

No. Z-28016/32/2013-SSH
Government of India
Ministry of Health and Family Welfare
PMSSY

New Delhi: 11 December, 2015

To

Director, AIIMS, Bhopal
Director, AIIMS, Bhubaneswar
Director, AIIMS, Jodhpur
Director, AIIMS, Patna
Director, AIIMS, Raipur
Director, AIIMS, Rishikesh

Subject: Various Matters relating to Service Conditions of Faculty/Non Faculty personnel of New AIIMS- Tenure of Deputation, Proforma Promotion, Protection of Pay, Counting of Past Service, Lien etc.

Sir,

The Ministry has been receiving references from the six New AIIMS on various issues regarding Service conditions relating to Deputation, Proforma Promotion, Protection of Pay etc. in respect of Faculty/Non-Faculty personnel of the New AIIMS and their applicability to the new Institutes.

2. At the very outset, it may be mentioned that **Regulation 35** of the All India Institute of Medical Science **Regulations, 1999** states as under:-

“35. Other Conditions of Service:

In respect of matters not provided for in these regulations, the rules as applicable to the Central Government servants, regarding the general condition of service, pay and allowances including travelling and daily allowances, leave salary, joining time, foreign service terms and orders and decisions issued in this regard by the Central Government from time to time shall apply to the employees of the Institute.”

Also, the proviso to Section 25 (a) (ii) AIIMS (Amendment) Act, 2012, amending section 29 of the principal Act, states that “provided that the Regulations made by the existing Institute, before the commencement of the All India Institute of Medical Science (Amendment) Act, 2012, shall continue to be the regulations made under this section until such regulations are amended or rescinded by the existing Institutes in accordance with the provisions of this section.”

In view of the above provisions, the Regulation 38 of the AIIMS Regulation, 1999 will equally apply to the six new AIIMS.

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3. The various personnel issues/matters of its employees may be dealt by the new AIIMS in accordance with the above guidelines. The DoPT guidelines on various personnel matters, are also available in Swamy's Compilation which can be referred to.

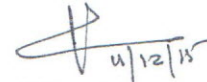
4. However, copies of relevant OMs on common matters such as tenure of deputation, foreign service, proforma promotion, fixation of pay, counting of past service, etc. regarding which certain employees have made representations and clarifications/guidance has been sought by some of the AIIMS, are enclosed for ready guidance as below:

- i) DoPT OM No. 6/8/2009-Estt (Pay II) dated 17th June, 2010 regarding transfer and deputation/foreign service, regulation of pay etc.
- ii) DoPT OM No. 6/5/2012-Estt (Pay II) dated 30th November, 2012 regarding provisions relating to proforma promotion.
- iii) DoPT OM No. 12/1/96-Estt (Pay I) dated 10th July, 1998 regarding guidelines for fixing of pay of candidates working in PSUs.
- iv) DoPT Estt (Pay I) Section OM No. 12/3/2009 Pay I dated 30th March, 2010 regarding fixation of pay under FR 15 (a).

5. In case certain specific administrative/establishment matters appear to still remain unresolved, and clarifications are needed, the same could be referred to the Ministry for guidance.

6. All concerned are advised to follow the above instructions.

Encl. as above



(Vinod Kumar)

Under Secretary to the Govt. of India

Ph: 23061213

Copy for information to:

1. PS to HFM
2. PPS to Secretary HFW/PPS to AS (H)/PPS to JS (SS) /PS to Director (SCR), PS to Director (SS)
3. All Under Secretaries, PMSSY
4. PMSSY Sections
5. Sr. Director (Tech) NIC for uploading the same on PMSSY website.

No. 6/8/2009-Estt. (Pay II)
Government of India
Ministry of Personnel Public Grievances & Pensions
Department of Personnel & Training

.....
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.

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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 arduous 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. Admissibility of pay, allowances & benefits while on deputation/foreign service

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

7.2 Any special 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.

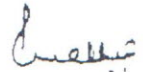
Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel & training.

