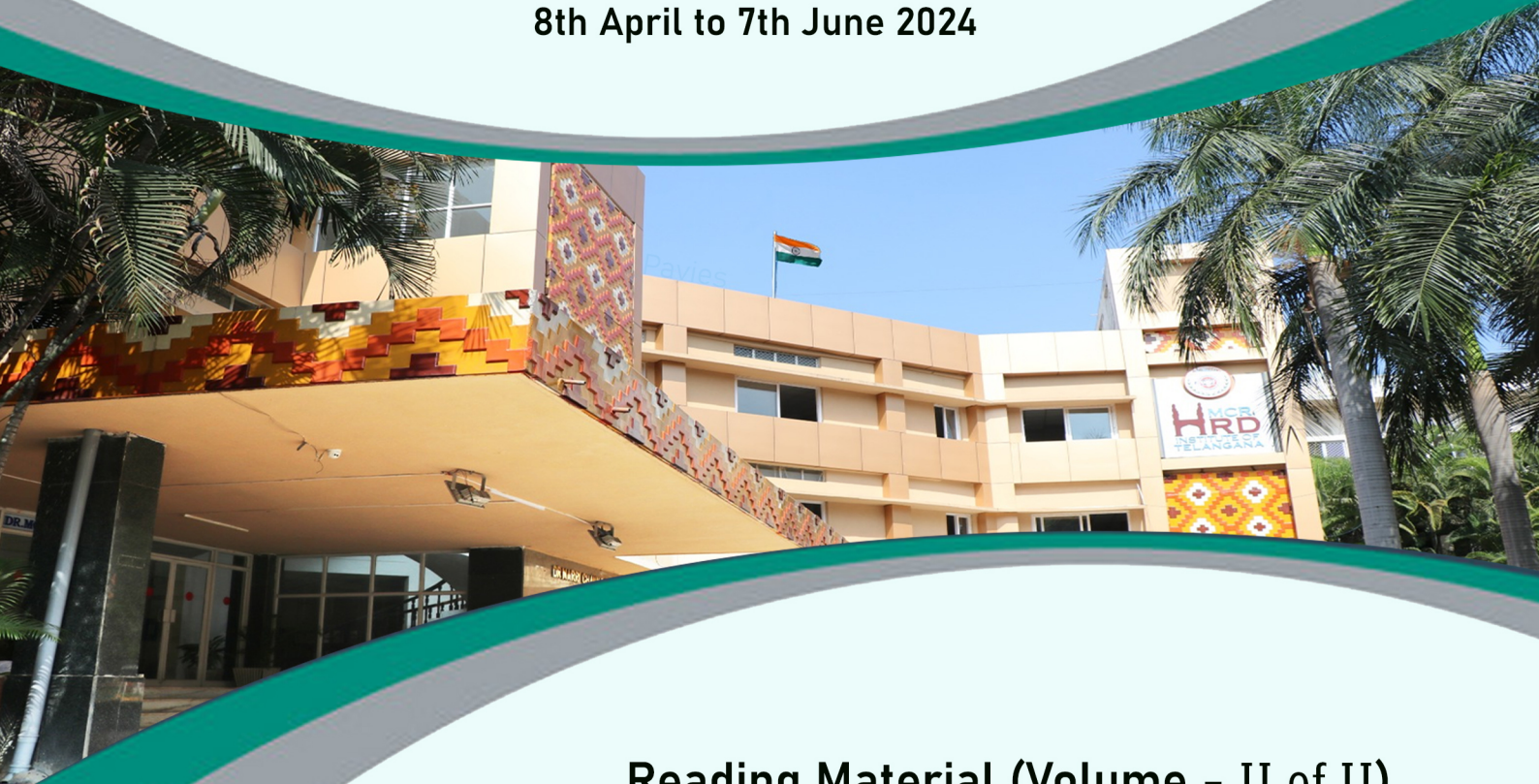




Foundation Training Programme
for
Assistant Section Officers
(Probationers)

8th April to 7th June 2024



Reading Material (Volume - II of II)

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भारत सरकार
GOVERNMENT OF INDIA

