

WESTERN RAILWAY

P.S.No.92/2013

Headquarter Office,
Churchgate, Mumbai-20

No. EP 296/0 Vol.VI

Date: 08.11.2013

To,
All DRMs / CWMs & Units Incharge,
C/- Genl. Secy., WREU-GTR / WRMS-BCT.
C/- ZG-All India SC/ST Rly Employees. Assn,'W' Zone, Mumbai
C/- ZG-All India OBC Rly Empl. Assn, Mumbai.

Sub: Transfer on deputation / foreign service of Central Government Employees to ex-cadre posts – Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, " cooling off " period and proper monitoring of deputation – regarding.

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A copy of Railway Board's letter No.F.No.2010/F(E) II/I(I)/1 dated 28.06.2013 (R.B.E.No.59/2013) is sent herewith alongwith its enclosures for ~~for~~ information, guidance and necessary action.

Railway Board's letter dated F.No.2010/ F(E) II/I(I)/1 dated 28.07.2010 mentioned therein is also enclosed herewith alongwith its enclosures for ready reference.

Encl: As above.



(U. V. Patel)
Dy.CPO(HRD)
For General Manager (E)

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

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F.No.2010/F(E)II/I(I)/1

RBE No. 59/2013
New Delhi, dt. 28/06/2013

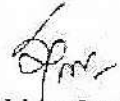
The General Managers/CAOs
All Indian Railways &
Production Units incl. RDSO,
(As per Standard Mailing List)

Sub: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts - Regulation of payment of employer's share of contribution to the CPF during reverse deputation, proforma promotion, 'cooling off' period and proper monitoring of deputation- regarding.

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Consolidated deputation guidelines issued by DOP&T vide their OM No. 6/8/2009-Estt.(Pay-II) dt. 17/06/2010, which have been circulated on the Railways vide Board's letter of even number dated 28/07/2010, have further been revised as per the instructions issued by DOP&T vide their OMs No. 6/8/2009-Estt.(Pay-II) dt. 15/02/2012, (ii) 6/5/2012-Estt.(Pay-II) dt. 30/11/2012, (iii) 2/1/2012-Estt.(Pay-II) dt. 04/01/2013 and (iv) 6/8/2009-Estt.(Pay-II) dt. 16/05/2013. A copy each of the instructions is sent herewith for information and guidance. The orders contained therein will apply mutatis-mutandis to Railway employees also.

Please acknowledge receipt.



(Mrs. Sukhender Kaur)
Joint Director, Finance (Establishment)
Railway Board.

DA: As above.

F.No.2010/F(E)II/I(I)/1

New Delhi, dt. 28/06/2013

Copy (with 40 spares) forwarded to the Dy. Comptroller & Auditor General of India (Railways), Room No. 224, Rail Bhavan.


For Financial Commissioner /Railways

.....2/-

भारत सरकार

रेल मंत्रालय

(रेलवे बोर्ड)

सं. 2010/एफ(ई)11/1(1)/1

नई दिल्ली, दिनांक 28.06.2013

महाप्रबंधक/विशेष कार्य अधिकारी/ मुख्य प्रशासनिक अधिकारी
सभी भारतीय रेलें आदि
(मानक डाक सूची के अनुसार)

विषय:-केन्द्र सरकार के कर्मचारियों के संवर्ग बाह्य पद की प्रतिनियुक्ति/इतर सेवा पर स्थानांतरण - सीपीएफ के लिए नियोक्ता के शेर के अंशदान का भुगतान, प्रोफार्मा पदोन्नति, 'क्लिंग ऑफ' अवधि (के प्रावधानों में छूट देना) और प्रतिनियुक्ति की उचित मॉनीटरिंग के संबंध में।