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".

No. 6/5/2012-Estt (Pay-II)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

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North Block,
30th Nov., 2012

OFFICE MEMORANDUM

Subject: Provisions relating to proforma promotion

Undersigned is directed to refer to this Department's OM No. 6/8/2009-Estt (Pay-II) dated the 17th June, 2010 regarding consolidated instructions on deputations. References are being received from Ministries/Departments seeking clarifications/relaxations in respect of provisions which pertain to proforma promotion in these orders or otherwise. The issues have been considered in consultation with the Department of Expenditure, and it has been decided to provide as under:

(i) Proforma promotion in the case of candidates promoted on passing a Limited Departmental Examination

The candidates passing the Limited Departmental Examination may be allowed proforma promotion as under:

In the case of candidates who have passed the LDCE and their names have been recommended for promotion, proforma promotions may be allowed from the date their juniors in the cadre in the order of merit in the LDCE have been so promoted. This may also be allowed in case there is no junior on account of such candidate being the last in the order of ranks/merit from the date he would have received such promotion if he had been in his cadre.

Provided it will be ensured that the conditions laid down in the Department of Personnel OM No.8/4/84-Estt-(Pay-I) dated the 15th July, 1985 are strictly fulfilled and the principle of NBR based on overall seniority list of cadres is followed.

(ii) Extension after the employee receives a proforma promotion:

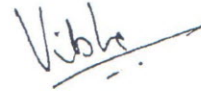
The para 8.6 of the OM No. 6/8/2009-Estt (Pay-II) dated the 17th June, 2010 relating to regulation of pay after an officer has got proforma

promotion and extension of deputation thereafter, which reads as under:

“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.”

is modified as follows:

8.6 (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, if he so opts. In such cases, extensions in deputation after an employee has received the proforma promotion may be considered as per the instructions contained in paras 8.1 to 8.3.2.



(Vibha G. Mishra)
Director

(As per attached list)

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.
10. The Central Information Commission, New Delhi.
11. The Central Bureau of Investigation, 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, Ferozashah 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. Copy to NIC: To upload the O.M. on the Department's website in "What's new" and also in "Establishment" sub-head "deputation".

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

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-Est.(Pay I)

Dated the 10.07.1998

Copies also forwarded to:

1. The Comptroller & Auditor General of India and all States 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 (AJS 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.12/3/2009-Pay-I
Government of India
Department of Personnel & Training
Estt (Pay-I) Section.

New Delhi dated the 30th March, 2010

OFFICE MEMORANDUM

Subject: Guidelines for fixation of pay of candidates working in Public Sector Undertakings etc., recommended for appointment by the Commission by the method of recruitment by selection - regarding.

Reference is invited to this Department's OMs No. 12/1/88-Pay-I dated 7.8.89 and 12/1/96-Pay-I dated 10.7.98, whereby guidelines for fixation of pay of candidates working in Public Sector Undertakings etc., recommended for appointment by the Commission by the method of recruitment by selection through interview only, were issued.

2. Subsequent to the implementation of the recommendations of the 6th CPC and the issue of CCS(RP) Rules 2008, the system of Running Pay Bands and Grade Pays has been introduced. Accordingly, in partial modification of this Department's OM dated 7.8.89 and 10.7.98 referred to above, the method of pay fixation in respect of those appointed on or after 1.1.2006 will be as under:

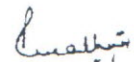
"In case of candidates working in Public Sector Undertakings, Universities, Semi-Government Institutions or Autonomous Bodies, who are appointed as direct recruits on or after 1.1.2006 on selection through interview by a properly constituted agency including Departmental Authorities making recruitment directly, their initial pay may be fixed by granting them the Grade Pay attached to the post. Further, their pay in the Pay Band may be fixed at a stage so that the pay in the Pay Band +Grade Pay and DA as admissible in the government, protects the pay +DA already being drawn by them in their parent organisations. The pay in the Pay Band fixed under this formulation will not be fixed at a stage lower than Entry Pay in the Revised Pay Structure (corresponding to the Grade Pay applicable to the post) for direct recruits on or after 1.1.2006 as notified vide Section II, Part A of First Schedule to CCS(RP) Rules, 2008. The pay in the Pay Band fixed under this formulation will not exceed Rs. 67000, the maximum of the Pay Band PB-4."