2024

**FOUNDATION TRAINING PROGRAMME
READING MATERIAL (VOL-II of II)
FOR
ASSISTANT SECTION OFFICER
(PROBATIONERS)**



Interaction of
Dr. Jitendra Singh, MOS (PP)
with the Assistant Section Officers



CGLE 2020 BATCH – 31st January, 2023 at ISTM



CGLE 2019 BATCH – 17th August 2022 at ISTM

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CHAPTER – 1

GENERAL CONDITIONS OF SERVICE

FR 10 –18 lay down certain General Conditions of Service for a Government servant. The positions stated therein is amended/elaborated by various Government of India decisions and Supplementary Rules is given below:

1.1 **MEDICAL EXAMINATION**

No person may be appointed to the Government service without producing a medical certificate from the prescribed authority in a prescribed form.

[FR – 10]

1.2 **Exception**

A medical certificate of health is not required for a candidate appointed in Government service in temporary capacity for a period not exceeding 3 months. However, if the period of appointment is later on extended beyond 3 months, or he is appointed in another Government office in continuation of the earlier employment, and the total period will exceed 3 months, the concerned Government servant will have to produce a medical certificate within one week from the date his employment is so extended.

1.3 **Prescribed Authorities**

Prescribed Authorities

	Post	Medical Authority
i)	Gazetted Post	Medical Board consisting of at least two doctors.
ii)	Non-Gazetted post	Civil surgeon/District Medical Officer or a Medical Officer of equivalent status

However, where Regulations for a particular post provide otherwise, then the said regulation will be followed.

For Female Candidates

i)	For Gazetted Posts	One of the member of the Board shall be a woman doctor.
ii)	For Non-Gazetted post a) In Delhi	Assistant Surgeon Grade I (woman) under Central Health Service Scheme
	b) At any other place	By registered Female Medical Practitioner Possessing the prescribed medical qualification.

[FR 4]

1.5 For Divyang Persons

The Special Employment Exchanges for Divyang persons and Vocational Rehabilitation Centres have powers to nominate Divyang persons for employment in Government, after getting them medically examined by the Medical Boards attached to the Exchanges/Centres. No further medical examination is required for appointment of such candidates.

1.6 Candidate's statement and Declaration:

A candidate for appointment to a non-Gazetted post is required to make a statement in a prescribed form relating to medical history of self and his family. The statement and the declaration as given in the form are required to be filled in by him in the presence of the Medical Officer.

By willfully suppressing any information, the candidate will incur a risk of losing the appointment and if already appointed, of forfeiting all claim to superannuation allowance or gratuity.

1.7 The Medical Certificate:

The medical authority may declare a candidate as:

- i) Fit;
- ii) Temporarily unfit; or
- iii) Unfit.

In case a candidate is found Temporarily Unfit, he shall be advised to take necessary treatment and the medical examination shall be conducted again after the period specified by the concerned Medical Authority

In case the candidate is found 'unfit' brief reasons for unfitness shall be communicated to him, by the concerned medical authority. Candidate has a right to appeal for re-examination in case of possible error of judgment and has to place the evidence i.e.

a medical certificate by a medical practitioner, who shall give a note to the effect that the certificate has been given in the full knowledge of the fact that the candidate has already been rejected as unfit for service. Such an appeal should be made within one month from the date of communication of the adverse report, along with a re-examination fee, which is Rs.100/- for a candidate for Gazetted post and Rs.25/- for non-gazetted post. The decision for re-examination has to be taken at the level of Joint Secretary of the Administrative Ministry concerned.

1.8 **Pregnant Woman:**

The following two types of posts have been recognised:

- a) Posts which carry hazardous nature of duties; e.g. in police organisation etc. and have elaborate training before appointment.
- b) Posts which do not prescribe any elaborate training.

In the category (a) above, the female candidates if pregnant over 12 weeks will not be appointed and shall be declared temporarily unfit. She will be appointed only after the confinement is over. Post shall, however, be kept reserved for the female candidate.

In the category (b) the candidate shall be appointed straightaway on the job, even though she is found to be pregnant during medical examination.

