eight months prior to the date of the retirement of the Government servant, in the case of retirement on superannuation, and within thirty days after the date of retirement in the case of retirement otherwise than on superannuation.

(3) The dues as assessed under sub-rule (2) including those dues which come to notice subsequently and which remain outstanding till the date of retirement of the Government servant, shall be adjusted against the amount of retirement gratuity becoming payable to the Government servant on his retirement.

70. Date of retirement to be notified.- (1) When a Government servant retires from service,–

(a) a notification in the Official Gazette in the case of a Gazetted Government servant; or

(b) an office order in the case of a non-gazetted Government servant,

shall be issued specifying the date of retirement within a week of such date and a copy of every such notification or office order, as the case may be, shall be forwarded immediately to the Accounts Officer:

Provided that where a notification in the Official Gazette or an office order, as the case may be, regarding the grant of leave preparatory to retirement to a Government servant is issued, a further notification or office order that the Government servant has actually retired on the expiry of such leave shall not be necessary unless the leave is curtailed and the retirement is for any reason ante-dated or postponed.

(2) Unless specific orders for extension of service are issued by the competent authority, the Government servant shall be deemed to have retired from service on the date on which he attains the age of superannuation and failure on the part of the office to issue a notification or office order under sub-rule (1) shall not make the Government servant entitled to continue in service beyond the date of superannuation.

CHAPTER XI

Determination and authorisation of the amounts of family pension and gratuity in respect of a Government servant who dies or goes missing while in service

71. Obtaining of claims for family pension and gratuity.- (1) Where the Head of Office has received an intimation or information about the death of a Government servant while in service, he shall ascertain whether any death gratuity or family pension or both is or are payable in respect of the deceased Government servant.

(2)(a) Where the family of the deceased Government servant is eligible for the death gratuity under rule 45, the Head of Office shall ascertain,–

(i) if the deceased Government servant had nominated any person or persons to receive the gratuity; and

(ii) if the deceased Government servant had not made any nomination or the nomination made does not subsist, the person or persons to whom the gratuity may be payable.

(b) The Head of Office shall, then, address the persons concerned in Format 11 and send the letters to those persons for making a claim for gratuity in Form 9.

(3) Where the family of the deceased Government servant is eligible for family pension under rule 50, the Head of Office shall address the eligible member of the family or the guardian, as the case may be, in Format 12 for making a claim for family pension in Form 10 and to submit an undertaking to the Bank in Format 9.

(4)(a) If on the date of death, the Government servant was an allottee of Government accommodation, the dues pertaining to outstanding licence fee payable in respect of the period before the date of death of the Government servant shall stand waived off.

(b) Any dues relating to damages in respect of the Government accommodation shall be recovered from the death gratuity payable to the family and if the Government accommodation is retained by the family of the deceased Government servant, the licence fee for the month in which the Government servant has died and the first three months thereafter, shall not be recovered from the family.

(c) The Head of Office shall address the Directorate of Estates within seven days of the date of receipt of intimation or information of death of a Government servant for the issue of "No Demand Certificate" in accordance with the provisions of sub-rule (1) of rule 77.

(5) Where the Head of Office has received an intimation that a Government servant has gone missing, he shall ascertain whether any gratuity or family pension or both is or are payable in respect of the missing Government servant in accordance with sub-rule (1) of rule 51 and sub-rule (4) of rule 51.

(6)(a) In the case of a missing Government servant, the Head of Office shall take action in accordance with sub-rule (2) and sub-rule (3) in respect of the missing Government servant and shall address the member of the family eligible to receive the amount of gratuity in Format 11 advising him or her for making a claim for gratuity in Form 9.

(b) The Head of Office shall also address the eligible member of the family or the guardian, as the case may be, in Format 12 for making a claim for family pension in Form 10.

(c) The Head of office shall inform the eligible members of the family that claims for payment of family pension and gratuity shall be submitted to the Head of Office after a report has been lodged with the concerned Police Station in the form of a First Information Report or a Daily Diary Entry or a General Diary Entry and a report has been obtained from the police to the effect that the Government servant could not be traced so far despite all efforts made in that regard.

(d) The claims shall be accompanied by an undertaking to the Bank in Format 9, an Indemnity Bond in Format 8, a copy each of the report lodged with the concerned Police Station and a copy of the report obtained from the police to the effect that the Government servant could not be traced so far despite all efforts made in that regard.

(e) The Head of Office shall not wait for a death certificate issued by an appropriate authority and shall initiate action under this rule on receipt of an intimation or a credible information, in any form, about the death of the Government servant.

(f) The Head of Office shall make special efforts to get the claims from the family of the deceased Government servant in the respective forms as early as possible and where the family is residing in the place of duty of the deceased Government servant, the forms and documents may be got completed by the family personally and if the family is residing outside the place of duty, all the blank forms and other documents should be forwarded to the family with clear instructions, so as to avoid unnecessary correspondence and consequent delay.

(g) In order to decide the eligibility for family pension, a member of the family, other than the widow or widower of the deceased Government servant or pensioner, shall be required to submit, along with the claim for family pension, the documents referred to in the clause (b) of sub-rule (12) of rule 50.

72. Verification of service and emoluments for family pension and gratuity.- (1)(a) The Head of Office shall go through the service book of the deceased or missing Government servant and satisfy himself as to whether certificates of verification of service for the entire service are recorded therein.

(b)(i) If there are any periods of unverified service, the Head of Office shall accept the unverified portion of service as verified on the basis of the available entries in the service book;

(ii) the Head of Office may rely on any other relevant material to which he may have ready access;

(iii) while accepting the unverified portion of service, the Head of Office shall ensure that service was continuous and was not forfeited on account of dismissal, removal or resignation from service, or for participation in strike.

(2)(a) For the purpose of determination of emoluments for family pension and gratuity, the Head of Office shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death or disappearance of the Government servant.

(b) In case the Government servant was on extraordinary leave on the date of death or disappearance, the correctness of the emoluments for a maximum period of one year which he drew preceding the date of the commencement of the extraordinary leave shall be verified.

(3) The process of determination of qualifying service and qualifying emoluments shall be completed within one month of the receipt of intimation or information regarding the death of the Government servant or within one month of the receipt of intimation regarding disappearance of the Government servant, as the case may be.

73. Action to be taken in cases where service records are incomplete.- (1) Subject to the provisions of sub-rules (2) and (3), and sub-rule 7 of rule 75 there shall not be any case where service book has not been maintained properly.

(2) Notwithstanding anything in sub-rule (1), if the service book has not been maintained properly despite the orders of the Government on the subject, and it is not possible for the Head of Office to accept the unverified portion of service as verified on the basis of entries in the service book, the Head of Office shall take action as follows, namely :-

(a) For the purpose of Family Pension, if the family of the deceased or missing Government servant has become eligible for family pension in accordance with sub-rule (1) of rule 50 or sub-rule (1) of rule 51, the amount of family pension and the period for which it is payable shall be determined in accordance with sub-rule (2) of rule 50 within one month from the date of receipt of intimation or information regarding death of the Government servant or the date of receipt of intimation regarding disappearance of the Government servant.

(b) For the purpose of gratuity,–

(i) In respect of the unverified portion or portions of service the Head of Office shall verify the portion or portions of such service, as the case may be, based on pay bills, acquittance rolls or other relevant records, such as last pay certificate and pay slip for the month of April (which shows verification of service for the previous financial year) and record necessary certificates in the service book;

(ii) If the service for any period is not capable of being verified in the manner specified in sub-clause (i), that period of service having been rendered by the Government servant in another office or Department, the Head of Office under which the Government servant is at present serving shall refer the said period of service to the Head of Office in which the Government servant is shown to have served during that period for the purpose of verification;

(iii) On receipt of communication referred to in sub-clause (ii), the Head of Office in that office or Department shall verify the portion or portions of such service, in the manner as specified in sub-clause (i), and send necessary certificates to the referring Head of Office within one month from the date of receipt of such a reference:

Provided that in case a period of service is incapable of being verified, it shall be brought to the notice of the referring Head of Office simultaneously;

(iv) If no response is received within the time referred to in the preceding sub-clause, such period or periods shall be deemed to qualify for pension;

(v) If at any time thereafter, it is found that the Head of Office and other concerned authorities had failed to communicate any non-qualifying period of service, the Secretary of the administrative Ministry or Department shall fix responsibility for such non-communication;

(vi) Every effort shall be made to complete the verification of service, as specified in sub-clause (i) to sub-clause (iv) and to make good any omissions, imperfections or deficiencies and if any omission, imperfection or deficiency is incapable of being made good and the portion of service shown as unverified in the service book which it has not been possible to verify in accordance with the procedure laid down in sub-clause (i) to sub-clause (iv), shall be ignored and service qualifying for gratuity shall be determined on the basis of the entries in the service book.

(3) Notwithstanding anything in sub-rule (1), where in the case of a deceased Government servant, the entire service is not capable of being verified and accepted immediately and there is likely to be a delay in determination of final amount of gratuity, the amount of gratuity shall be provisionally determined and drawn on the basis of the spell of qualifying service which is verified and accepted immediately preceding the date of death of the Government servant, in accordance with sub-rule (7) of rule 75.

74. Forwarding the family pension case to the Accounts Officer.- (1) On receipt of claim or claims, the Head of Office shall complete the Form 11 in respect of a deceased Government servant or a missing Government servant and send the said Form 11 to the Accounts Officer, with a covering letter in Format 10 along with the undertaking to the Bank in Format 9, duly completed and up-to-date service book of the Government servant and any other documents relied upon for the verification of the service claimed. This shall be done not later than one month of the receipt of claim by the Head of Office.

(2) The claim of a member of the family of the deceased or missing Government servant shall not be rejected on the ground that the details of such member of the family are not available in Form 4 or office records, if the Head of Office is otherwise satisfied about the eligibility of the member of the family for grant of family pension under these rules.

(3) The Head of Office shall retain one copy of the aforesaid Format 10, Form 10 and Form 11 for his office record.

(4) The Head of Office shall draw the attention of the Accounts Officer to the details of Government dues outstanding against the deceased or missing Government servant, namely:-

(a) Government dues as ascertained and assessed in term of rule 77 and recoverable out of the gratuity before payment is authorised;

(b) amount of gratuity to be held over partly for adjustment of Government dues which have not been assessed so far and partly as margin for adjustment in the light of the final determination of the gratuity;

(c) the maximum amount of gratuity to be held over for the purpose of clause (b) shall be limited to ten per cent of the amount of gratuity.

75. Sanction, drawal and disbursement of provisional family pension and provisional gratuity on death of a Government servant.- (1) In the case of death of a Government servant, after a claim for family pension has been received by the Head of Office in accordance with rule 71 and the Head of Office is satisfied regarding the eligibility of the claimant for family pension, he shall draw provisional family pension not exceeding the maximum family pension as determined in accordance with the provisions of these rules, within fifteen days of the receipt of the claim. For this purpose, the Head of Office shall adopt the following procedure, namely :-

(a) he shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Accounts Officer concerned indicating the amount of provisional family pension as determined;

(b) after issue of the sanction letter he shall draw the amount of the provisional family pension in the same manner as pay and allowances of the establishment are drawn by him.

(2) The Head of Office shall disburse the provisional family pension (including arrears, if any) immediately after the same has been drawn under sub-rule (1).

(3) Unless the period of provisional family pension is extended under the proviso to sub-rule (1) of rule 76, the payment of provisional family pension shall continue for a period of six months from the date following the date of death of the Government servant.

(4) The Head of Office shall inform the Accounts Officer as soon as provisional family pension has been paid for a period mentioned in sub-rule (3) or for the period extended under proviso to sub-rule (1) of rule 76, as the case may be.

(5) In the case of death of a Government servant, after the family pension and gratuity case has been forwarded by the Head of Office to the Accounts Officer concerned in accordance with rule 74, the Head of Office shall draw hundred per cent of the gratuity as determined in accordance with the provisions of these rules and for this purpose the Head of Office shall adopt the following procedure, namely:-

(a) he shall issue a sanction letter in favour of claimant or claimants endorsing a copy thereof to the Accounts Officer concerned indicating the amount of hundred per cent of the death gratuity as determined;

(b) he shall indicate in the sanction letter the amount recoverable out of the death gratuity under sub-rule (3) of rule 74;

(c) after issue of the sanction letter he shall draw the amount of hundred per cent of the death gratuity after deducting therefrom the dues mentioned in clause (b).

(6) The Head of Office shall disburse the death gratuity immediately after the same has been drawn under sub-rule (5).

(7)(a) Notwithstanding anything in sub-rule (1) of rule 73, if in a case of death of a Government servant, where the entire service rendered by the deceased Government servant is not capable of being verified and accepted immediately and there is likely to be a delay in determination of final amount of gratuity and forwarding the case to the Accounts Officer, the amount of gratuity shall be provisionally determined in accordance with clause (b) of sub-rule (1) of rule 45 on the basis of the spell of qualifying service which is verified and accepted immediately preceding the date of death of the Government servant.

(b) If a claim in Form 9 has been received by the Head of Office, the amount of gratuity, so determined shall be authorised by the Head of Office, on provisional basis, within one month from the date of receipt of intimation or information about the death of the Government servant.

(c) The final amount of the gratuity shall be determined by the Head of Office on the acceptance and verification of the entire spell of service by him within a period of three months from the date on which the authority for the payment of provisional gratuity was issued and the balance, if any, becoming payable as a result of determination of the final amount of gratuity shall then be authorised to the beneficiaries.

(8) The Head of Office shall inform the Accounts Officer as soon as the provisional gratuity has been paid to the claimant or claimants in accordance with sub-rule (6) or sub-rule (7).

76. Authorisation of final family pension and balance of the gratuity by the Accounts Officer.- (1) On receipt of the family pension case and the documents referred to in sub-rule (1) of rule 74, the Accounts Officer shall, within a period of one month from the date of receipt of the family pension case and the documents, apply the requisite checks and complete Section I of Part II of Form 11 and assess the amount of family pension and gratuity:

Provided that while applying the requisite checks, the Accounts Officer shall confine the verification of the correctness of emoluments for a maximum period of one year preceding the date of death or disappearance of the Government servant.

Provided further that, in the case of a deceased Government servant, if the Accounts Officer is, for any reason, unable to assess the amount of family pension within the period aforesaid, he shall communicate the fact to the Head of Office to continue to disburse the provisional family pension to the claimant for such period as may be specified by the Accounts Officer.

(2) The Head of Office shall submit the case to the Head of Department for extension of the period of provisional family pension. After approval of the Head of Department, the Head of Office shall issue a sanction for extension of the period of provisional family pension for the period as specified by the Accounts Officer and approved by the Head of Department.

(3)(a) The Accounts Officer shall prepare the pension payment order not later than one month of the receipt of family pension case from Head of Office.

(b) Where on death of a Government servant, provisional family pension was sanctioned in accordance with rule 75, the payment of family pension shall be effective from the date following the date on which the payment of provisional family pension ceased.

(c) The Accounts Officer shall, after taking into consideration the time likely to be taken to issue Special Seal of Authority by the Central Pension Accounting Office and disbursal of family pension by the Pension Disbursing Authority, indicate in the Pension Payment Order the date up to which the provisional family pension shall continue to be paid and the date from which the payment of family pension by the Pension Disbursing Authority shall become effective.

(d) The arrears of family pension, if any, in respect of the period for which provisional family pension was drawn and disbursed by the Head of Office shall also be authorised by the Accounts Officer to be paid by the Head of Office.

(e) In the case of a missing Government servant, the payment of family pension shall be effective from the date following the date up to which leave was sanctioned to the Government servant before he went missing or from the date up to which pay and allowances have been paid to the Government servant or from the date on which a report has been lodged with the concerned Police Station in the form of First Information Report or a Daily Diary Entry or a General Diary Entry, whichever is the latest.

(f) Payment of family pension shall be authorised with a condition that the payment of family pension and the arrears of family pension for the period from the date specified in clause (e) up to the date of commencement of payment of family pension shall be made by the Pension Disbursing Authority only after the expiry of a period of six months from the date of lodging of report with the concerned Police Station.

(4) The Accounts Officer shall, while authorising the family pension for the first eligible member of the family, indicate the names of the permanently disabled child or children and dependent parents and disabled siblings of deceased Government servant as family pensioners in the Pension Payment Order, if there is no other member of family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.