कार्मिक एवं प्रशिक्षण विभाग द्वारा दिनांक 17/06/2010 के अपने कार्यालय ज्ञापन सं 6/8/2009-इस्ट.(पे-II) के तहत जारी किए गए प्रतिनियुक्ति के संबंध में समेकित दिशा निर्देशों, जिन्हें बोर्ड के दिनांक 28/07/2010 के समसंख्यक पत्र के तहत रेलों में परिपत्रित किया गया है, में कार्मिक एवं प्रशिक्षण विभाग द्वारा दिनांक 15/02/2012 के अपने कार्यालय ज्ञापन सं 6/8/2009-इस्ट.(पे-II), (ii) दिनांक 30/11/2012 के 6/5/2012-इस्ट.(पे-II), (iii) दिनांक 04/01/2013 के 2/1/2012-इस्ट.(पे-II) और (iv) दिनांक 16/05/2013 के 6/8/2009-इस्ट.(पे-II), के तहत आगे और संशोधित किया गया है। इन निर्देशों की एक प्रति इस पत्र के साथ सूचना एवं मार्गदर्शन के लिए भेजी जाती है। इसमें निहित आदेश आवश्यक परिवर्तनों सहित रेल कर्मचारियों पर भी लागू होंगे।

कृपया पावती दें।

(श्रीमती सुखेन्द्र कौर)

संयुक्त निदेशक वित्त (स्थापना)

रेलवे बोर्ड

संलग्न :यथोक्त

सं. 2010/एफ(ई)11/1(1)/1

नई दिल्ली, दिनांक 28.06.2013

प्रतिलिपि (40 अतिरिक्त सहित) भारत के उप नियंत्रक एवं महा लेखापरीक्षक (रेलें), कमरा सं. 224 रेल भवन, नई दिल्ली को प्रेषित।

कृते वित्त आयुक्त/रेलें

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

New Delhi, the 15th February, 2012

OFFICE MEMORANDUM

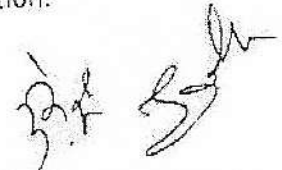
Subject:- Clarification regarding regulation of payment of employer's share of contribution to the Contributory Provident Fund during the period of reverse deputation.

The undersigned is directed to refer to this Department's O.M.No. 6/8/2009-Estt.(Pay II) dated 17th June, 2010 vide which instructions were issued for regulating the terms and conditions of pay, Deputation (duty) allowance etc. on 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.

2. As per para 7.7 (ii) of the above cited O.M., in the case of deputation on foreign service terms to PSUs etc., leave salary contribution and pension contribution/CPF contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Govt.

3. The issue of payment of employer's share of Contribution to the Contributory Provident Fund in case of reverse deputation has been considered in this Department. It is clarified that in case of reverse deputation the employer's share of Contributory Provident Fund for the period on deputation to the Central Government will be borne either by the employee himself or the borrowing organization i.e Central Government depending on the terms of deputation. A clear mention of the stipulation on whether the Central Government or the employee would bear the liability may be made in the terms of deputation.

4. Hindi version will follow.



(Mukesh Chaturvedi)
Deputy Secretary (Pay)

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 under the Head '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:

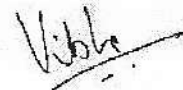
The para 8.6 of the OM No. 6/8/2009-Estt (Pay-II) dated the 17th June, 2010 relating to regulation of pay after an officer has got proforma

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)

No.2/1/2012-Estt.(Pay.II)
Government of India
Ministry of Personnel, Public Grievances and Pension
Department of Personnel & Training

New Delhi, 4th January, 2013

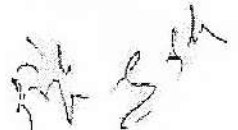
Office Memorandum

Subject: Sponsoring of names of officers for deputation -

The undersigned is directed to state that this Department is receiving proposals for waiver of mandatory cooling off period from various Ministries/Departments/PSUs, in respect of officers, who have been sponsored for selection on deputation. As per O.M. No.6/8/2009-Estt.(Pay-II) dated 17/6/2010, 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. In view of this provision, the Ministry of Railways etc. are advised not to sponsor name of any such officer who is not likely to complete the mandatory cooling off period by the time the officer is likely to be selected. Further, while sponsoring the name of any such officer who has not completed the mandatory cooling off period, they may inform the borrowing department that the officer will be relieved only after he/she completes the mandatory "cooling off" period.