1.9 **Medical Examination on appointment to a new post:**

When Recruitment Rules of a new post prescribe 'fresh medical examination in respect of all candidates'; the candidates for appointment should undergo medical examination by the prescribed standard. However, such medical examination is not required.

- i) If the person has already been medically examined by the medical authority of the prescribed standard; and
- ii) If the person is already in the same line and is promoted against the promotion quota to the new post.

1.10 **Appointment without medical certificate of health**

In exceptional cases of urgency, the appointment can be made without medical examination, which shall be conducted immediately thereafter. The Administrative Ministries and the Comptroller and Auditor General are empowered to authorise payment of pay and allowances for 2 months.

In exceptional circumstances, the need for production of a medical certificate can be dispensed with after seeking approval of the Ministry of Finance and Department of Personnel & Training.

1.11 **WHOLE TIME CONCEPT**

Whole time of the Government servant is at the disposal of the Government, and he may be employed in any manner required by the proper authority. The Government servant has no right to claim additional remuneration for the same.

[FR 11]

2. **LIEN**

The title of a Government servant to hold a regular post either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively is called lien.

[FR 9 (13)]

2.1 A Government servant acquires lien in the entry grade on his confirmation in the same. On promotion to the higher grades the benefits of having a lien in the higher grade will be enjoyed from the date he is appointed to such post on regular basis. Where probation is prescribed in the higher post, the benefits on lien are admissible on being declared as having completed the probation.

2.2 The above title is, however, subject to the condition that the junior most person in the grade will be liable to be reverted to the lower grade if at any time the number of persons so entitled is more than the posts available in that grade.

2.3 Once the Government Servant has acquired lien on a post, the same shall not be terminated unless:-

- a) he acquires a lien on another post;
- b) he ceases to be a Government servant by way of superannuation, voluntary or compulsory retirement or on permanent absorption in an organisation outside Government.

[FR 14-A]

2.4 Consolidated guidelines on Lien and Technical Resignation has been issued by DOPT vide No. 28020/1/2010-Estt.(C) dt 17 Aug 2016.

3 **PROTECTION AGAINST APPOINTMENT TO A LOWER POST**

Government servant shall not be transferred to a post carrying less pay than the pay of the permanent post on which he holds a lien except –

- i) on account of inefficiency or misbehaviour; or
- ii) on his written request.

[FR 15]

4 **SUBSCRIPTION TO A PROVIDENT FUND, ETC.**

By Rules Government may make it compulsory for Government Servant to subscribe to a provident fund or fund created for family pension or other similar fund.

[FR 16]

5 **PAY AND ALLOWANCES**

A Government servant shall begin to draw the pay and allowances for a post on which he is appointed and shall cease to draw them as soon as he ceases to discharge those duties. In case an officer remains absent without any authority, he shall not be entitled to any pay and allowances during such absence.

[FR 17]

6 **UNAUTHORISED ABSENCE**

The period of unauthorised absence is treated as interruption or break in service of the employee only for the purposes of leave travel concession and eligibility for appearing in the departmental examination, for which a minimum period of continuous service is prescribed.

- (i) Participating in strike which had been declared illegal; or
- (ii) getting involved in any such activities as are undertaken during strike, for the reasons not to the satisfaction of the competent authority are also treated as unauthorised absence.

[FR 17-A]

7 **LEAVE NOT TO EXCEED 5 YEARS:**

A Government servant cannot be granted leave of any kind for a continuous period exceeding 5 years. The Government may, in exceptional circumstances, allow relaxation to this rule.

[FR 18]

8 **JOINING TIME**

Joining Time is time allowed to a Government servant to join the new post where he has been posted in public interest.