(5)(a) The Accounts Officer shall determine the amount of the balance of the gratuity after adjusting the amount, if any, outstanding against the deceased Government servant.

(b) The Accounts Officer shall intimate to the Head of the Office, the amount of the balance of the death gratuity determined under clause (a) with the remarks that the amount of the balance of the death gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the provisional gratuity has been paid in accordance with rule 75.

(c) In the case of a missing Government servant, the Accounts Officer shall determine the amount of the gratuity payable after adjusting the amount, if any, outstanding against him or her.

(d) The Accounts Officer shall, within one month of the date of receipt of case, intimate to the Head of the Office, the amount of gratuity determined under clause (c) with the remarks that the amount of the gratuity may be drawn and disbursed by the Head of Office to the person or persons to whom the gratuity is payable in accordance with rule 47, only after the expiry of a period of six months from the date of lodging of report with the concerned Police Station.

(e) The amount of gratuity withheld under clause (b) of sub-rule (1) of rule 77 shall be adjusted by the Head of Office against the outstanding licence fee mentioned in clause (viii) of sub-rule (1) of rule 77 and the balance, if any, refunded to the person or persons to whom gratuity has been paid.

(5) The fact of the issue of the pension payment order shall be promptly reported to the Head of Office by the Accounts Officer and the documents which are no longer required shall also be returned to him.

(6) If the amount of provisional family pension as disbursed by the Head of Office is found to be in excess of the final family pension assessed by the Accounts Officer, it shall be open to the Accounts Officer to adjust the excess amount from the gratuity failing which, in instalments, from family pension payable in future.

(7)(a) If the amount of provisional gratuity disbursed by the Head of Office proves to be larger than the amount finally assessed by the Accounts Officer, the beneficiary shall not be required to refund the excess.

(b) The Head of Office shall ensure that chances of disbursing the amount of gratuity in excess of the amount actually admissible are minimized. In all cases where the amount of gratuity paid is more than the amount of gratuity finally assessed by the Accounts Officer, the Head of Department shall fix the responsibility for the excess payment.

(8)(a) The Accounts Officer shall forward a copy of the Pension Payment Order issued under this rule along with the undertaking to the Bank in Format 9 to the Central Pension Accounting Office, not later than one month of the date of receipt of family pension case from the Head of Office, for issuing a Special Seal of Authority.

(b) The Central Pension Accounting Office shall issue the Special Seal of Authority and forward the same to the Pension Disbursing Authority along with the copy of the Pension Payment Order issued by the Accounts Officer and the undertaking in Format 9 within ten days of the date of receipt of the Pension Payment Order from the Accounts Officer, in accordance with the orders issued by the Controller General of Accounts.

(c) The Pension Disbursing Authority shall take action to disburse the family pension to the family pensioner from the date on which it becomes due, in accordance with the orders issued by the Controller General of Accounts and Central Pension Accounting Office, not later than fifteen days of the date of receipt of Special Seal of Authority from the Central Pension Accounting Office.

(d) If there are more than one member of the family eligible to receive family pension in accordance with these rules and if a member of the family has not submitted his or her claim for family pension in Form 10, the case for issuing Pension Payment Order in favour of such member of family may be processed after his or her claim has been received and the case of other eligible members of the family for grant of family pension may be processed without linking it with the case of the family member who has not submitted the claim in Form 10.

(e) If there are more than one member of the family eligible to receive gratuity and if a member of the family has not submitted his claim for gratuity in Form 9, the case for drawal of gratuity in his favour may be processed after his claim has been received and the case of other eligible members of the family for sanction of gratuity may be processed without linking it with the case of the family member who has not submitted the claim in Form 9.

77. Adjustment of Government dues.- (1) In case of dues pertaining to Government accommodation, the following action shall be taken, namely:-

(i) If on the date of death or disappearance, the Government servant was allottee of Government accommodation, the Head of Office, on receipt of intimation or information regarding the death or disappearance of the Government servant shall, within seven days of the receipt of such intimation or information, forward the available details regarding the Government accommodation, to the Directorate of Estates and request the Directorate of Estates for issuing a `No demand certificate' in respect of the deceased or missing Government servant so that authorisation of family pension and gratuity is not delayed and the Head of Office shall also supply the following information to the Directorate of Estates, namely:-

(a) name of the deceased or missing Government servant with designation;

(b) particulars of the existing accommodation along with available details of any other accommodation, which was in occupation of the Government servant in the past (Quarter number, type and locality);

(c) date of death or disappearance of Government servant;

(d) whether the Government servant was on leave at the time of his death or disappearance and, if so, the period and nature of leave;

(e) whether the Government servant was enjoying rent-free accommodation;

(f) the period up to which licence fee had been recovered from the pay and allowances of the deceased or missing Government servant and the monthly rate of recovery and particulars of the pay bill under which last recovery was made;

(g) if the licence fee had not been recovered up to the date of death or disappearance and the family intends to retain Government accommodation for the permissible period thereafter, details of the -

(A) period for which licence fee has not been recovered;

(B) the amount of licence fee in respect of the period at (A) to be determined on the basis of the standard rent bill;

(C) the amount of licence fee for the retention of Government accommodation by the family of the deceased or missing Government servant for the permissible concessional period beyond the date of death or disappearance of the Government servant to be determined on the basis of standard bill;

(D) the amount of licence fee mentioned at (C) proposed to be recovered out of gratuity;

(E) details of any previous reference from the Directorate of Estates having bearing on the recovery of licence fee outstanding against the allottee and action taken thereon.

(ii) While calculating the dues in respect of the Government accommodation, the dues pertaining to outstanding licence fee payable in respect of the period before the date of death of the Government servant shall be waived off and if the Government accommodation is retained by the family of the deceased Government servant after his death, the licence fee for the month in which the Government servant has died and the first three months thereafter, shall not be recovered from the family.

(iii) The Head of Office shall recover from the gratuity the amount of licence fee as intimated to the Directorate of Estates under clause (i) and clause (ii).

(iv) The recovery of licence fee for the occupation of Government accommodation beyond the permissible concessional period shall be the responsibility of the Directorate of Estates.

(v) The Directorate of Estates shall scrutinise their records with a view to determine if any dues other than the licence fee referred to in clause (i) was outstanding against deceased or missing Government servant and if any recovery is found, the amount and the period or periods to which such recovery or recoveries relate shall be communicated to the Head of Office within a period of one month of the receipt of intimation from Head of Office under clause (i) regarding the death or disappearance of the Government servant.

(vi) Pending receipt of information under clause (v), the Head of Office shall withhold ten per cent of the death gratuity.

(vii) If no intimation is received by the Head of Office regarding recovery of outstanding dues or the Directorate of Estates expresses its inability to assess the outstanding dues within the period specified under clause (v), it shall be presumed that nothing was recoverable from the deceased or missing Government servant and the amount of gratuity withheld shall be paid to the person or persons to whom the amount of gratuity was paid.

(viii) If the Head of Office has received intimation from the Directorate of Estates under clause (v) regarding dues outstanding against the deceased or missing Government servant, the Head of Office shall verify from the acquaintance rolls if the outstanding amount was recovered from the pay and allowances of the deceased Government servant and if as a result of verification, it is found that the amount of dues shown as outstanding by the Directorate of Estates, had already been recovered, the Head of Office shall draw the attention of the Directorate of Estates to the pay bills under which the necessary recovery of the licence fee was made and subject to the provisions of sub-rule (2) take steps to pay the amount of the gratuity withheld under clause (vi) to the person or persons to whom the gratuity was paid.

(ix) If the outstanding amount of dues was not recovered from the pay and allowances of the deceased or missing Government servant, the outstanding amount shall be adjusted against the amount of the gratuity withheld under clause (vi) and the balance, if any, repaid to the person or persons to whom the amount of gratuity was paid.

(x) Any amount of licence fee or damages, remaining unpaid after adjustment from the withheld amount of gratuity and any dues intimated by the Directorate of Estates after the amount of gratuity has been paid, may be ordered to be recovered by the Head of Office through the Accounts Officer concerned from the dearness relief without the consent of the family pensioner and in such cases no dearness relief shall be disbursed until full recovery of such dues has been made.

(2) In case of dues other than those referred to in sub-rule (1), the Head of Office shall, within fifteen days of the receipt of intimation regarding death or disappearance of a Government servant, take steps to ascertain if any dues as referred to in rule 67, excluding the dues pertaining to the allotment of Government accommodation were recoverable from the deceased or missing Government servant and such ascertainable dues shall be recovered from the amount of gratuity becoming payable to the family of the deceased or missing Government servant.

78. Payment of family pension and death gratuity when a Government servant dies or goes missing while on deputation.- (1) In the case of a Government servant who dies or goes missing while on deputation to another Central Government Department, action to authorise family pension and gratuity in accordance with the provisions of these rules shall be taken by the Head of Office of the borrowing Department.

(2) In the case of a Government servant who dies or goes missing while on deputation to a State Government or while on foreign service, action to authorise the payments of family pension and gratuity in accordance with the provisions of these rules shall be taken by the Head of Office or the cadre authority which sanctioned the deputation of the Government servant to the State Government or to the foreign service.

CHAPTER XII

Sanction of family pension and residuary gratuity in respect of deceased or missing pensioners or family pensioner

79. Sanction of family pension and residuary gratuity on the death or disappearance of a pensioner or family pensioner.- (1) Where the Head of Office has received an intimation or information regarding the death or disappearance of a pensioner or death or disappearance or ineligibility of a family pensioner, he shall ascertain whether any family pension or residuary gratuity or both in respect of the deceased pensioner or any family pension in respect of the missing pensioner or any family pension in respect of the deceased or missing family pensioner are payable and proceed as hereinafter provided.

(2)(a)(i) In the case of death of a pensioner, if the deceased pensioner is survived by a widow or widower who is eligible for the grant of family pension under rule 50, the amount of family pension as indicated in the Pension Payment Order shall become payable to the widow or widower, as the case may be, from the date following the date of death of the pensioner.

(ii) The Pension Disbursing Authority shall commence disbursement of family pension, as authorised in the Pension Payment Order, to the widow or widower, whose name has been included in the Pension Payment Order, within one month of the receipt of a claim in Form 12 from the widow or widower along with a copy of the death certificate and an undertaking to the Bank in Format 9.

(iii) Subject to the provisions of clause (b), if the deceased pensioner is survived by a permanently disabled child or children or dependent parents or disabled siblings, whose names have been included in the Pension Payment Order as family pensioners under clause (e) of sub-rule (1) of rule 63, the Pension Disbursing Authority shall, on receipt of a claim in Form 12 along with a copy of the death certificate and an undertaking to the Bank in Format 9, commence disbursement of family pension, as authorized in the Pension Payment Order, to the member of family who is eligible to receive family pension in accordance with the provisions of rule 50, within one month of the date of receipt of the claim.

(iv) Where the deceased pensioner is survived by spouse and permanently disabled children or dependent parents or disabled siblings, whose names had not been included in the Pension Payment Order previously, the Accounts Officer shall include their names in the Pension Payment Order on receipt of a written communication from the Head of Office on the basis of a request made by the spouse of the deceased pensioner in Form 8.

(v) The Pension Disbursing Authority shall, on death or ineligibility of the family pensioner and on receipt of a claim in Form 12 along with a copy of the death certificate and an undertaking to the Bank in Format 9, commence disbursement of family pension, as authorised in the Pension Payment Order, to a permanently disabled child or dependent parent or disabled sibling whose name has been included in the Pension Payment Order as family pensioner and who is eligible to receive family pension in accordance with the provisions of rule 50, within one month of the date of receipt of the claim.

(b)(i) Where the Pension Payment Order does not include name of any member of the family for payment of family pension or where the Head of Office is of the opinion that in accordance with the provisions of rule 50, on death of a pensioner or family pensioner, the family pension in respect of a deceased pensioner or family pensioner has become payable to a member of the family other than that whose name has been included in the Pension Payment Order under sub-rule (1) of rule 63 or sub-clause (i) or sub-clause (iv) of clause (a), including a person who became member of the family of the pensioner after his retirement, he shall, within one month of the date of receipt of a claim in Form 10, sanction the family pension in Format 13, to such member of family to whom family pension has become payable.

(ii) If family pension is sanctioned under sub-clause (i), the Head of Office shall include the names of any permanently disabled child or children and dependent parents and disabled siblings as family pensioners if there is no other member of the family to whom family pension may become payable before such disabled child or children or dependent parents or disabled siblings.

(3)(i) Where the Head of Office has received an intimation that a pensioner or family pensioner has gone missing, he shall ascertain whether any family pension is payable in respect of the missing pensioner or family pensioner in accordance with sub-rule (2) and sub-rule (3) of rule 51.

(ii) The Head of Office shall address the eligible member of the family or the guardian, as the case may be, in Format 12 for making a claim for family pension in Form 10.

(iii) A claim for payment of family pension shall be submitted by the eligible member of family to the Head of Office in Form 10 after a report has been lodged with the concerned Police Station in the form of a First Information Report or a Daily Diary Entry or a General Diary Entry and the claim shall be accompanied by an Indemnity Bond in Format 8, a copy of the report lodged with the concerned Police Station, a copy of the report obtained from the police to the effect that the Government servant or pensioner or family pensioner could not be traced so far despite all efforts made in that regard and an undertaking to the Bank in Format 9.

(iv) On receipt of a claim in Form 10, the Head of Office shall sanction the family pension in Format 13, to such member of family to whom family pension has become payable. The family pension in such a case shall become payable from the date following the date up to which pension or family pension has been paid to the pensioner or family pensioner who went missing or from the date on which a report was lodged with the concerned Police Station in the form of First Information Report or a Daily Diary Entry or a General Diary Entry, whichever is later.

(v) The sanction for family pension under clause (iv) shall be issued by the Head of Office with a stipulation that the family pension (including the arrears of family pension for the period from the date specified in sub-clause (iv), up to the date of commencement of payment of family pension) shall in no case be paid by the Pension Disbursing Authority before the expiry of a period of six months from the date of lodging of report with the concerned Police Station.

(vi) The claim of a member of the family of the deceased or missing pensioner shall not be rejected on the ground that the details of such member of the family are not available in Form 4 or office records, if the Head of Office is otherwise satisfied about the eligibility of the member of the family for grant of family pension under these rules.

(vii) In order to decide the eligibility for family pension, a member of the family, other than the widow or widower of the deceased Government servant or pensioner, shall be required to submit, along with the claim for family pension, the documents referred to in clause (b) of sub-rule (12) of rule 50.

(4)(a)(i) Where a widow or widower in receipt of family pension remarries and has, at the time of remarriage, minor child or children from the deceased Government servant or pensioner who is or are eligible for family pension, the remarried individual shall be eligible to draw the family pension on behalf of such child or children if such individual continues to be the guardian of such minor child or children.

(ii) For the purposes of clause (i), the remarried individual shall apply to the Head of Office in Form 10, along with a declaration that the applicant continues to be the guardian of such minor child or children.

(iii) If the remarried individual has, for any reason, ceased to be the guardian of such minor child or children, the family pension shall become payable to the person entitled to act as guardian of such child or children under any law for the time being in force and such person may submit a claim in Form 10 to the Head of Office for the payment of family pension.

(b) In a case referred to in clause (a), the family pension shall become payable to the child from the date on which he attains the age of majority, subject to the condition that he or she remains eligible for family pension after attaining the age of majority.

(c) Where a widow or widower in receipt of family pension remarries and has, at the time of remarriage, a child from the deceased Government servant or pensioner who has already attained the age of majority and is eligible for family pension, the family pension shall be payable to such child after the remarriage of his father or mother.

(5) If the person eligible for family pension is a minor or is suffering from any disorder or disability of mind or is mentally retarded, the guardian may submit a claim in Form 10 on behalf of such person.

(6) Where on the death of a retired Government servant a residuary gratuity becomes payable to the family of the deceased under sub-rule (2) of rule 45, the Head of Office shall sanction its payment on receipt of a claim or claims in Form 13 from the person or persons eligible to receive the residuary gratuity.

80. Authorisation of payment by Accounts Officer.- (1) On receipt of the sanction under rule 79 regarding the payment of family pension or of residuary gratuity or of both, the Accounts Officer shall authorise the payment of the same within one month from the date of receipt of the sanction:

Provided that if the payment of gratuity is delayed and the delay is attributable to administrative lapses or reasons, interest shall be payable for the period of delay beyond a period of three months from the date of submission of claim and responsibility shall be fixed for such delayed payment of gratuity, in accordance with rule 65.