2. All the Ministries/Departments may please note that the proposals for relaxation of the provision for 'cooling off' period would be considered only in exceptional cases. Such proposals may be referred to this Department in advance with full justification, after obtaining the approval of Minister-in-charge of the cadre authority of the officer.

3. It may also be noted that under no circumstances should any officer be relieved in anticipation of relaxation by this Department.


(Mukesh Chaturvedi)
Deputy Secretary (Pay)

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 under the Head 'Establishment', Sub-Head "deputation".

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

North Block, New Delhi
Dated : 16th May, 2013.

OFFICE MEMORANDUM

Subject: Proper Monitoring of deputation by the lending departments.

Undersigned is directed to refer to this Departments OM of even number dated the 17th June, 2010 and to say that as per existing instructions no extension in deputation beyond the fifth year is allowed. Further, as per the OM No. 14017/30/2006-Estt (RR) dated the 29th November, 2006, the deputationist officer is deemed to have been relieved on the date of expiry of the deputation period unless the competent authority has with requisite approvals, extended the period of deputation, in writing, prior to the date of its expiry. These instructions were reiterated vide the OM of even number dated the 1st March, 2011.

2. In 56th Report of the Action Taken Replies of the Government on the recommendations/observations contained in the 51st Report on the Demands for Grants (2012-13) of Ministry of Personnel, Public Grievances & Pensions by the Department Related Parliamentary Standing Committee has observed *inter alia* that policy on deputation envisages mobility of personnel between Departments etc so that the employee as well as the Departments benefit from the process. The tendency of treating deputation as a tool to ensure more comfortable, or even home-town postings is required to be discouraged. The instrument of deputation serves public interest only when there is a rational connection with the qualifications and work experience of the deputationist, and the deputation continues for a reasonable period. This would also ensure that both the lending as well as the borrowing department benefit from the experience / exposure of deputationist officer.

3. All the Ministries/Departments are therefore advised to ensure that deputations are strictly monitored by lending Government Departments. Requests of the borrowing authorities for no objection to extension of deputations should be closely scrutinized to curb tendency to allow extensions on extraneous grounds, and overstay.

Contd.

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4. These instructions are in addition to the previous OMs on the subject, and in no way dilute the responsibility of the deputationist and borrowing departments to ensure that the deputationists are relieved in time on completion of their approved tenures.

5. Hindi version will follow.



(Mukesh Chaturvedi)
Deputy Secretary to the Government of India

Case Serial Number:

P100806017

Classification:

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)

Target Date of Reply:

.....

PC-VI No. 217
RBE No. 106/2010

F.No.2010/F(E)II/1(1)/1

New Delhi, dt. 28.07.2010

The General Managers/OSDs/CAOs
All Indian Railways etc.
(As per Standard Mailing List)

Subject:- Transfer on deputation/foreign service of Central Government Employees 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 terms & conditions of appointment on deputation/foreign service in accordance with Recruitment Rules of the ex-cadre posts, under the same or some other departments of Central Government, State Governments/Union Territories Administrations/Local Bodies or under Central State PSUs/Autonomous Bodies etc. and vice-versa contained in DOP&T's OM No.2/29/91-Estt.(Pay.II) dated 5th January, 1994 (adopted in Board's office vide letter No. F(E)II/94/DE-1/1 dated 5.12.94) as amended from time to time, have now been suitably revised and consolidated as per their OM No.6/8/2009-Estt.(Pay.II) dated 17th June, 2010. A copy of the same is sent herewith for information and guidance. The orders contained therein will apply mutatis-mutandis to Railway employees also.