3. The conditions for admissibility of pay protection shall be the same as stipulated in this Department's OMs dated 7.8.89 and 10.7.98 referred to above.

4. In so far as persons serving in the India 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. 1.1.2006

6. Hindi version will follow.



(Rita Mathur)
Director (Pay)

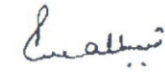
To

1. All Ministries / Departments of the Govt. of India, etc.

F. No.12/3/2009-Pay-I

dated the 30th March, 2010

2. The Secretary, U.P.S.C., Dholpur House, Shajahan Road, New Delhi.
3. The Comptroller & Auditor General of India and all States under his control.
4. Controller General of Accounts / Controller of Accounts, Ministry of Finance.
5. 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.
6. Department of Personnel & Training (AIS Division) / JCA/ Administration Section.
7. Additional Secretary (Union Territory), Ministry of Home Affairs.
8. All State Governments / Union Territories.
9. Governors of all States / Lt. Governors of Union Territories.
10. Secretary, National Council (Staff Side), 13 – C, Feroz Shah Road, New Delhi.
11. All Members of the Staff Side of the National Council of JCM / Departmental Council.
12. All Officers / Sections of the Department of Personnel & Training / Department of Administrative Reforms & Public Grievances / Department of Pension & Pension Welfare.
13. Ministry of Finance, Department of Expenditure w.r.t their IC UO No. 10/1/2010 dated 16.2.2010.
14. NIC with a request to upload the OM on the website of DOPT.
15. 20 spare copies.



(Rita Mathur)
Director (Pay)

F.No. 13/9/2009-Estt(Pay-I)
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel & Training
Estt(Pay-I) Section

North Block,
New Delhi, dated the 21st October, 2009
21.10.09

OFFICE MEMORANDUM

Subject: Fixation of pay in case of employees who seek transfer to a lower post under FR 15(a) – clarification regarding.

The undersigned is directed to refer to instructions issued vide this Department's OM NO. 16/6/2001-Estt(Pay-I) dated 14.2.2006 on the above subject. It was clarified therein that on transfer to the lower post/scale under FR 15(a), the pay of a Government servant holding a post on regular basis will be fixed at a stage equal to the pay drawn by him in the higher grade. If no such stage is available, the pay will be fixed at the stage next below the pay drawn by him in the higher post and the difference may be granted as personal pay to be absorbed in future increments. If the maximum of the pay scale of the lower post is less than the pay drawn by him in the higher post, his pay may be restricted to the maximum under FR 22(a)(a)(3).


2. Consequent upon implementation of the revised pay structure comprising grade pays and running Pay Bands, w.e.f. 1.1.2006 in cases of appointment of Government servants to posts carrying lower Grade Pay under FR 15(a) on their own request, the pay in the pay band of the Government servant will be fixed at a stage equal to the pay in the pay band drawn by him prior to his appointment against the lower post. However, he will be granted grade pay of lower post. Further, in all cases, he will continue to draw his increments based on his pay in the pay band +grade pay (lower).

3. Where transfer to a lower post is made subject to certain terms and conditions then the pay may be fixed according to such terms and conditions.

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. This order takes effect from 1.1.2006.

6. Hindi version follows.


(B.K. Mukhopadhyay)
Director (Pay)

To

All Ministries and Departments of the Government of India (as per standard mailing list).

2. NIC may upload the OM on the website of this Department in the what's New Column.