Provided further that, in the case of a missing pensioner or family pensioner, the Accounts Officer shall indicate in the Pension Payment Order the date up to which the pension or family pension had been paid to the missing pensioner or family pensioner and specify that the payment of family pension (including the arrears of family pension for the period from the date it has become due, up to the date of commencement of payment of family pension) shall not be paid by the Pension Disbursing Authority before the expiry of a period of six months from the date of lodging of report with the concerned Police Station.

(2) The Accounts Officer shall forward a copy of the Pension Payment Order issued under this rule along with the undertaking to the Bank in Format 9 to the Central Pension Accounting Office, within one month of the date of receipt of family pension case from the Head of Office, for issuing a Special Seal of Authority.

(3) The Central Pension Accounting Office shall issue the Special Seal of Authority and forward the same to the Pension Disbursing Authority along with the copy of the Pension Payment Order issued by the Accounts Officer and the undertaking in Format 9 within ten days of the date of receipt of the Pension Payment Order from the Accounts Officer, in accordance with the orders issued by the Controller General of Accounts.

(4) The Pension Disbursing Authority shall take action to disburse the family pension to the family pensioner from the date on which it becomes due, in accordance with the orders issued by the Controller General of Accounts and Central Pension Accounting Office, within fifteen days of the date of receipt of Special Seal of Authority from the Central Pension Accounting Office.

(5)(a) In the case of a Government servant who has died after retirement and in respect of whom forms referred to in rule 57 or rule 58 were not submitted before his death, the Head of Office shall allow the spouse of the deceased Government servant or, in the absence of the spouse, any other member of the family eligible to receive family pension on death of Government servant to submit the claim in Form 10 along with Form 4 and an undertaking to the Bank in Format 9:

Provided that if there is no member of the family eligible to receive family pension on death of Government servant, a member of the family in whose favour a nomination was made by the Government servant for payment of gratuity, shall be allowed to submit Form 6 in place of Form 10 and the said member of the family shall indicate, the details of his or her Bank Account in Form 6.

(b) The Head of Office shall fill up Form 7 for payment of pension and retirement gratuity in respect of the deceased retired Government servant and he shall also make an indication in Form 7 to the effect that the case pertains to a retired Government servant, who did not submit Form 6 and other documents before his death and if a claim for family pension has been submitted in Form 10, the Head of Office shall also issue a sanction in Format 13 for authorisation of family pension to the eligible member of the family.

(c) The Head of Office shall send Form 4, Form 7, Form 10 or Form 6, as the case may be, Format 9 and Format 13 (if applicable) with a forwarding letter in Format 10 to the Accounts Officer for authorisation of pension, retirement gratuity and family pension, if applicable.

(d) The Accounts Officer shall authorise the pension, retirement gratuity and family pension (if applicable) in Part-II of the Pension Payment Order and he shall also authorise the Head of Office to make payment of arrears of pension for the period from the date following the date of retirement up to the date of death to the member of the family who is authorised to receive family pension:

Provided that if there is no member of the family eligible to receive family pension, the arrears of pension shall be paid to the member of the family who has been authorised to receive retirement gratuity.

(e) If a family pension has been authorised to a member of the family, the Accounts Officer shall forward a copy of the Pension Payment Order issued under clause (d) along with the undertaking to the Bank in Format 9 to the Central Pension Accounting Office, for issuing a Special Seal of Authority and for disbursement of family pension in accordance with sub-rule (2) to sub-rule (4).

CHAPTER XIII

Payment of Pensions

81. Date from which pension becomes payable.- (1) Subject to the provisions of rule 8, a pension other than family pension shall become payable from the date on which a Government servant ceases to be borne on the establishment.

(2) Subject to provisions of clause (d) of sub-rule (2) of rule 76 and clause (iv) of sub-rule (3) of rule 79, family pension shall be payable from the date following the date on which a Government servant or a pensioner dies or a family pensioner dies or becomes ineligible.

(3) Pension including family pension shall be payable for the day on which its recipient dies.

82. Currency in which pension is payable.- All pensions including gratuities admissible under these rules shall be payable in rupees in India only.

83. Manner of payment of gratuity and pension.- (1) Except as otherwise provided in these rules, a gratuity shall be paid in lump sum.

(2) A pension fixed at monthly rates shall be payable monthly on or after the last working day of the month to which the pension relates except for the month of March when it shall be payable on or after 1st working day of April.

84. Application of other rules.- (1) Save as otherwise provided in these rules, the Treasury Rules of the Central Government shall apply in regard to the procedure of payment of,-

(i) gratuity;

(ii) pension;

(iii) pension undrawn for more than a year; and

(iv) pension in respect of deceased pensioner.

(2) The Central Civil Services (Commutation of Pension) Rules, 1981 shall apply in regard to commutation of pension authorised under these rules, payment of commuted value of pension and restoration of commuted pension on expiry of the period of commutation.

(3) The Payment of Arrears of Pension (Nominations) Rules, 1983 shall apply in regard to nomination for receiving the arrears of pension after the death of the pensioners.

CHAPTER XIV

Miscellaneous

85. Interpretation.- Where any doubt arises as to the interpretation of these rules, it shall be referred, for decision, to the Government in the Department of Pension and Pensioners' Welfare or the Department of Personnel and Training, depending upon the rule or the subject on which a decision is required and the Department which is concerned with that rule or subject.

86. Power to relax.- Where any Ministry or Department of the Government is satisfied that the operation of any of these rules causes undue hardship in any particular case, that Ministry or Department, as the case may be, may, by order for reasons to be recorded in writing, dispense with or relax the requirements 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 Department of Pension and Pensioner's Welfare or the Department of Personnel and Training, depending upon the rule or the subject on which a relaxation is required and the Department which is concerned with that rule or subject.

87. Repeal and Saving.– (1) On the commencement of these rules, every rule [including Central Civil Services (Pension) Rules, 1972], regulation or order including Office Memorandum (hereinafter referred to in this rule as the old rule) in force immediately before such commencement shall, in so far as it provides for any of the matters contained in these rules, cease to operate.

(2) Notwithstanding such cesser of operation,–

(a)(i) every nomination for the payment of gratuity; and

(ii) every form regarding the details of family of a Government servant for the purpose of Family Pension;

(iii) every formal application for the sanction of pension,

which a Government servant had made or given under the old rule, shall be deemed to have been made or given under the corresponding provisions of these rules.

(b) any nomination for the payment of gratuity or any form regarding the details of family of a Government servant for the purpose of Family Pension required to be made or given by a government servant under the old rule but not made or given before the commencement of these rules shall be made or given after such commencement in accordance with the provisions of these rules.

(c) any case which pertains to the authorisation of pension to a Government servant who had retired before the commencement of these rules and is pending before such commencement shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made.

(d) any case which pertains to the authorisation of gratuity and family pension to the family of a deceased Government servant or of a deceased pensioner and is pending before the commencement of these rules shall be disposed of in accordance with the provisions of the old rule as if these rules had not been made.

(e) subject to the provisions of clauses (c) and (d) anything done or any action taken under the old rule shall be deemed to have been done or taken under the corresponding provisions of these rules.

[F. No. 38/3/2017-P&PW(A)]

SANJIV NARAIN MATHUR, Jt. Secy.

FORM 1

(See Rule 9(1)

Application for permission to Central Services Officers to accept commercial employment within a period of one year after retirement.

A. Particulars of Officer

1.	Name of the Pensioner(in block letters)	
2.	Date of retirement	
3.	Particulars of the Ministry/Department/Office in which the pensioner served during the last five years preceding retirement (with duration)	
4.	Post held at the time of Retirement and period for which held	
5.	Pay scale/Pay Band & Grade Pay of the post and the Pay drawn by the officer at the time of retirement	
6.	Pensionary benefits (a) Gross monthly Pension sanctioned/expected (b) Commutation, if any. (c) Gratuity, if any	

B. Particulars of proposed employment

7.	Details regarding commercial employment proposed to be taken up:- (a) (i) Name of organisation (firm or company or co-operative society, etc.). (ii) Brief nature of the organisation. (iii) Full address of the registered office of the organisation. (iv) Permanent Account Number or Tax Identification Number or Registration Number of the organisation. (b) Products being manufactured by the firm/type of business carried out by the firm etc. (c) Whether the officer had during the last three years of his official career, any dealings with the firm or company or cooperative society, etc. (d) Duration and nature of the Official dealing with the firm (e) Name of the job/post offered (f) Whether post was advertised, if not, how offer made (Attach Newspaper cutting of the advertisement and copy of the offer of appointment, if any) (g) Description of the duties of the Post/job, Remuneration offered for the post/job. (h) If proposing to set up practice, indicate: (i) Professional Qualification in the field of practice (ii) Nature of proposed practice	
8	Any other information which the Applicant desires to furnish in support of his request	

9. Declaration:

I hereby declare that –

(a) I have not been privy to sensitive or strategic information in the last three years of service, which is directly related to the areas of interest or work of the organisation that I propose to join or to the areas in which I propose to practice or consult.

(b) The proposed employment will not involve conflict of interest with the policies of the office held by me during the last three years and the interest represented or work undertaken by the organisation I propose to join will not bring me into conflict with the working of the Government.

(c) The organisation in which I am seeking employment is not involved in activities which are conflict with or prejudicial to India's foreign relations, national security and domestic harmony. The organisation is not undertaking any activity for intelligence gathering. The employment, which I propose to take up also will not entail activities which are in conflict with or involve activities prejudicial to India's foreign relations, national security and domestic harmony.

(d) My service record is clear, particularly with respect to integrity and dealings with Non-Government Organisations.

(e) The proposed emoluments and pecuniary benefits are in conformity with the industry standards.

(f) I agree to withdraw from the commercial employment in case of any objection by the Government.

Undertaking

I hereby solemnly declare that the above information is true to the best of my knowledge and belief and that no material information has been concealed. In the event of any of the information being found to be false the permission may be withdrawn without assigning any reason and without prejudice to any other action the Government may consider appropriate including action under Central Civil Services (Pension) Rules, 2021 and criminal proceedings.

Signature of applicant

Date: .....

Place : .....

Address of the Applicant"

FORM 2

(See Rule 9(5))

Check list for processing requests of pensioners for permission to accept commercial employment after retirement

Subject: – Grant of permission to retired Group 'A' Officers for commercial employment after retirement– Case of ....

1. Date of receipt of application in Office/Ministry/Department

2. Comment with reference to the prescribed criteria –

	Criteria	Comments
a.	The nature of the employment proposed to be taken up and the antecedents of the employer. (If the firm concerned was black-listed by the Government, this should be clearly indicated)	
b.	Are his duties in the employment which he proposes to take up such as might bring him into conflict with Government?	

c. Did the pensioner while in service have any such dealings with the employer under whom he proposes to seek employment as might afford a reasonable basis for the suspicion that the pensioner had shown favours to such employer?

d. Do the duties of the commercial employment proposed involve liaison on contact work with Government departments?

e. Will his commercial duties be such that his previous official position or knowledge or experience under Government could be used to give the proposed employer unfair advantage?

f. Any other relevant factor

3. Was the retired official's integrity while in service certified?

4. The APAR Dossier of the applicant is attached/may be attached by the Ministry/Department of .....

5. Recommendation regarding grant or refusal of permission including conditions, if any, subject to which permission may be granted

Signature of authority recommending the case

Name :

Designation

FORM 3

Common Nomination Form for Gratuity, General Provident Fund and Central Government Employees' Group Insurance Scheme

[See Rule 46 of Central Civil Services (Pension) Rules, 2021, Rule 5 of General Provident Fund (Central Services) Rules, 1960 and Para 19.7 of Central Government Employees' Group Insurance Scheme, 1980]

I, ..., hereby nominate the person/persons mentioned below and confer on him/her/them the right to receive in the event of my death, to the extent specified below, amount on account of the following:

i. any gratuity the payment of which may be authorised under rule 44 and Rule 45 of CCS (Pension) Rules
ii. amount that may stand to my credit in the General Provident Fund
iii. any amount that may be sanctioned by the Central Government under the Central Government Employees Group Insurance Scheme, 1980

Name, date of birth (DOB) and address of the nominee	Relation-ship with employe e/ pensione r	Share to be paid to each	If nominee is minor, name, DOB and address of person who may receive the amount on behalf of minor	Name, DOB, relationship and address of alternate nominee in case the nominee under Column (1) predeceases the employee	Share to be paid to each	Name, DOB and address of person who may receive the amount if alternate nominee in Col. (5) is a minor	Contingency on happening of which nomination shall become invalid
1	2	3	4	5	6	7	8

These nominations supersede any nominations made by me earlier.

Place and date: Signature of Government servant

Mobile No.

Note 1 : Completely strike out the benefits for which nomination is not intended to be made. Separate copies of this nomination Form may be used for nominating different persons for benefits (i), (ii) and (iii) above

Note 2 : The Government servant shall draw lines across the blank space below the last entry to prevent the insertion of any name after he/she has signed.

Note 3 : The nominee(s)/alternate nominee(s)' shares together should cover the whole amount.

(To be filled in by the Head of Office/authorised Gazetted Officer)

Received the nominations, dated ……., under the following Rules :—

1. Central Civil Services (Pension) Rules, 2021 for Gratuity

2. General Provident Fund (Central Services) Rules, 1960

3. Central Government Employees Group Insurance Scheme, 1980

made by Shri/Smt./Kumari.....

Designation.....

Office.....

(Strike out which nomination is not received)

Verified that the nomination(s) made by the Government servant is/are in accordance with the provisions of the relevant rules. Entry of receipt of nomination(s) has been made in page ……Volume…….of Service Book.

Name, Signature and Designation of Head of Office/authorised Gazetted Officer with seal

Date of receipt.....

The receiving officer will fill the above information and return a duly signed copy of the complete Form to the Government servant who should keep it in safe custody so that it may come into the possession of the beneficiaries in the event of his/her death.

The receiving officer shall put his/her dated signature on both pages of this Form.

FORM 4

[See rules 50 (15), 57, 58, 59, 60, 62, 74, 79 and 80]

Details of Family

Important

1. The original Form submitted by the Government servant is to be retained. All additions/alterations are to be communicated by the Government servant/pensioner along with the supporting documents and the changes shall be recorded in this Form under the signature of Head of Office in column (7). No new Form will substitute the original Form. However, the retiring Government servant should submit the details of family afresh along with Form 6.

2. The details of all members of family (whether eligible for family pension or not) including spouse, all children, parents /parents in law and disabled siblings (brothers and sisters) may be given.

3. The Head of Office shall indicate the date of receipt of communication regarding addition or alteration in the family in the 'Remarks' column. The fact regarding disability or change of marital status of a family member should also be indicated in the 'Remarks' column.

4. Wife and husband shall include judicially separated wife and husband.

5. The pensioner shall intimate the details of change in family structure after retirement in Form 5.

6. Copies of birth certificates to be attached. If birth certificate is not available, then copy of any other certificate, as proof of date of birth, may be attached.

Name of the Government servant		Designation		Nationality	

Details of family members:

S.N.	Name	Date of birth (DD/MM/YYYY)	Aadhaar no.* (voluntary)	Relationship with Govt. servant	Marital status	Remarks	Dated signature of Head of Office
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							

I hereby undertake to keep the above particulars up to date by notifying to the Head of Office any addition or alteration.

E-mail: (Optional) Place:

Mobile: Date (Signature)

**Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to Bank Account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

FORM 5

(See Rule 50(15))

Intimation regarding marriage/birth of a child after retirement

To

The Head of Office

.....

Sub: Intimation regarding marriage/birth of a child after retirement

Sir,

I am to state that I have married/remarried on…….. I give below the requisite particulars of my spouse for necessary endorsement on my PPO. I also enclose three copies of passport size joint photograph with my spouse for necessary action.

1. Name of the Pensioner (as recorded in PPO)

2. Full present Address

3. Date of Retirement

4. (i) PPO No. & Date

(ii) Name of PPO Issuing Authority

5. Name of the Pension Disbursing Authority

(i) Station

(ii) Treasury/DPDO/PAO/PSB, as the case may be

(iii) Bank Branch with full Address and A/c. No.