The above 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 thereof.

Please acknowledge receipt.

DA As above.

F.No.2010/F(E)II/1(1)/1

Syow
(Mrs.Sukhender Kaur)
Dy. Director Finance (Estt.)-I,
Railway Board

New Delhi, dt. 28.07.2010

Copy (with 40 spares) forwarded to the Dy. Comptroller & Auditor General of India (Railways), Room No.224, Rail Bhawan.

Syow
For Financial Commissioner/Railways

....2/-

भारत सरकार
रेल मंत्रालय (रेलवे बोर्ड)

पी०सी० ग्रा सं० 217
अर०बी०ई० सं० 106/2010

सं. 2010/एफ(ई)II/1(1)/1

नई दिल्ली, दिनांक: 28.07.2010

महाप्रबंधक/विशेष कार्य अधिकारी/मुख्य प्रशासनिक अधिकारी,
सभी भारतीय रेलें आदि
(मानक डाक सूची के अनुसार)


विषय: केन्द्र सरकार/राज्य सरकारों/सार्वजनिक क्षेत्र के उपक्रमों/स्वायत्त निकायों, विश्वविद्यालयों/संघ शासित प्रशासन, स्थानीय निकायों आदि तथा विलोमतः के अंतर्गत केन्द्र सरकार के कर्मचारियों के संवर्ग बाह्य पदों पर प्रतिनियुक्ति/इतर सेवा पर स्थानांतरण - वेतन का विनियमन, प्रतिनियुक्ति (ड्यूटी) भत्ता, प्रतिनियुक्ति/इतर सेवा की अवधि तथा अन्य निबंधनों एवं शर्तों के संबंध में।

केन्द्र सरकार, राज्य सरकारों/संघ शासित प्रशासनों/स्थानीय निकायों अथवा केन्द्र राज्य सार्वजनिक क्षेत्र के उपक्रमों/स्वायत्त निकायों आदि तथा विलोमतः में उसी अथवा किसी अन्य विभाग में संवर्ग बाह्य पदों के भर्ती नियमों के अनुसार प्रतिनियुक्ति/इतर सेवा पर नियुक्ति के निबंधन एवं शर्तों, कार्मिक एवं प्रशिक्षण विभाग के दिनांक 05.01.1994 के कार्यालय ज्ञापन सं. 2/29/91-इस्ट (पे-II) में अंतर्विष्ट हैं (बोर्ड कार्यालय में जिन्हें दिनांक 05.12.1994 के पत्र सं. एफ(ई)II/94/डीई-1/1 द्वारा अपनाया गया है) जिन्हें समय-समय पर आशोधित किया गया है और जिन्हें अब उचित रूप से संशोधित किया गया है तथा उनके दिनांक 17.06.2010 के कार्यालय ज्ञापन सं. 6/8/2009-इस्ट (पे-II) के अनुसार समेकित किया गया है। इसकी एक प्रति सूचना एवं मार्गदर्शन के लिए भेजी जा रही है। इसमें अंतर्विष्ट आदेश रेलवे कर्मचारियों पर भी यथावश्यक परिवर्तनों सहित लागू होंगे।

उपर्युक्त आदेश 01.01.2006 से प्रभावी होंगे तथा उन सभी अधिकारियों पर लागू होंगे जो 01.01.2006 को प्रतिनियुक्ति पर थे अथवा जिन्हें उसके बाद नियुक्त किया गया है, लेकिन प्रतिनियुक्ति (ड्यूटी) भत्ते की संशोधित दरें 01.09.2008 से लागू होंगी जैसाकि इनके पैरा 6.1 में उल्लिखित है।

कृपया पावती दें।

संलग्नक: यथावक्त।


(सुखेन्द्र कोर)

उप निदेशक, वित्त (स्थापना)।
रेलवे बोर्ड

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.

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" field in "Establishment" sub-head "deputation".