6. (a) Details of family (as already available in records)

S.No	Name(s) and Address of members of family	Relationship with the Pensioner	Martial Status in case of son/ daughter	Whether the child is physically handicapped

(b) If the application is for inclusion of post-retiral spouse, the date of death/divorce of the previous spouse (Self - attested copies of death certificate/ divorce decree to be enclosed)

7. Particulars of spouse from post-retiral marriage

(i) Name

(ii) Date of marriage with the pensioner. (Please attach self-attested copy of marriage certificate)

(iii) If the pensioner is having a spouse living in addition to the one whose name is proposed to be included, is this marriage valid as per the personal law applicable to the pensioner? If so, give details.

8. Particulars of Children born after retirement

S. No	Name of child born after retirement	Date of Birth (Attach Birth certificate)	Whether the child suffers from any disability

9. Verification

I certify that the particulars furnished above are correct.

Signature of Pensioner

(with name in Block letters and address)

Date .....

List of Documents to be submitted with Form 5

1. Copy of PPO.
2. Three copies of passport size joint photograph with spouse.
3. Photocopy of the first page of Pass Book of the Joint Bank Account (with spouse) in which the pension is to be credited
4. Self -attested copies of death certificate/ divorce decree
5. Self-attested copy of marriage certificate
6. Birth certificate of child borne after retirement.
7. Disability certificate of child (If the child suffers from a disability)

FORM 6

[See rules 57(1), 58, 59 and 60, 62, 80]

Particulars to be obtained by the Head of Office from the retiring/retired Government Servant

Photograph(s)

1. Detail of Government servant:

Name		Designation/ Rank	
Date of birth		Date of retirement	
Ministry/Department/Office		PAN No.	
Aadhaar No.*(voluntary)		Nationality	

2. Address after retirement for future correspondence:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone No. (If any)		Mobile No.	
E-mail ID			

3. Details of Bank through which Pension is to be drawn:

Type of A/c	☐ Single ☐ Joint with Spouse	A/c No.	
Bank's Name		Branch	
IFS Code			

Note 1: Please attach a copy of the first page of passbook/cancelled cheque/document showing the name of Account Holder. (The name should be the same in the bank account, this form and the office records.)
Note 2: Please ensure that the Government servant is the Primary Account holder in the Joint Account
Note 3: In case Head of Office is satisfied that it is not possible for the retiring Government servant to open a joint account for
reasons beyond his/her control, this requirement may be relaxed.

4. Details of member of the family of Government servant who has been authorised under Rule 57(3) to submit this Form on behalf of the retiring/retired Government servant:

Name		Relationship with the Government servant	
Aadhaar No.*(voluntary)		Nationality	
Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone No. (If any)		Mobile No.	
E-mail ID		Reasons why Government servant is not able to submit this form	

5. I desire to commute [%] of my pension under Central Civil Services (Pension) Rules, 2021 in accordance with the provisions of the Central Civil Services (Commutation of Pension) Rules, 1981.

Note : A **member of family who has been authorised under Rule 57(3) to submit this Form on behalf of the retiring/retired Government servant shall not be eligible to apply for commutation of a percentage of pension.**

6. Indicate whether family pension is also admissible from any other source- (Tick whichever is applicable)
Military ☐
State Govt.☐
Public sector undertaking/ autonomous body/ local fund under the Central or State Govt.☐

7. Whether any departmental or judicial proceedings pending against the Government servant? If so, the details thereof. .....

8. Whether any member of the family (other than spouse) is proposed to be co-authorised for family pension? (If yes, please attach Form 8.).....Yes/No

9. Whether the Government servant wants to receive Pension Payment Order (PPO) in Office through Head of Office? ..... Yes/No

Declarations:

*(1) I am satisfied with the length of qualifying service to be reckoned for pension and gratuity, as intimated by the Head of Office under Rule 57(1)(c)

OR

I am not satisfied with the length of qualifying service to be reckoned for pension and gratuity, as intimated by the Head of Office under Rule 57(1)(c) and I have submitted a representation in this respect separately.

OR

I have not been intimated about the length of qualifying service to be reckoned for pension and gratuity.

***Tick the statement which is applicable.**

***(2)** I am satisfied with the emoluments and average emoluments to be reckoned for pension and gratuity, as intimated by the Head of Office under Rule 57(1)(c).

OR

I am not satisfied with the emoluments and average emoluments to be reckoned for pension and gratuity, as intimated by the Head of Office under Rule 57(1)(c) and I have submitted a representation in this respect separately.

OR

I have not been intimated about the emoluments and average emoluments to be reckoned for pension and gratuity.

***Tick the statement which is applicable.**

(3) I am aware that future good conduct of the pensioner/family pensioner shall be an implied condition for every grant of pension/family pension and its continuance.

Enclosures: As per list attached

Place:

Date:

(Signature of Government servant/Family member
(with name) authorised to submit this Form)

Note 1: Commutation of pension is optional. Item 5 may be struck off if the retiring Government servant does not desire to commute a percentage of pension.

Note 2: A separate application for commutation of superannuation pension in Form 1-A of Central Civil Services (Commutation of Pension) Rules, 1981 is required to be submitted in case the retiring/retired Government servant desires to apply for commutation of pension after submission of this form.

Note 3: Commutation of pension after one year or for commutation of pension in case of compulsory retirement pension/invalid pension/compassionate allowance will be applied in Form-2 of Central Civil Services (Commutation of Pension) Rules, 1981.

**Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

List of Documents to be attached with Form 6

1. Two specimen signatures (to be furnished in a separate sheet). If the claimant cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb on the document in lieu of specimen signature.
2. Form 8, if a family member is proposed to be co-authorised for family pension. In accordance with Rule 63(1), the following members of family are eligible for co-authorisation for family pension along with spouse, if there is no other member of family eligible for family pension before them:
    - Disabled child/ children (Disability certificate to be attached for co-authorisation.)
    - Dependent parents.
    - Disabled siblings. (Disability certificate to be attached for co-authorisation.)
3. Three copies of Joint photograph with spouse or, if it is not possible to submit joint photograph with spouse, separate photographs of self and spouse, along with three copies of photograph of the member or members of the family whose names are to be included in the Pension Payment Order as a co-authorised family pensioner. (Photographs to be attested by Head of Office).
4. Form 4 – Details of Family.
5. Undertaking in Format 9 for refunding any excess payment made by the pension disbursing bank.
6. Nomination for Gratuity, Central Government Employees' Group Insurance Scheme and General Provident Fund in Common Nomination Form –Form 3.
7. Nomination for arrears of pension and commuted value of pension (if applied for commutation of pension) in common nomination form - Form A.
8. Undertaking in Format 1 (applicable for those who served in Security-related or Intelligence Organizations referred to in rule 7 of the Central Civil Services (Pension) Rules, 2021).
9. Form for submitting details under Anubhav (optional).
10. Form of option for availing Medical facilities of Central Government Health Scheme or Fixed Medical Allowance after retirement
11. Photocopy of the first page of Pass Book of the Bank Account in which the pension is to be credited or any other bank document showing the name and account details of Account Holder
12. Copy of PAN Card

FORM 7

[See rules 59, 60, 63, 80]

Form for Assessing Pension/Family Pension and Gratuity

[To be sent to the PAO four months before the date of retirement]

PART-I (To be filed by Head of Office)

1. Name of the retiring Government servant				Nationality	
Name of Mother/Father	☐ Mother ☐ Father				
*Aadhaar No. (if available)		PAN no.		Date of Birth **(DD/MM/YYYY)**	
2. Post held at the time of retirement: -					
(a) Name of the office		(b) Post held			
(c) Level of pay in the pay matrix		(D)Basic pay			
(e) Whether the appointment mentioned above was under Government or outside the Government on foreign service terms					
(f) Level of pay /basic pay in the pay matrix of the post in the parent department					
Whether declared substantive in any post under the Central Government					
3. Date of beginning of service (DD/MM/YYYY)		**4. Date of ending of service (DD/MM/YYYY)**			
5. Cause of ending of service (please tick one)					
(a) Superannuation (Rule 33)		(b) Voluntary retirement on being declared surplus (Rule 34)			
(c) Voluntary retirement [under Rules 43 or FR 56 (k)]					
(d) Premature retirement at the initiative of the Government [Rule 42 or FR 56 (j)]					
(e) Permanent absorption in State Government/ public sector undertaking/autonomous body (Rules 35, 36, 37 or 38)					
(f) Invalidation on medical grounds (Rule 39)					
(g) Compulsory retirement (Rule 40)		(h) Dismissal/Removal from service (Rules 24 and 41)			
5.A. In the case of compulsory retirement, the orders of the competent authority whether pension may be allowed at full rates or at reduced rates and in case of reduced rates, the percentage at which it is to be allowed (Please see Rule 40)					
5.B. In case of removal/dismissal from service, whether orders of competent authority have been obtained for grant of compassionate allowance and if so, at what rate (Please see Rule 41)					
6. Military service, if any :-					
(a) Period of military service		(b) Terminal benefits drawn/being drawn for military service			
(c) Whether opted for counting of military service towards civil pension (Rule 20)					
(d) If answer to (c) above is in the affirmative, whether the terminal benefits have been refunded					

| | | |

					(including NPA)

Note : If the officer was on foreign service immediately before retirement, the emoluments which he would have drawn under Government but for being on foreign service may be mentioned in items (a) and (b) above (Rule 31)

.

(c) Average emoluments (Rule 32)	
(d) Emoluments or average emoluments (whichever is higher) to be reckoned for pension (Rule 44)	
(e) Emoluments reckoned for retirement gratuity [(a) or (c), whichever is higher] (Rule 45)	
(f) Pay reckoned for family pension [(a) or (c), whichever is higher] (Rule 50)	

11. Proposed Pension Details:-					
(a) Proposed pension / service gratuity (Rule 44)					
(b) Proposed dearness relief on pension (as on the date of retirement)					
(c) Date from which pension is to commence (Rule 81)					
(d) Date from which provisional pension under Rule 62 being paid, if any.		Date upto which provisional pension is sanctioned by HOO		Amount of provisional pension being paid (per month)	
12. (a) Amount of retirement gratuity (Rule 45)					
(b) Amount of Provisional gratuity paid under Rule 62, if any					

13. Details of Government dues recoverable out of gratuity	
(a) Licence fee for Government accommodation [see sub-rules (2), (3) & (4) of Rule 68]	
(b) Dues referred to in Rule 69	
(c) Amount indicated by Directorate of Estates to be withheld under sub-Rule (5) of Rule 68	
14. Amount and Period of family pension :	**Amount**
(a) Enhanced rate [Rule 50(2)(a)(iii)]	
(b) Ordinary rate [Rule 50(2)(a)(i)]	

Note: In the event of death of pensioner, the family pension at enhanced rate shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 67 years had he survived, whichever is less.

15. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order	
a. Name of the Spouse	
b. Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)	
c. Names and relationship of other family members, referred to in (b) above.	1.
	2.
	3.
d. Name of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	

16. Whether Fixed Medical Allowance is admissible	☐ Yes	☐ No	Amount(₹)

17. Commutation of pension :-			
(a) Percentage of pension commuted			
(b) Amount of monthly pension commuted			
(c) Commuted value of pension			
(d) Amount of residuary pension after deducting commuted portion			
Post-retirement address of the retiree			
e-mail ID, if any		Mobile number	
**Providing Aadhaar No. is voluntary. However, if it is provided consent to link it to Bank Account for authentication of identity from UIDAI for pension related purpose only, is presumed.*			

Note: Commuted part of pension will be restored after 15 years from the date of retirement or payment of commuted value of pension, whichever is later.

FORM 7- CHECK LIST FOR HEAD OF OFFICE FOR TIMELY PROCESSING OF RETIREMENT DUES

1. Whether retiring Government servant is an allottee of Government accommodation									
2. The date on which action initiated to obtain the 'No demand certificate from the Directorate of Estates as provided in Rule 55.									
3. Date of receipt of 'No Demand Certificate' from Directorate of Estates									
4. Date on which intimation regarding any recovery/withholding of amount from gratuity received from Directorate of Estates									
5. If retiring **Government servant** is not an allottee of Government accommodation, date on which 'No Demand Certificate' issued by the office**(DD/MM/YYYY)**									
6. Date on which a certificate regarding the length of qualifying service and the emoluments/average emoluments proposed to be reckoned for retirement gratuity and pension was provided to the Government servant. **(DD/MM/YYYY)**									
7. Whether any objection received from the **Government servant** on the above certificate									
8. Whether the objection has been resolved to the satisfaction of **Government servant**									

9. Whether nominations made in common nomination forms for			
(i) Death gratuity/retirement gratuity		(ii)Payment under Central Government Employees' Group Insurance Scheme	
(iii) Amount of General Provident Fund, if applicable		(iv)Arrears of pension	
(v)Commuted value of pension (if applicable)			
10.(i)Has the retiring Government servant worked in any of the organisations mentioned in sub-rule 4 of Rule 7 of the Central Civil Services (Pension) Rules, 2021			
(ii)If yes, whether an undertaking in Format 1 has been obtained along with Form 6 and placed on record			
11. **Whether name in 'Pension Disbursing Authority' i.e. Bank Account is tallying with service records**	☐ Yes	☐ No	
12. Disbursement of commuted value of pension	☐ PAO	☐ Disbursing Authority	

PART-II
(Account Authorisation (by Accounts Officer)

Date of receipt of pension papers by the Accounts Officer from Head of Office **(DD/MM/YYYY)**															
Entitlements admitted -															
A. Length of qualifying service															
B. Pension - (i) Class of pension				(ii) Amount of monthly pension											
(iii) Date from which provisional pension under Rule 62 being paid by Head of Office, if any.				(iv)Amount of Provisional Pension being paid											
(v) Date up to which provisional pension to be continued									(vi) Date from which regular pension is to commence								
Note 1 : The date from which the final pension shall be commenced by the Pension Disbursing Authority shall be at least two months after the date of issue of the PPO, taking into consideration the time likely to be taken by CPAO and CPPC to process the pension case. Pay & Accounts Office shall record a note in this regard in the PPO while authorizing the final pension. Note 2: The payment of provisional pension shall, accordingly, continue from the office till the date mentioned in the PPO for commencement of final pension by the PDA. Note 3: The HOO will draw and disburse the difference between the amount of pension finally assessed and the amount of provisional pension. If the amount of pension finally assessed is less than the amount of provisional pension, the difference will be adjusted from the amount of gratuity payable failing which, in instalments from pension payable in future.														
C. Commutation of pension -															
(i) Portion of pension commuted, if any															
(ii) Commuted value of portion of pension commuted, if any															
(iii) Residuary pension after commutation															
(iv) Date from which reduced pension is payable **(DD/MM/YYYY)**															
(v) Date of restoration of commuted portion of pension (subject to the pensioner continuing to live) **(DD/MM/YYYY)**															
D. Retirement Gratuity -															
(i) Total amount of gratuity															
(ii) Provisional gratuity paid by Head of Office under Rule 62															
(iii) Amount to be adjusted towards arrears of licence fee for Government accommodation and licence fee for retention of Government accommodation beyond retirement [Rule 68(1) and 68(4)]															
(iv) Amount intimated by Directorate of Estates for being withheld on account of unassessed licence fee (Rule 68(5))															
(v) Amount to be adjusted towards Government dues other than those pertaining to Government accommodation (Rule 69)															
(vi) Net amount to be released immediately															

E. Amount and period of Family pension –	**Amount**	**Period**
(i) At enhanced rate		
(ii)At normal rate		

F. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order	
(a) Name of the Spouse	

(b)Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)	
(c) Names and relationship of other family members, referred to in (b) above.	
(d) Name of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	
G. Head of account to which the amount of pension, retirement/death gratuity and family pension are to be debited	

Signature of Accounts Officer

PENSION CALCULATION SHEET

1. Name		2. Designation			
3. Date of birth		4. Level of pay in the pay matrix		5. Basic pay	
6 Date of entry in the Government service**(DD/MM/YYYY)**			7.Date of retirement **(DD/MM/YYYY)**		
8. Length of qualifying service reckoned for pension/gratuity(as indicated in PPO)					
9(a). Emoluments for pension					
9(b). Emoluments drawn during the last ten months					
9(c). Average emoluments					
10. Emoluments or average emoluments, whichever is more beneficial for pension (as indicated in PPO)					
11. Pension admissible (if qualifying service is ten years or more) calculations to be shown as follows :- Emoluments or average emoluments/2					
12. Emoluments for gratuity (as indicated in PPO)					
13. Retirement gratuity admissible: calculation to be shown as follows :- Emoluments/4 x Qualifying Service (In completed six monthly periods, not exceeding 66.)					
14. Pay for family pension (as indicated in Pension Payment Order)					
15. Family pension admissible (calculation to be shown as follows) :-					

(a) Ordinary family pension : Pay x 30% (subject to prescribed minimum and maximum)	
(b) Enhanced family pension: Pay /2 (Subject to prescribed minimum and maximum)	
16. Details of Commutation of Pension, If any	
(a) The percentage of pension commuted	
(b) Amount of monthly pension commuted	
(c) Commuted value of pension	
(d) Amount of residuary pension after deducting commuted portion	
17. Amount of Fixed Medical Allowance, if admissible	

Signature of the Head of Office

Countersigned by PAO

Copy to:- Shri/Smt./Kumari .....

(Retired/retiring Govt. servant)

Form 7-A

[See Rule 63(5)]

Form for Assessing Pension/Family Pension and Gratuity in respect of a Government servant against whom departmental or judicial proceedings were pending at the time of retirement and to whom provisional pension was sanctioned in accordance with Rule 8

PART-I (To be filed by Head of Office)

1. Name of the retiring Government servant					
Name of ☐ Mother ☐ Father	☐ Mother				
	☐ Father				
*Aadhaar No. (if available)		PAN no.		Date of Birth DD-MM-YYYY	
2. Post held at the time of retirement: -					
(a) Name of the office		(b) Post held			
(c) Level of pay in the pay matrix		(d) Basic pay			
(e) Whether the appointment mentioned above was under Government or outside the Government on foreign service terms					
(f) Level of pay /basic pay in the pay matrix of the post in the parent department					
Whether declared substantive in any post under the Central Government					
3. Date of beginning of service (DD/MM/YYYY)		**4. Date of ending of service (DD/MM/YYYY)**			
5. Cause of ending of service (please tick one)					
(a) Superannuation (Rule 33)		(b) Voluntary retirement on being declared surplus (Rule 34)			
(c) Voluntary retirement [under Rules 43 and FR 56 (k)]					

(d) Premature retirement at the initiative of the Government [Rule 42 or FR 56 (j)]					
(e) Permanent absorption in State Government/public sector undertaking/Autonomous Body (Rule 35, 36, 37 or 38)					
(f) Invalidation on medical ground (Rule 39)					
(g) Compulsory retirement (Rule 40)		(h) Dismissal/ Removal from service (Rules 24 and 41)			

| | | | | |

(d) Percentage of pension to be withheld / withdrawn	
(e) Whether pension is to be withheld/withdrawn permanently or for a specified period	
(f) Date from which pension is to be withdrawn / withheld	
(g) Date up to which pension is to be withdrawn/withheld (if withheld/withdrawn for a specified period)	
(h) Amount of pension payable after deduction of the amount withheld / withdrawn	
(i) Date from which regular pension is to commence	
(j) Percentage of gratuity to be withheld under Rule 8	
(k) Amount of gratuity after deduction of amount withheld	
(l) Amount of provisional pension which was sanctioned under Rule 8	
(m) Date from which provisional pension paid	
9. Details of Government dues recoverable out of gratuity	
(a) Licence fee for Government accommodation [see sub-rules (2), (3) & (4) of Rule 68]	
(b) Dues referred to in Rule 69	
(c) Amount indicated by Directorate of Estates to be withheld under sub-Rule (5) of Rule 68	
10. Amount and Period of family pension :	**Amount**
(a) Enhanced rate [Rule 50(2)(a)(iii)]	
(b) Ordinary rate [Rule 50(2)(a)(i)]	
Note: In the event of death of pensioner, the family pension at enhanced rate shall be payable for a period of seven years, or for a period up to the date on which the retired deceased Government servant would have attained the age of 67 years had he survived, whichever is less.	
11. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order	
(a)Name of the Spouse	
(b) Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)	
(c) Names and relationship of other family members, referred to in (b) above.	1 2 3
(d) Name of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	
12. Commutation of pension :-	
(a) The percentage of pension commuted	
(b) Amount of monthly pension commuted	
(c) Commuted value of pension	
(d) Amount of residuary pension after deducting commuted portion	
Post-retirement address of the retiree	
e-mail ID, if any	Mobile number

Note: Commuted part of pension will be restored after 15 years from the date of payment of commuted value of pension.

PART-II

(Account Authorisation (by Accounts Officer)

Date of receipt of pension papers by the Accounts Officer from Head of Office **(DD/MM/YYYY)**				
Entitlements admitted -				
A. Length of qualifying service				
B. Pension - (i) Class of pension		(ii) Amount of monthly pension		
(iii) Percentage of pension to be withheld / withdrawn under Rule 8				
(iv) Amount of pension payable after deduction of the amount withheld / withdrawn				
(v) Period for which pension is to be withdrawn / withheld				
(vi) Date of commencement				
(vii) Amount of provisional pension paid (Statement of provisional pension paid every month to be attached)				
C. Commutation of pension -				
(i) Portion of pension commuted, if any				
(ii) Commuted value of portion of pension commuted, if any				
(iii) Residuary pension after commutation				
(iv) Date from which reduced pension is payable **(DD/MM/YYYY)**				
(v) Date of restoration of commuted portion of pension (subject to the pensioner continuing to live) **(DD/MM/YYYY)**				
D. Retirement/Death Gratuity -				
(i) Total amount of gratuity				
(ii) Percentage of gratuity to be withheld under Rule 8				
(iii) Amount of gratuity after deduction of amount withheld				
(iv) Amount to be adjusted towards arrears of licence fee for Government accommodation and licence fee for retention of Govt. accommodation beyond retirement (Rule 68(1) and 68(4)				
(v) Amount intimated by Directorate of Estates for being withheld on account of unassessed licence fee (Rule 68(5))				
(vi) Amount to be adjusted towards Government dues other than those pertaining to Government accommodation (Rule 69)				
(v) Net amount to be released immediately				
E. Amount and period of Family pension –	**Amount**	**Period**		
(i) At enhanced rate				
(ii)At normal rate				
F. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order				
(a)Name of the Spouse				
(b) Percentage of family pension to be paid to spouse, if the family pension is to be shared with other members of the family (e.g. children from a wife who is not alive or children from a divorced wife)				
(c) Names and relationship of other family members, referred to in (b) above.				1 2 3
(d) Name of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)				
G. Head of account to which the amount of pension, retirement/death gratuity and family pension are to be debited				
H. Whether any order affecting pension/ gratuity issued under Rule 8 of CCS (Pension) Rules.				Yes ☐ No ☐
If so, details thereof				

Signature of Accounts Officer

PENSION CALCULATION SHEET

1. Name		2. Designation			
3. Date of birth		4. Level of pay in the pay matrix		5. Basic pay	
6 Date of entry in the Government service **(DD/MM/YYYY)**			7.Date of retirement **(DD/MM/YYYY)**		
8. Length of qualifying service reckoned for pension/gratuity(as indicated in PPO)					
9. Emoluments drawn during the last ten months					
10. Emoluments or average emoluments, whichever is more beneficial for pension (as indicated in PPO)					
11. Pension admissible (if qualifying service is ten years or more) calculations to be shown as follows :- Emoluments or average emoluments/2					
12. Amount of pension withheld/withdrawn					
13. Amount of pension payable					
14. Emoluments for gratuity (as indicated in PPO)					
15. Retirement gratuity admissible at full rates: calculation to be shown as follows :- Emoluments/4 x Qualifying Service (In completed six monthly periods, not exceeding 66.)					
16. Amount of Retirement Gratuity to be withheld/withdrawn					
17. Amount of Retirement Gratuity payable					
18. Pay for family pension (as indicated in PPO)					
19. Family pension admissible (calculation to be shown as follows) :-					
(a) Ordinary family pension : Pay x 30% subject to prescribed minimum and maximum					
(b) Enhanced family pension: Pay /2 [Subject to prescribed minimum and maximum]					
20. Details of Commutation of Pension, If any					
(a) The percentage of pension commuted					
(b) Amount of monthly pension commuted					
(c) Commuted value of pension					
(d) Amount of residuary pension after deducting commuted portion					

Signature of the Head of Office

Countersigned by PAO

Copy to:- Shri/Smt./Kumari ……..

(Retired/retiring Govt. servant)

FORM 8

(See Rule 63(1) and 79(2))

Application by a Government servant/pensioner or his/her spouse for including /co-authorisation of names of permanently disabled child/dependent parents/disabled sibling as family pensioner in the Pension Payment Order

Photograph(s) of the Family member(s) to be co-authorised

1. Details of Government servant/Pensioner :

Name		Office/Dept./Ministry		Nationality	
Date of retirement (DD/MM/YYYY)		Date of death (DD/MM/YYYY)		PPO No. (If issued)	

2. Details of primary/existing family pensioner :

Name		Relationship with deceased Government servant/pensioner		PPO No.	

3. Details of family member to be co-authorised for family pension i.e. Permanently Disabled Child/Dependent Parents / Permanently Disabled Sibling:

Name		Date of birth (DD/MM/YYYY)		Aadhaar No. *(voluntary)	
PAN		Relationship with deceased Govt. servant		Personal marks of identification	
Signature/left hand Thumb impression		Whether in receipt of any other pension/family pension. If so, particulars and source from which being drawn			

4. Postal address of family member to be co-authorised for family pension:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID	

5. In case the family member to be co-authorised is minor or suffering from disorder or disability of mind, including mental retardation, details of guardian/ nominee, wherever applicable:

Name		Date of Birth (DD/MM/YYYY)		Aadhaar No. *(voluntary)	
PAN		Relationship with minor/ mentally disabled family member			
Relationship with the Government servant /pensioner					

Postal address of guardian/nominee:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID	

6. Details of Bank account of family member to be co-authorised (Optional)**:**

A/c No. (Optional)		Bank's Name and branch	
IFS Code			

Signature or left hand thumb impression of the Government servant/Pensioner/family pensioner

Address.....

Mobile/Telephone No.....

Notes:- (i) If more than one family member are proposed to be co-authorised for family pension, photographs and details in item 3 to item 6 above in respect of all such family members may be given in separate sheets with this Form

(ii) The name(s) of permanently disabled child/children/siblings and/or dependent parents shall be added in the PPO only if there is no other eligible prior claimant for family pension

(iii) The co-authorisation shall become invalid in case any other member of family becomes entitled to family pension prior to the co-authorised family member.

List of Documents to be submitted with Form 8 in respect of each family member who is proposed to be co-authorised for family pension.

1. Two specimen signatures (to be furnished in a separate sheet) .If the member of the family cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.
2. Proof of identity.
3. Proof of relationship with the deceased Government servant/pensioner.
4. Two copies of self attested passport size photographs of the member of the family.
5. Certificate of age showing the dates of birth. The certificate should be from the municipal authorities or from the local panchayat or from the head of a recognized school or Central/state board of education.
6. Two specimen signatures of guardian (to be furnished in a separate sheet if the member of the family is minor or suffering from mental disability)
7. If the guardian cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.
8. A copy of Photo ID proof of the guardian along with proof of Permanent Address.
9. Two self attested copies of passport size photograph of the guardian/nominee
10. Last Income Tax Return failing which Certificate from SDM failing which any other document regarding income in support of the claim for family pension.
11. Copy of the first page of the Pass Book or cancelled cheque or any other document showing name and account number in which the family pension is to be credited. (Name of the claimant in the form and in the bank account should be the same)

FORM 9

[See rules 71(2)(b) and **71(6)]**

Application for the Grant of Gratuity in respect of a deceased/missing Government Servant

(To be filled in separately by each claimant and in case the claimant is minor, the form should be filled in by the guardian on his/her behalf. Where there are more than one minor with one guardian for all of them, the guardian should claim gratuity in one Form on their behalf)

Photograph(s)

1. Details of deceased/missing Government servant:

Name		Date of death (DD/MM/YYYY)		Date from which missing (DD/MM/YYYY)	
Office/Department/Ministry in which the deceased/missing Government servant served last		Date of lodging report with Police (in case of missing Government servant only) (DD/MM/YYYY)		Nationality	

2. Details of claimants:

Sl. No.	Name	Date of birth (DD/MM/YYYY)	Aadhaar No.* (Voluntary)	Relationship with deceased/missing Government servant	Postal address	Mobile No.
1.						
2.						
3.						

3. In case the claimant is/are minor or suffering from disorder or disability of mind, including mental retardation, details of guardian:

Name	Date of birth (DD/MM/YYYY)	Aadhaar No.* (Voluntary)	Relationship with the minor/mentally disabled	Relationship with the deceased/missing Govt. Servant	Postal address

4. Details of bank:

Bank's Name and address of the Bank Branch		A/c No.		IFS Code	

Place:

Date: DD-MM-YYYY

(Signature of the claimant/guardian)

Mobile no.:

Enclosure:.

a. Death certificate

b Guardianship Certificate/ Indemnity Bond (Format 7) and Date of Birth Certificate in case the claimant is a minor.

c Guardianship Certificate/ nomination and Medical Certificate in case the claimant is mentally disabled.

d Copy of the report lodged with the police. (in the case of missing Government servant only)

e Copy of the report from the police that the Government servant could not be traced so far despite all efforts made (in the case of missing Government servant only)

f Indemnity Bond in Format 8 (in the case of missing Government servant only)

**Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

FORM 10

[See rules 50, 71 , 74, 76, 79 and 80]

Application to the Head of Office for Family Pension on Death of a Government Servant or Pensioner or on Death or Ineligibility of a Family Pensioner or when a Government Servant or Pensioner or Family Pensioner goes missing

Photograph

Application for family Pension on : (Tick one box)

Death of Government servant	Death of Pensioner	Death of Family Pensioner	Ineligibility of Family Pensioner
Disappearance of Government servant	Disappearance of Pensioner	Disappearance of Family Pensioner	

1. Details of deceased/missing Government Servant/Pensioner (To be filled only if a Government servant/pensioner has died or gone missing)

Name		Office/Dept./Ministry		Nationality	
Date of retirement (in case of pensioner) (DD/MM/YYYY)		Date of death (in case of death of Government servant/pensioner (DD/MM/YYYY)		Date from which missing (in case of missing Government servant/ pensioner)(DD/MM/YYYY)	
Date of lodging of report with Police (In case of missing Government servant/pensioner) (DD/MM/YYYY)		PPO No. (If issued)(in case of pensioner)			

2. Details of previous family pensioner who has died or become ineligible or gone missing (To be filled only if a family pensioner has died or become ineligible or gone missing):

*Name of deceased Government servant/ pensioner		*Office/Dept./Ministry		*Nationality	
*Date of retirement of Government servant (DD/MM/YYYY)		*Date of death of Government servant/ pensioner (DD/MM/YYYY)		*PPO No. (Issued on retirement/ death of Government servant)	
Name of previous family pensioner who has died/become ineligible or gone missing		Date of death/ineligibility of previous family pensioner (DD/MM/YYYY)		Date from which missing (in case of missing family pensioner only) (DD/MM/YYYY)	
Date of lodging of report with Police (In case of missing family pensioner) (DD/MM/YYYY)		PPO No. sanctioning family pension to previous family pensioner who has died or become ineligible or gone missing			

Note: The information for items marked (*) is to be given in respect of the person who was employed in the Department and on whose death, family pension was originally sanctioned. Remaining information is to be given in respect of deceased/ineligible/missing family pensioner.

3. Details of claimant:

Name		Date of birth (DD/MM/YYYY)		Aadhaar No. *(Voluntary)	
PAN		Relationship with deceased/missing Govt. servant/pensioner			
If the claimant is a widowed daughter, date of death of husband of the claimant (DD/MM/YYYY)		If the claimant is a divorced daughter Date of filing of divorce petition (DD/MM/YYYY)		If the claimant is a disabled child/sibling, date from which suffering from the disability (DD/MM/YYYY)	
		Date of divorce (DD/MM/YYYY)			

4. Postal address:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID	

5. In case the claimant is minor or suffering from disorder or disability of mind, including mental retardation, details of guardian/ nominee, wherever applicable:

Name		Date of Birth (DD/MM/YYYY)		Aadhaar No. *(Voluntary)	
PAN		Relationship with minor/ mentally disabled claimant			
Relationship with the deceased /missing Government servant /pensioner					

Postal address:

Flat/House No./Bldg. Name		Street/Locality	
Village & Post Office/Block		City & District	
State		Pin Code	
Telephone /Mobile No.		E-mail ID	

6. Details of Bank:

A/c No.		Bank's Name and branch	
IFS Code			

7. Indicate whether family pension is also admissible from any other source- (Tick whichever is applicable)
   Military ☐
   State Govt. ☐
   Public sector undertaking/ autonomous body/ local fund under the Central or State Govt. ☐

8. Are there any criminal proceedings pending against the claimant? If so, give details. .....

9. Are there any charges of fraud or any other serious crime against the missing Government servant/ pensioner/family pensioner ? If so give details. (Applicable in case of missing Government servant/pensioner/family pensioner) .....

I declare that the information given by me is true to the best of my knowledge and nothing has been concealed therefrom.

I am aware that future good conduct of the claimant/family pensioner shall be an implied condition for every grant of family pension and its continuance.

Place:

Date:

(Signature of the claimant/guardian)

**Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

Note: If a member or members of family is/are proposed to be co-authorised for family pension, an application in Form 8 may be attached. In accordance with Rule 63(1), the following members of family are eligible for co-authorisation for family pension along with spouse, if there is no other member of family eligible for family pension before them:

- Disabled child/ children
- Dependent parents.
- Disabled siblings.

List of Documents to be submitted with Form 10

1. Two specimen signatures (to be furnished in a separate sheet) .If the claimant cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.
2. Proof of identity.
3. Proof of relationship with the deceased/missing Government servant/pensioner
4. Two copies of self attested passport size photographs of the claimant.
5. Details of family in Form 4.
6. Undertaking for refunding any excess payment made by the pension disbursing bank in Format 9.
7. Certificate(s) of age showing the dates of birth of the children. The certificates should be from the municipal authorities or from the local panchayat or from the head of a recognized school or Central/state board of education.
8. Two specimen signatures of guardian (to be furnished in a separate sheet if the claimant is minor or suffering from mental disability)
9. If the guardian cannot sign his/her name then he/she is required to put the impression of his/her left/right thumb etc. on the document in lieu of specimen signature.
10. A copy of Photo ID proof of the guardian along with proof of Permanent Address.
11. Two self attested copies of passport size photograph of the guardian/nominee
12. Copy of Pension Payment Order of previous pensioner/family pensioner.
13. Copy of death certificate of Government servant/pensioner/previous family pensioner , if applicable
14. Copy of document regarding ineligibility of previous family pensioner, if applicable
15. Copy of report lodged with police in respect of missing Government servant or pensioner or previous family pensioner.(In case of missing pensioner/family pensioner only)
16. Copy of the report from the police that the Government servant could not be traced so far despite all efforts made (In case of missing pensioner/family pensioner only)
17. Indemnity Bond in Format 8 (In case of missing pensioner/family pensioner only)
18. Last Income Tax Return failing which Certificate from SDM failing which any other document regarding income in support of the claim for family pension (Not applicable in the case of spouse).
19. Copy of the first page of the Pass Book showing name and account number in which the family pension is to be credited. (Name of the claimant in the form and in the bank account should be the same)
20. If the claimant is a widowed/divorced daughter or a disabled child/sibling, document in support of the eligibility of the claimant (i.e death certificate of husband in the case of widowed daughter/divorce decree in the case of divorced daughter/disability certificate in the case of a disabled child)

21 Form 8, if a family member is proposed to be co-authorised for family pension.

FORM 11

[See Rules 74(1), 76(1)]

Assessment and Authorisation of Payment of Family Pension and Death Gratuity when a Government Servant dies or goes missing while in Service

Photograph of claimant(s)

Family Pension / Death Gratuity case on (Tick one box)

Death of Government Servant	**Disappearance of Government servant**

Part I

Section I

1. Details of deceased/missing Government servant:

(a) Name		(b) Nationality		(c)Religion	
(d) Mother's name		**(e)Father's Name**		(f) Date of birth(DD/MM/YYYY)	
(g) Date of death (in the case of death of Government servant) (DD/MM/YYYY)				(h)Date from which missing (in the case of missing Government servant) (DD/MM/YYYY)	
(i) Date of lodging of report with police (in the case of missing Government servant) (DD/MM/YYYY)				(j) Date up to which pay and allowances/leave salary has been paid (in the case of missing Government servant) (DD/MM/YYYY)	

2. Post held at the time of death /disappearance:-

(a) Name of the office			
(b) Post held substantively		(c) Officiating post	
(d) Level of pay in the pay matrix		(e) Basic Pay	
(f) In case the last post was held outside the Government on foreign service terms-			
(i) Level of pay of the post held in the parent department		(ii) Basic pay	
(g) Total period of military service, if any, for which pension and/or gratuity was sanctioned			
(h) Amount of any pension/gratuity received for the military service		(i) Nature of any pension/gratuity received for the military service	
3. Date of beginning of service (DD/MM/YYYY)		**4. Date of death/disappearance** (DD/MM/YYYY)	

5. Service in Autonomous Body/State Government, if any particulars of service:

(a) Name of organization	(b) Post held	(c) Period of service		
		From	To	Total period

(d) Whether the above service is to be counted for gratuity in the Government	○ Yes ○ No

(e) Whether the Autonomous Organization has discharged its pensionary liability to the Central Government			○ Yes ○ No
(f) Amount of any pension/gratuity received for the previous civil service, if any		(g) Nature of any pension/gratuity received for the previous civil service, if any	

6. Service qualifying for gratuity:

(a) Details of omission, imperfection or deficiencies in the service book which have been ignored]

(b) Periods of non-qualifying service:	From	To	No. of Days
Interruption in service condoned under Rules 27 & 28			
Extraordinary leave not qualifying for gratuity			
Period of suspension treated as non-qualifying			
Boy service (2nd proviso to Rule 11)			
Periods of foreign service with United Nations bodies for which no pension contributions are payable/paid (Rule 29)			
Any other service not treated as qualifying service			
Total Period of non-qualifying service			
(c) Additions to qualifying service:	From	To	No. of Days
Civil service (Rule19)			
Military service (Rule 20)			
Benefit of service in a State Government/ Autonomous Body Rule 13/Rule 14)			
Temporary status service (Rule 15) (half of the total period)			
Total Period of qualifying service			
(d) Net qualifying service			

(e) Qualifying service expressed in terms of completed six monthly periods (Period of three months & above is to be treated as completed six monthly period (Rule 45)

7. Emoluments

(a) Emoluments in terms of Rule 31																		
(b) Emoluments drawn during ten months preceding death/ disappearance-	From (DD/MM/YYYY)									To								

Note: If the officer was on foreign service immediately preceding retirement, the notional emoluments which he would have drawn under Government but for being on foreign service may be mentioned in items (a) and (b) above (Note 5 below Rule 31)

(c) Average emoluments (Rule 32)	
(d) Emoluments or average emoluments (whichever is higher)	
(e) Pay reckoned for family pension [same as (d)]	
(f) Dearness Allowance on (d) as admissible on the date of death/disappearance	
(g)Emoluments reckoned for gratuity/ gratuity (Rule 45) [(d) +(f)]	

8. Amount of gratuity

Death gratuity (in case of deceased Government servant)	
Retirement gratuity (in case of missing Government servant)	

Note: Difference between death gratuity and retirement gratuity will be payable in the case of a missing Government servant after the death is conclusively established or on expiry of seven years from the date of disappearance.

9. Details of Government dues recoverable out of gratuity:	
(a) Licence fee for occupation of Government accommodation [See Rule 77]	
(b) Amount to be withheld as indicated by the Directorate of Estates [See Rule 77 (1) (v)].	
(c) Dues referred to in Rule 77 (2)	
(d) Net amount payable as gratuity	

10. Details of the nominee(s) to whom gratuity is payable:

S.No.	(a) Name	(b) Date of birth (DD/MM/YYYY)	(c) Aadhaar No.* (if available)	(d) Share in gratuity	(e) Relationship with deceased/missing Govt. servant	(f) Address
1.						
2.						
3.						

11. Details of guardian/nominee who will receive payment of gratuity in the case of minor/mentally disabled children

S. N.	(a) Name of minor/mentally disabled child	(b) Name of guardian	(c) Aadhaar No.* (if available)	(d) Relationship with deceased/missing Govt. servant	(e) Address of guardian
1.					
2.					
3.					

12. Details of payment of family pension

Rate of family pension	Amount of family pension	Period for which it is payable		
		From	To	Total period
(a) Enhanced rate [Rule 50 (2)(ii)]				
(b) Ordinary rate [Rule 50 (2)(i)]				

13. Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order

(a) Details of spouse and other family members, if any, who will share the family pension with percentage of family pension payable to each.	Name	Relation with Government servant	Monthly income	If the claimant is a widowed/divorced daughter, date of death of husband/date of divorce*	If the claimant is a disabled child/sibling, date from which suffering from disability	Postal address (with PIN code), Mobile No. and e-mail ID	Percentage of family pension payable

***If the date of divorce is after the date of death of both parents, then date of filing of divorce petition may be indicated in this column.**

(b) Name and relation of family member to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	Name	Relation with deceased Government servant/pensioner

14. Details of guardian who will receive payment of family pension in the case of minor/ mentally disabled children

S. N.	(a) Name of minor/mentally disabled child	(b) Name of guardian	(c) Aadhaar No.* (if available)	(d) Relationship with deceased/ missing Govt. servant	(e) Address of guardian
1.					
2.					
3.					

15. Whether Fixed Medical Allowance is admissible	☐ Yes	☐ No	Amount(₹)

Place:

Date: DD-MM-YYYY

(Signature of Head of Office)

Section II

Details of provisional family pension and gratuity drawn and disbursed by the Head of Office in accordance with Rule 75 of Central Civil Services (Pension) Rules, 2021.

Name of person to whom Provisional family pension has been sanctioned	.	Date from which provisional family pension sanctioned		Amount of provisional family pension	Rs……per month
Death gratuity [amount mentioned in item 9 (d) of Section I]			Rs……		

Place:

Date: DD-MM-YYYY

(Signature of Head of Office)

PART II

Account Authorisation

Section I

Total period of qualifying service accepted for gratuity	
Net amount of gratuity after adjusting Government dues	

Family Pension	Amount of Family Pension
At enhanced rate [Rule 50 (2)(ii)]	
At ordinary rate[Rule 50 (2)(i)]	
Date from which family pension is admissible (DD/MM/YYYY)	
Head of account to which gratuity and family pension are debitable	

Section II

Details of deceased/missing Government servant			
Name		Date of death (in case or deceased Government servant)	
		Date from which missing (in case of missing Government servant) (DD/MM/YYYY)	
		Date of lodging of report with police (in case of missing Government servant)	
Amount of family pension authorised		Amount of gratuity authorised	
Date of commencement of family pension(DD/MM/YYYY)		Amount recoverable from gratuity	
Amount of gratuity withheld pending receipt of 'No Demand Certificate'			

Name of the family member(s) to whom family pension is to be authorized in Pension Payment Order			
(a) Details of spouse and other family members who will share the family pension, with percentage of family pension payable to each.	Name	Relation with Government servant/pensioner	Percentage of family pension payable
(b) Name and relation of family member(s) to be co-authorised (i.e. disabled child/dependant parent/disabled sibling)	Name	Relation with deceased Government servant/pensioner	
Name of the person to whom provisional family pension is being paid , if any.			
Date from which provisional family pension under Rule 75 being paid by Head of Office,		Amount of Provisional Family Pension being paid	
Date up to which provisional family pension to be continued (DD/MM/YYYY)		Date from which regular family pension is to commence by Pension Disbursing Authority (DD/MM/YYYY)	

Note 1 : The date from which the final family pension shall be commenced by the Pension Disbursing Authority shall be at least two months after the date of issue of the PPO, taking into consideration the time likely to be taken by CPAO and CPPC to process the pension case. Pay & Accounts Office shall record a note in this regard in the PPO while authorizing the final family pension.

Note 2: The payment of provisional family pension shall, accordingly, continue from the office till the date mentioned in the PPO for commencement of final pension by the PDA so that there is no gap between the date up to which the provisional pension is to be paid and the date of commencement of final pension by the PDA.

Note 3: The HOO will draw and disburse the difference between the amount of family pension finally assessed and the amount of provisional family pension. If the amount of family pension finally assessed is less than the amount of provisional family pension, the difference will be adjusted from the amount of gratuity payable failing which, in instalments from family pension payable in future.

Place:

Date:

(Signature of Account Officer)

CALCULATION SHEET FOR GRATUITY/FAMILY PENSION

1. Name		2. Designation			
3. Date of birth		4. Level of pay in the pay matrix		5. Basic pay	
6 Date of entry in the Government service (DD/MM/YYYY)			7.Date of Death/ Disappearance (DD/MM/YYYY)		
8. Length of qualifying service reckoned for pension/gratuity(as indicated in PPO)					
9. Emoluments drawn during the last ten months					
10. Emoluments or average emoluments, whichever is higher					
11. Dearness Allowance on item (10) on the date of death/disappearance					
12. Emoluments for gratuity [(10)+(11)]					
13. Gratuity admissible (In case of missing Government servant): calculation to be shown as follows :- Emoluments for gratuity/4 x Qualifying Service (In completed six monthly periods, not exceeding 66.)					
14. Death Gratuity admissible (In case of deceased Government servant):					
15. Pay for family pension (as indicated in Pension Payment Order)					
16. Family pension admissible (calculation to be shown as follows) :-					
(a) Ordinary family pension : Pay x 30% subject to prescribed minimum and maximum					
(b) Enhanced family pension: Pay /2 [Subject to prescribed minimum and maximum]					
17. Amount of Fixed Medical Allowance, if admissible					

Signature of the Head of Office

Countersigned by PAO

Copy to:- Shri/Smt./Kumari .....

Family member of deceased/missing Govt. servant

FORM 12

Application to be submitted to Pension Disbursing Authority by spouse/co-authorised family member for commencement of family pension on death of a pensioner or family pensioner

Photograph

1 . (i) Name of the Government servant/pensioner in respect of whom family pension is being claimed
(ii) Name of pensioner/family pensioner on whose death family pension is claimed
(iii) Date of death of pensioner/ family pensioner
(iv) PPO No. of pensioner/ family pensioner
2 Name and other details of claimant—

Name	Date of birth (DD/MM/YYYY)	Relationship with the deceased Government servant/pensioner	Postal Address

3. In case the claimant is minor or suffering from disorder or disability of mind, including mental retardation, details of guardian/nominee, wherever applicable—

Name	Date of birth (DD/MM/YYYY)	Relationship with the minor/ mentally disabled claimant	Relationship with the deceased Government servant/pensioner	Postal Address

4. Details of Bank account to which family pension is to be credited

A/c No.		Bank's Name and branch	
IFS Code			

I am aware that future good conduct of the claimant/family pensioner shall be an implied condition for every grant of family pension and its continuance.

Signature or left hand thumb impression of the claimant/guardian
Mobile/Telephone No……
Permanent Account Number for Income Tax (PAN)……..
Aadhar No. (voluntary)- ……

List of Documents to be submitted with Form 12

1. Two specimen signatures of claimant (to be furnished in a separate sheet)

   (Two slips each bearing the left hand thumb and finger impressions may be furnished by a person who is not literate to sign his name. If such an on account of physical disability is unable to give left hand thumb and finger impressions he/she may give thumb and finger impressions of the right hand. Where a Government servant has lost both the hands, he/she may give toe impressions..)

2. Two copies of passport size photographs of the claimant

3. Undertaking for refunding any excess payment made by the pension disbursing Bank

4. Specimen signature or left hand thumb and finger impressions of guardian, in the case of the guardian who is not literate enough to sign his or her name

5. Two self -attested copies of passport size photograph of the guardian/nominee

6. Descriptive roll of the guardian/nominee, wherever applicable, showing the particulars of height and identification marks, self- attested.

7. Copy of PPO of pensioner/ previous family pensioner (To be provided, if available)

8. Proof of permanent address of the guardian.

9. Copy of death certificate of the deceased pensioner/previous family pensioner

FORM 13
[See rule 79 (6)]

Application for the Grant of Residuary Gratuity on the Death of a Pensioner
(To be filled in separately by each claimant)

Photograph(s)

1. Details of pensioner:

Name		Office/Dept./Ministry		Nationality	
Date of retirement		Date of death (DD/MM/YYYY)		PPO no.	

2. Details of claimant(s):

Name	Date of birth [DD/MM/YYYY]	Aadhaar No.* (voluntary)	Mobile No.	Relation with the deceased pensioner	Postal address

3. In case the claimant is minor or suffering from disorder or disability of mind, including mental retardation, details of guardian/nominee, wherever applicable:

Name	Date of birth [DD/MM/YYYY]	Aadhaar No.* (voluntary)	Mobile No.	Relation with minor	Relation with the deceased pensioner	Postal address

4. Details of Bank Account:

A/c No.		Bank's Name and Branch		IFS code	

[

Place:

Date:

(Signature of the claimant/guardian)

For office use

1.	Amount of monthly pension (including ad hoc increase, if any)/service gratuity sanctioned to the deceased pensioner	
2.	Amount of retirement gratuity received by the deceased pensioner	
3.	The amount of pension (including ad-hoc increase, if any)/service gratuity drawn by the deceased till the date of death	
4.	If the deceased had commuted a portion of pension before his death, the commuted value of the pension	
5.	Total of items 2, 3 and 4	
6.	Amount of death gratuity equal to 12 times of the emoluments	
7.	The amount of residuary gratuity payable, i.e., the difference between the amount shown against items 5 and 6	

Note:- If a retired Government servant in receipt of service gratuity or pension dies within five years from the date of his retirement from service including compulsory retirement as a penalty and the sums actually received by him at the time of his death on account of such gratuity or pension including ad-hoc increase, if any, together with the death-cum-retirement gratuity and the commuted value of any portion of pension commuted by him are less than the

amount equal to 12 times of his emoluments, a residuary gratuity equal to the deficiency becomes payable to the family. When a Government servant has retired before earning a pension, the amount of service gratuity should be indicated.

**Providing Aadhaar No. is voluntary. However, if it is provided, consent to link it to bank account and also for authentication of identity from UIDAI for pension related purpose only, is presumed.*

FORMAT 1

(See Clause (b) of Sub-rule (4) of Rule 7)

Undertaking by Government servants who have worked in any Intelligence or Security-related organisation

I, ... , who have worked in (Name of Organization) on the post of ..... , for the period from ..... to..... , do hereby solemnly declare that, save with prior approval of the Competent Authority, I shall not publish in any manner, while in service or after my retirement, any information or material or knowledge which is related to the domain of the organisation and obtained by virtue of my working in the said Organization. This declaration is notwithstanding my responsibilities and liability, in terms of the relevant conduct rules, pension rules, laws dealing with offences relating to official secrets or national security and Intelligent Organisations (Restriction of Rights) Act, 1985 (58 of 1985), as the case may be. I further agree that in the event of any failure of the above undertaking by me, the decision of the Government as to whether it was likely to prejudicially affect the aspects stated above shall be binding on me.

2. I am aware that the pension which may be granted to me after retirement, in terms of the relevant pension rules, can be withheld or withdrawn, in full or part, for any failure of this undertaking given.

Signature of the Government servant

Place : _____

Date : _____

FORMAT 2

(See Rule 8)

Sanction for instituting departmental proceedings after retirement

No.....
Government of India
Ministry/Department of.....

Dated the.....

ORDER

WHEREAS it has been made to appear that Shri/Smt./Km .....while serving as.....in the Ministry/ Department.....from ....to.....was .....(here specify briefly the imputations of misconduct or misbehavior in respect of which it is proposed to institute departmental proceedings):

NOW, THEREFORE, in exercise of the powers conferred on him by sub-clause (i) of clause (c) of sub-rule (2) of Rule 8 of the Central Civil Services (Pension) Rules, 2021, the President hereby accords sanction for institution of the departmental proceedings against the said Shri/Smt./Km .....

The President further directs that the said departmental proceedings shall be conducted in accordance with the procedure laid down in Rules 14 and 15 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, by .....(here specify the authority by whom the departmental proceedings should be conducted) at ..... (here specify the place at which the departmental proceedings would be conducted).

By order and in the name of the President*

(Name and designation of the competent authority)*

* To be signed by an officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.

No.....

Copy forwarded to Shri/Smt./Km.....

Copy also forwarded to Shri/Smt.Km.....

FORMAT 3

(See Rule 8)

Memorandum for instituting departmental proceedings after retirement

No.....
Government of India
Ministry of .....
Department of.....

Dated the.....

MEMORANDUM

In pursuance of the sanction accorded by the President under Rule 8 of the Central Civil Services (Pension) Rules, 2021, for instituting departmental proceedings against Shri/Smt./Km....., vide Ministry/Department of.....Order No....., dated,.....it is proposed to hold an inquiry against the said Shri/Smt./Km..... in accordance with the procedure laid down in Rules 14 and 15 of the Central Civil Services (Classification, Control and Appeal) Rules, 1965. The enquiry shall be conducted by.....(here specify the authority by whom the departmental proceedings are to be conducted in accordance with the Presidential sanction) at ..... (here specify the name of the place where proceedings are to be conducted).

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure I). A statement of the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure II). A list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained are also enclosed (Annexures III and IV).

3. Shri/Smt./Km.....is directed to submit within 10 days of the receipt of this Memorandum a written statement of his/her defence and also to state whether he/she desires to be heard in person.

4. He/she is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He/she should, therefore, specifically admit or deny each article of charge.

5. Shri/Smt./Km. .....is further informed that if he /she does not submit his/her written statement of defence on or before the date specified in para 3 above, or does not appear in person before the inquiring authority or otherwise fails or refuses to comply with the provisions of Rules 14 and 15 of the CCS (CCA) Rules, 1965, or the orders/directions issued in pursuance of the said Rules, the inquiring authority may hold the inquiry against him/her *ex parte.*

6. The receipt of this Memorandum may be acknowledged.

By order and in the name of the President

(Name and designation of the competent authority)*

* To be signed by an officer in the appropriate Ministry/Department authorized under Article 77 (2) of the Constitution to authenticate orders on behalf of the President.

OR

(Name and designation of the authority which has been directed by the President to conduct the departmental proceedings)

To
Shri/Smt./Km.....
.....

ANNEXURE - I

Statement of articles of charge framed against Shri/Smt./Km..... (name of the retired Government servant) formerly.....

Article - I

That the said Shri/Smt./Km.....while functioning as .... during the period.....

Article - II

That during the aforesaid period and while functioning in the aforesaid office, the said Shri/Smt./Km.....

Article - III

That during the aforesaid period and while functioning in the aforesaid office, the said Shri/Smt./Km.....

ANNEXURE - II

Statement of imputations of misconduct or misbehaviour in support of the articles of charge framed against Shri/Smt./Km..... (name of the retired Government servant) formerly.....

Article – I

Article – II

Article - III

ANNEXURE - III

List of documents by which the articles of charge framed against Shri/Smt./Km. .....(name of retired Government servant) formerly.....are proposed to be sustained.

ANNEXURE - IV

List of Witnesses by whom the articles of charge framed against Shri/Smt./Km. ..... (name of the retired Government servant) formerly.....are proposed to be sustained.

FORMAT 4

[See Rule 30]

Certificate of verification of Service for Pension and Gratuity

No..... .....
Government of India
Ministry of.....
Department/Office.....
Dated the .....

Certificate

It is certified, in consultation with the Accounts Officer, that Shri/Smt./Km. .....

(Name and Designation) has completed a qualifying service of .....years ..... months..... days as on .....(date), as per details given below. The service has been verified on the basis of his service documents and in accordance with the rules regarding qualifying service in force at present. The verification of service under sub rules (1) and (2) of Rule 30 of the Central Civil Services (Pension) Rules, 2021, shall be treated as final and shall not be re-opened except when necessitated by a subsequent change in the Rules and orders governing the conditions under which the service qualifies for pension and gratuity.

DETAILS OF QUALIFYING SERVICE

S. No.	Name of Ministry/Department /Office	From	To	Length of qualifying service
1.				
2.				
3.				

Signature & stamp of Head of Office

To

Shri
(Name & Designation)

FORMAT 5

[See Rules 35(3) and 36(4)]

Relieving order on joining a State Government or Corporation or Company or Body on immediate absorption basis

No.....
Government of India
Ministry/Department of.....

Dated the.....

ORDER

Shri/Smt./Km. ……(i)…… is hereby relieved to join……(ii) ……. as……(iii)…….on permanent absorption basis. He/she should join……(ii)…….by ……(iv)…….. His/her resignation from Government service will be effective from the day he/she actually joins …… (ii)…….. and it will be notified on the receipt of intimation about the date of his/her joining ……(ii)…… In case for some reason he/she does not join ……..(ii)……..by……..(iv)……., he/she should report back to his/her office forthwith.

2. The period between the date of relief and the date of joining in ……(ii)……will be regularized by grant of any type of leave due and if no leave is at credit, by extraordinary leave.

(i) Name, designation and office of the Government servant to be relieved.

(ii) Name of the State Government or corporation or company or body.

(iii) Post against which the officer is to be appointed in the State Government or corporation or company or body.

(iv) The Ministry/Department/Office should indicate the date by which the officer should join the State Government or corporation or company or body. This date will be determined by giving him/her a maximum of 15 days' time from the date of relief. The Competent Authority in the Administrative Ministry/Department/Office may allow any further extension beyond this date in case of reason beyond the control of officer like natural calamity, civil commotion, etc.

(Name and designation of the Relieving Officer)

Copy to :

1. .....(Officer concerned)
2. ....., (State Government or corporation or company or body).
3. Pay & Accounts Office

FORMAT 6

[See rule 39(8)]

Medical Certificate

Certified that I/We have carefully examined …… (Name of Government servant) son/daughter of ..... a .....(Designation) in the ..... (Department/Office). His/ her age by his/her own statement is ..... years.

I/(we) consider ..... (Name of Government servant) to be completely and permanently incapacitated for further service of any kind in the Department to which he/she belongs in consequence of ……. (here state disease or cause).

(If the incapacity does not appear to be complete and permanent, the certificate should be modified accordingly and the following addition should be made.)

"I am/we are of opinion that ..... (Name of Government servant) is fit for further service of a less laborious character than that which he/she had been doing/may, after resting for ..... months, be fit for further service of less laborious character than that which he/she had been doing."

Place:

Date:

(Signature & stamp of Medical Authority)

FORMAT 7

[See rule 47(7)]

Indemnity Bond by Guardian for payment of gratuity to minor

KNOW ALL MEN by these presents that we (a) …… (b) …… the widow/son/brother, etc., of (c) …….. deceased, resident of …… …… (hereinafter called "the Obligor") and (d) ……, son/wife/daughter of…… resident of…… ……..and …… son/wife/daughter of …….. resident of …… …… …….. the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") on the sum of Rs. …… (Rupees …….. only) well and truly to be paid to the Government on demand and without a demur for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents.

Signed this ……day of ……..two thousand and ……

WHEREAS (c) …….. was at the time of his death in the employment of the Government /receiving a pension at the rate of Rs……(Rupees …….. only) per month from the Government. AND WHEREAS the said (c) …… …… ……. died on the ……..day of …….. 20 ..... and there was due to him at the time of his death the sum of Rs ……..(Rupees …… only) for and towards share of his minor son/daughter in the death/retirement gratuity.

AND WHEREAS the Obligor claims to be entitled to the said sum as de facto guardian of the minor son/daughter of the said (c) …… …….. but has not obtained till the date of these presents the certificate of guardianship from any competent Court of Law in respect of the said minor(s).

AND WHEREAS the Obligor has satisfied the (e) ……. that he/she is entitled to the aforesaid sum and that it would cause undue delay and hardship if the Obligor be required to produce the certificate of guardianship from the competent Court of Law before payment to him of the said sum of Rs. …….

AND WHEREAS the Government has no objection to the payment of the said sum to the Obligor but under Government Rules and Orders, it is necessary for the Obligor to first execute a bond with one surety/two sureties to indemnify the Government against all claims to the amount so due as aforesaid to the said (c) …… before the said sum can be paid to the Obligor.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person against the Government with respect to the aforesaid sum of Rs. ……..refund to the Government the said sum of Rs. ……and shall otherwise indemnify and keep the Government harmless and all costs incurred in consequence of the claim thereto THEN the above written bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties, shall but for this provision have the effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

Signed by the above named 'Obligor' in the presence of

1. ……..

2. ……

Signed by the above named 'Surety'/ 'Sureties'

1. ……..

2. ……..

Accepted for and on behalf of the President of India by

…….. …… …… ……

[Name and designation of the Officer directed or authorized, in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of

…… …… …… ……

(Name and designation of witness)

NOTE I. -

(a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the Obligor to the deceased.

(c) Name of the deceased Government Officer.

(d) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

(e) Designation of the officer responsible for payment.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the bond may have legal effect or force.

FORMAT 8

(See Rule 51(5), 71(6) and 79(3)(iii)

Indemnity Bond to be furnished by a claimant of Gratuity or Family Pension in the case of a missing Government Servant or Pensioner or Family Pensioner

Part I (To be filled in the case of missing Government servant)

KNOW ALL MEN by these presents that we (a)……(b)……, the wife/son /brother/nominee, etc., of (c) ……..who was holding the post of ……..in the Ministry/Department /Office of ……. is reported to have been missing since ……(hereinafter referred to as 'missing Government servant') resident of ……. (hereinafter called "the Obligor") and (d) …….. ……. son/wife/daughter of Shri …… resident of ……..and …… son/wife/daughter of ……. resident of …….. the sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in the sum of Rs……. (Rupees ……) equivalent of the amount on account of payment of salary, leave encashment, GPF, Gratuity and each and every sum being the monthly family pension well and truly to be paid to the Government, on demand and without a demur together with simple interest @…….. % p.a. from the date of payment there of until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, successors and assigns by these presents.

Signed this ……day of …….two thousand and ……

WHEREAS (c) …….. was at the time of his disappearance in the employment of the Government receiving a pay at the rate of Rs. ……. (Rupees…… ……..) only per month from the Government.

AND WHEREAS the said (c) …….. disappeared on the ……..day of ……20 ….and there was due to him at the time of his disappearance the sum equivalent of (i) salary due (ii) leave encashment, (iii) GPF and (iv) Retirement/Death Gratuity.

AND WHEREAS the Obligor is entitled to family pension at Rs. …….. (Rupees…… ……only) plus admissible dearness relief thereon.

AND WHEREAS the Obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs……. (Rupees ……..) and monthly family pension @ Rs. …….. (Rupees…… ……) only and relief thereon to the Obligor upon the Obligor and the Sureties entering into a Bond in the above-mentioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government servant.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing **Government servant** on appearance, against the Government with respect to the aforesaid sum of Rs. ……..(Rupees ……) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs……(Rupees…… ……..) and each and every sum paid by Government as monthly pension and relief together with simple interest @ ……..% per annum and shall, otherwise , indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto, THEN the above-written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

(Signature of Obligor)

Signed by the above named 'Obligor' in the presence of

1. ……..

2. ……

Signed by the above named 'Surety'/ 'Sureties'

1. ……..

2. ……..

Accepted for and on behalf of the President of India by

…….. … ……

[Name and designation of the Officer directed or authorized, in pursuance of Article 299(1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of …… …… ……
…… ……..

(Name and designation of witness)

NOTE I. - (a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the 'Obligor' to the 'missing Government servant'.

(c) Name of the 'missing Government servant'.

(d) Full name or names of the Sureties with name or names of the father (s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the sureties should have attained majority so that the bond may have legal effect or force.

NOTE III. - The rate of simple interest will be as prescribed by the Government from time to time.

Part – II (To be filled in the case of missing Pensioner)

KNOW ALL MEN by these presents that we (a)…….. ……(b)…….. the widow/son/brother/nominee, etc., of (c)…….. who had retired from the post of …… in the Ministry /Department/Office of …….. and who was in receipt of pension from …….. is reported to have been missing since ……(hereinafter referred to as 'missing pensioner') resident of …… (hereinafter called "the Obligor") and (d) …….. son/wife /daughter of Shri. …….. resident of……..and …….. son/wife/daughter of Shri. …… resident of …….. the Sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Government, on demand and without a demur together with simple interest at the rate of ……% per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents'.

Signed this ……day of ……two thousand and ……

WHEREAS (c) …….. was at the time of his disappearance a Central Government pensioner receiving a pension at the rate of Rs. ……. …… (Rupees …….) only per month and relief thereon from the Government.

AND WHEREAS the said (c) …….. disappeared on the ……. day of ……. 20……. and there was due to him at the time of his disappearance the sum equivalent of arrears of pension due.

AND WHEREAS the Obligor is entitled to family pension at Rs……. (Rupees…… only) plus admissible dearness relief thereon. AND WHEREAS the obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs ……(Rupees ……..) and monthly family pension at Rs. …… (Rupees ……..) plus relief thereon to the obligor upon the Obligor and the Sureties entering into a Bond in the abovementioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing pensioner on appearance, against the Government with respect to the aforesaid sum of Rs……. (Rupees ……..) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs. …….. (Rupees ……) and each and every sum paid by Government as monthly family pension and relief together with simple interest @ ……% per annum and shall, other wise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto, THEN the above written Bond or obligation shall be void and of no effect but other wise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations pr conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

(Signature of Obligor)

Signed by the above named 'Obligor' in the presence of

1. ……..

2. ……

Signed by the above named 'Surety'/ 'Sureties'

1. …….

2. ……..

Accepted for and on behalf of the President of India by …….. ….. …… …….. …… [Name and designation of the Officer directed or authorized, in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of …….. …….. ……..
(Name and designation of witness)

NOTE I. - (a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the 'Obligor' to the 'missing pensioner'.

(c) Name of the 'missing pensioner'.

(d) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the Bond may have legal effect or force.

NOTE III. -The rate of simple interest will be as prescribed by the Government from time to time.

Part – III (To be filled in the case of missing Family Pensioner)

KNOW ALL MEN by these presents that we (a)…….. resident of .....and the son/daughter/mother/father/disabled sibling etc. (hereinafter called "the Obligor") of (b).....who was in receipt of /eligible for family pension before reported to have been missing since..... on account of being the widow/widower/son/daughter/disabled sibling etc. (hereinafter referred to as 'missing family pensioner') of (c)..... who was holding/had retired from the post of ..... in the Ministry/Department/Office of ……..……and who died on ..... and (d).....son/wife/daughter of Shri. ..... resident of .....and .....son/wife/daughter of Shri..... resident of ..... the Sureties for and on behalf of the Obligor (hereinafter called "the Sureties") are held firmly bound to the President of India (hereinafter called "the Government") in each and every sum being the arrears of pension and monthly family pension and relief thereon well and truly to be paid to the Government, on demand and without a demur together with simple interest at the rate of ……% per annum from the date of payment until repayment for which payment we bind ourselves and our respective heirs, executors, administrators, legal representatives, successors and assigns by these presents'.

Signed this ……day of ……two thousand and ……

WHEREAS (b) …….. was at the time of his disappearance a Central Government family pensioner receiving/eligible for receiving a family pension at the rate of Rs. ……. …… (Rupees ……) only per month and relief thereon from the Government.

AND WHEREAS the said (b) …….. disappeared on the ……. day of ……. 20……. and there was due to him/her at the time of his/her disappearance the sum equivalent of arrears of family pension due.

AND WHEREAS the Obligor is entitled to family pension at Rs……. (Rupees…… only) plus admissible dearness relief thereon.

AND WHEREAS the obligor has represented that he/she is entitled to the aforesaid sum and approached the Government for making payment thereof to avoid undue delay and hardship.

AND WHEREAS the Government has agreed to make payment of the said sum of Rs ……(Rupees ……) and monthly family pension at Rs. …… (Rupees ……) plus relief thereon to the obligor upon the Obligor and the Sureties entering into a Bond in the abovementioned sum to indemnify the Government against all claims to the amount so due to the aforesaid missing Government family pensioner.

AND WHEREAS the Obligor and at his/her request the Surety/Sureties have agreed to execute the Bond in the terms and manner hereinafter contained.

NOW THE CONDITION OF THIS BOND is such that, if after payment has been made to the Obligor, the Obligor and /or the Surety/Sureties shall in the event of a claim being made, by any other person or the missing family pensioner on appearance, against the Government with respect to the aforesaid sum of Rs……. (Rupees ……..) and the sums paid by the Government as monthly pension and relief as aforesaid then refund to the Government the said sum of Rs. …….. (Rupees ……) and each and every sum paid by Government as monthly family pension and relief together with simple interest @ ……% per annum and shall, otherwise, indemnify and keep the Government harmless and indemnified against and from all liabilities in respect of the aforesaid sums and all costs incurred in consequence of the claim thereto, **THEN** the above written Bond or obligation shall be void and of no effect but otherwise it shall remain in full force, effect and virtue.

AND THESE PRESENTS ALSO WITNESS that the liability of the Surety/Sureties hereunder shall not be impaired or discharged by reason of time being granted by or any forbearance act or omission of the Government whether with or without the knowledge or consent of the Surety/Sureties in respect of or in relation to the obligations or conditions to be performed or discharged by the Obligor or by any other method or thing whatsoever which under the law relating to sureties would but for this provision shall have no effect of so releasing the Surety/Sureties from

such liability nor shall it be necessary for the Government to sue the Obligor before suing the Surety/Sureties or either of them for the amount due hereunder, and the Government agrees to bear the stamp duty, if any, chargeable on these presents.

IN WITNESS WHEREOF the Obligor and the Surety/Sureties hereto have set and subscribed their respective hands hereunto on the day, month and year above-written.

(Signature of Obligor)

Signed by the above named 'Obligor' in the presence of

1. ……..

2. ……

Signed by the above named 'Surety'/ 'Sureties'

1. ……..

2. ……..

Accepted for and on behalf of the President of India by ……..…….……
……..... ……..…….....

[Name and designation of the Officer directed or authorized, in pursuance of Article 299 (1) of the Constitution, to accept the Bond for and on behalf of the President] in the presence of ……..……
……..……
……..

(Name and designation of witness)

NOTE I. - (a) Full name of the claimant referred to as the 'Obligor'.

(b) State relationship of the 'Obligor' to the 'missing family pensioner'.

(c) Name of the deceased **Government servant** /pensioner.

(d) Full name or names of the Sureties with name or names of the father(s)/husband(s) and place of residence.

NOTE II. - The Obligor as well as the Sureties should have attained majority so that the Bond may have legal effect or force.

NOTE III. -The rate of simple interest will be as prescribed by the Government from time to time.

FORMAT 9

(See Rules 57,58,60, 63,71,74,76, 79 and 80)

UNDERTAKING

Date: _____

To

The Branch Manager

<Bank Branch Address>

Payment of Pension/Family Pension under A/C No.:_____ **through your Bank**

Dear Sir,

In consideration of your having, at my request, agreed to make payment of pension due to me every month by credit to my account with you. I the undersigned agree and undertake to refund or make good any amount to which I am not entitled or any amount which may be credited to my account in excess of the amount to which I am or would be entitled. I further hereby undertake and agree to bind myself and my heirs, successor, executors and administrators to indemnify the bank from and against any loss, suffered or incurred by the bank in so crediting my pension to my account under the scheme and to forthwith pay the same to the bank and also irrevocably authorise the bank to recover the amount due by debit to my said account or any other account/ deposits belonging to me in the possession of the bank.

2. The date of birth of spouse is _____ and her mark of identification is _____.

Yours faithfully,

Signature:
Spouse Name: _____
Address: _____

Signature:
Name: _____
Address: _____

Witnesses:

1. Signature
   Name:
   Address:
   Date:

2. Signature:
   Name:
   Address:
   Date:

FORMAT 10

[See rules 60, 74 and 80]

Letter to the Accounts Officer forwarding the papers for pension/ family pension and gratuity of a Government Servant

No.....
Government of India
Ministry of .....
Department of .....

Date (DD/MM/YYYY)								

To,

The Pay and Accounts Officer/Accountant General,

Subject: Authorisation of pension/family pension and gratuity in respect of Shri/Smt./Km. .....

Sir/Madam,

1. I am directed to forward herewith the pension/ family pension and gratuity papers of Shri/Smt./Km. .....of this Ministry/ Department/Office for further necessary action.

2. The details of Government dues which will remain outstanding on the date of retirement / disappearance/death of the Govt. servant and which need to be recovered/withheld are indicated in item No. 13 of Form 7/ item no 9 of Form 11.

3. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instructions for the disbursement of pension/family pension have been issued to disbursing authority concerned, under intimation to the retiring /retired Government servant/family pensioner.

4. The retirement/ death gratuity will be drawn and disbursed by this Ministry/Department/Office on receipt of authority from you.

Yours faithfully,

(Head of Office)

Enclosures:

1. Service Book (date of retirement/ death/ disappearance to be indicated in the service book).
2. Details of family in Form 4

3. Form 6 or 10 and Form 7 or 11, duly completed, along with enclosures and checklists.

4. Undertaking to the Bank in Format 9

5. Medical certificate of incapacity (for invalid pension).

6. Orders of the competent authority regarding grant of compulsory retirement pension/ compassionate allowance in the cases of compulsory retirement/dismissal/removal.

7. Brief statement leading to reinstatement of the Government servant attached(In case the Government servant has been reinstated after having been suspended, compulsorily retired, removed or dismissed from service.)

Notes:
When initials or name of the Government servant are or is incorrectly given in the various records consulted, this fact should be mentioned in the letter.

FORMAT 11
[See rules 71(2)(b) and 71(6)]

Letter to the nominee/ member of family of a deceased/missing Government Servant for grant of gratuity

Government of India

Number

Ministry of

Department/Office

To

Dated (DD/MM/YYYY)

Subject: - Payment of gratuity in respect of Shri/Smt./Kumari

Sir/Madam,

I am directed to state that:

* (I) In terms of the nomination made by Shri/Smt./Km.....

..... (Name & Designation) in the Office/Department/Ministry o....., a gratuity is payable to his/her nominee(s). A copy of the said nomination is enclosed herewith.

I am to request that a claim for the payment of gratuity may be submitted in the enclosed Form 9 as soon as possible.

Should any contingency have happened since the date of making the nomination, so as to render the enclosed nomination invalid, in whole or in part, kindly state precise details of the contingency.

OR

* (II) No valid nomination for grant of gratuity exists in this Office. In terms of Rule 47 and Rule 51 (in the case of missing **Government servant** only) of the Central Civil Services (Pension) Rules, 2021, a gratuity is payable to the following members of the family of Shri/Smt./Km. .....

..... (Name and Designation), in the Office/Department/Ministry of ..... in equal shares: -

(i) Wife/husband, including judicially separated wife/husband
(ii) Sons
(iii) Unmarried daughter } including step children and adopted children.
(iv) Widowed and divorced daughters

Or

(In the absence of above members)

(v) Father and Mother, including adoptive parents in case of individuals whose personal law permits adoption;
(vi) Brothers including stepbrothers who are suffering from any disorder or disability of mind including the mentally retarded or physically crippled or disabled without any limit of age and brothers, including stepbrothers, below the age of eighteen years, in other cases.
(vii) Unmarried, widowed and divorced sisters including step sisters;
(viii) Married daughters; and
(ix) Children of a pre-deceased son.

2. I am to request that a claim for the payment of gratuity may be submitted in the **enclosed** Form 9 along with an indemnity Bond in **enclosed** Format 8 (in the case of missing **Government servant** only) as soon as possible.

Yours faithfully,

Signature of Head of the Office

Encl: 1. Form 9

2. Format 8 (In case of missing **Government servant** /pensioner only)

* Strike out if not applicable.

Note: If there are more than one beneficiary eligible to receive a share from the amount of gratuity, separate letter will be addressed to all the beneficiaries.

FORMAT 12

[See rules 71 and 79]

(Letter to family member of a deceased/missing Government servant for grant of Family Pension)

No..... .....
Government of India
Ministry of.....
Department/Office.....
Dated the .....

To

.....

.....

Subject:- Payment of Family Pension in respect of Shri/Smt. .....

Sir/Madam,

I am directed to state that in terms of rule 50 and Rule 51 (in the case of missing **Government servant** only) of the Central Civil Services (Pension) Rules, 2021, a family pension is payable to you in respect of Shri/Smt./Km. …… …….…..... (Name and Designation) in the Office/Department/Ministry of .... , who has died/ is reported missing.

2. You are advised that a claim for the grant of Family Pension may be submitted in the enclosed Form 10 along with an undertaking to the Bank in **enclosed** Format 9 and an Indemnity Bond in **enclosed** Format 8 (in the case of missing **Government servant** only).

*3. In the event of death or ineligibility after re-marriage of the widow/widower, the Family Pension shall be granted to the eligible child or children, dependent parents or disabled siblings, if any, as per the provisions of rule 50 of Central Civil Service (Pension) Rules, 2021.

*4. In the case of a childless widow, the family pension shall be payable even after re-marriage subject to the conditions mentioned in Rule 50 of the Central Civil Service (Pension) Rules, 2021.

*Applicable only in the case of death of Government servant

Yours faithfully,

Head of Office

Encl : (1) Format 9
(2) Form 10
(3) Format 8 (In case of missing Government servant)

FORMAT 13

[See rules 79(2)(b)(i) and 79(3)(iv)]

Letter sanctioning Family Pension when a Pensioner dies/goes missing or a Family Pensioner dies/ceases to be eligible/goes missing

No..... .....

Government of India

Ministry of.....

Department/Office.....

Dated the .....

To,

The Pay and Accounts Officer,

Subject: Grant of family pension

Sir/Madam,

I am directed to say that Shri/Smt./Km. ..... formerly ..... (designation) in this Ministry/Department/Office was authorised the payment of pension of ₹. ..... with effect from ..... on his / her retirement from service. Intimation has been received in this Ministry / Department/Office that Shri/Smt./Km..... has died/gone missing on .....

A report in this respect was lodged with the Police on ..... . A report dated ..... has also been received from the Police that whereabouts of Shri/Smt./km..... could not be located despite all efforts made in this regard. (To be filled in case of missing pensioner only)

OR

I am directed to say that Shri/Smt./km .....(Name of the previous family pensioner) ..... (relationship) of late Shri/Smt./Km..... formerly ..... (designation) in this Ministry / Department /Office was authorized the payment of Family Pension of ₹ ..... with effect from. ..... vide PPO No .....

Intimation has been received in this Ministry / Department / Office that Shri/Smt./Km. ..... has died/ceased to be eligible for family pension/gone missing on ....

A report in this respect was lodged with the Police on ..... . A report dated ..... has also been received from the Police that whereabouts of Shri/Smt./Km. could not be located despite all efforts made in this regard. (To be filled in case of missing family pensioner only)

2. There are the following surviving members of family of the deceased Government servant/ pensioner or missing pensioner:--

S.N.	Name	Date of birth	Aadhaar No.* (if available)	Relationship with deceased Government servant or deceased/missing pensioner	Whether suffering from any disability	Marital Status	Address
1.							
2.							
3.							

3. In terms of Rule 50 / 51 of the Central Civil Services (Pension) Rules, 2021, the amount of family pension has become payable to Shri/Smt/Km .....

The Family Pension will be payable, on behalf of the minor/mentally disabled child, to Shri/Smt./Km. ..... who is the nominee/guardian.

4. Sanction for the grant of Family Pension of ₹. ..... per month at enhanced rate from ..... to .....

and ₹. .....at ordinary rate from to Shri/Smt./Km. ..... is hereby accorded. The family pension will be tenable as per the provisions of Rule 50 and Rule 51 of the Central Civil Services (Pension) Rules, 2021.

5. Whether Fixed Medical Allowance is Admissible

☐ Yes ☐ No	**Amount (₹)**

6. The receipt of this letter may be acknowledged and this Ministry/Department/Office informed that necessary instructions for the disbursement of family pension have been issued to the disbursing authority concerned, under intimation to the family pensioner.

Yours faithfully,

(Head of Office)

Enclosure:

1. Death certificate (in case of death of pensioner/family pensioner)
2. Form 10 (with enclosures)
3. Undertaking to the Bank in Format 9
4. Report lodged by the family with the police (In case of missing **Government servant**)
5. Report received by the family from the police

 # Strike out which is not applicable.

Note : The Form may be suitably modified if there are more than one member of family to whom family pension is payable as per Rule 50. The names of all such members and the amount of family pension payable to each may be indicated accordingly.

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