8.1 When Joining Time becomes admissible

- a) **On Transfer:** On Transfer to a new post may either be at the same station or a new station.
- b) **Surplus Staff:** When transferred from one post to another under the Scheme Regulating Redeployment of Surplus Staff.
- c) **Discharged due to reduction in Establishment:** When a Government servant, who is discharged due to reduction in Estt. from one Central Government Office and re-appointed to another Central Government Office, if the orders of appointment to the new post are received while working in the old post. If they are appointed to new post after being discharged from the old post, the period of break up to 30 days may be converted into Joining Time without pay by HOD subject to condition that break does not exceed 30 days and Government servant has rendered not less than 3 years continuous service on the date of discharge.
- d) **Appointment on the basis of competitive examination and/or interview open to Government servants and others:** Central/State Government servants who are either permanent or have completed 3 years regular continuous service when appointed on the basis of results of a competitive examination and/or interview open to Government servants and others. In case Government servants are temporary and have not completed 3 years regular continuous service, they will get Joining time without pay.

9. When Joining Time is not Admissible

- a) Transfer in the case of own request.
- b) Temporary transfer for a period not exceeding 180 days.

10. Quantum of Joining Time

- a) Same station – one day.
- b) Another Station (which does not involve change of residence) – One day. This is applicable when a Government servant has been posted to nearby Station from where he is commuting daily to his office e.g. posted from Delhi to Meerut and Government servant commutes daily to Meerut from Delhi.
- c) Another Station (which involves change of residence) – The amount of Joining Time will be based on the distance involved:-

Distance between the old and new HQ road for more than	Joining Time admissible	When journey involves continuous travel by 200 Kms.
1000 kms. or less	10 days	12 days
More than 1000 kms.	12 days	15 days
More than 2000 kms.	15 days	15 days

- NOTE:** 1. In case of travel by air, the maximum Joining Time is 12 days.
2. The distance shall be calculated on actual basis and not on weighted one.

11. Commencement of Joining time

- a) Joining Time commence from the date of relinquishment of charge of the old post if the charge is made over in the forenoon or the following date if the charge is made over in the afternoon.
- b) The Joining Time shall be calculated from old headquarters in all cases even where charge is handed over in place other than his old headquarters.

12. Combination of Joining Time with Leave: Joining Time can be combined with leave of regular nature except Casual Leave.

13. Benefit of More than One Spell of Joining Time: If a Government servant in transit on transfer is directed to proceed to a place different from that indicated in the initial transfer orders, he shall be entitled to Joining Time already availed of up to the date of receipt of revised orders plus fresh spell of full joining time from the date following the

date of receipt of the revised orders. The fresh spell shall be calculated from the place where he received the revised orders of transfer.

14. ***Unavailed Portion of Joining Time to be Credited to E.L. Account:*** The unavailed portion of entitled Joining Time shall be credited to EL A/c subject to the condition that the E.L. at his credit together with un-availed Joining Time allowed to be so credited shall not exceed 300 days by reasons that:

- a) he is ordered to join the new post at a new place of posting without availing of full Joining Time to which he is entitled; or
- b) he proceeds alone to the new place of posting and joins the post without availing full Joining Time and takes his family later within the permissible period of time for claiming TA for the family.

In case of one day's joining time if not availed, no benefit.

15. ***Extension of Joining Time:*** Extension of Joining Time can be granted up to the maximum of limit of 30 days by HOD and beyond 30 days by the Department of the Government of India. The guiding principle for extension being that the total period of Joining Time should be approximately equal to 8 days for preparation plus reasonable transit time plus holidays, if any, following the extended joining time. Allowance should also be made for the time unavoidably spent due to disruption of transport arrangements caused by strike or natural calamities, or the period spent awaiting the departure of the steamer.

16. ***'Joining Time' for visiting Home Town (once in a calendar year)***

- a) While proceeding on leave from a place in a remote locality or to a place in another remote locality.
- b) While returning from leave from a place in a remote locality or to a place in a remote locality. (Actual Transit Time from nearest point as mainland to remote locality is admissible).
- c) Officials domiciled in the Union Territories of Andaman and Nicobar Islands, Lakshadweep, while proceeding on leave to their home-towns in another Island on the U.T. and returning from home-town.

17. ***Entitlements During Joining Time:*** A Government servant, who is entitled for joining time, is regarded as on duty during the period and shall be paid joining time pay equal to the pay which was drawn before relinquishment of charge in the old post. He will also be entitled for DA, HRA, CCA at the rates of old HQ.

Fee & Honorarium

The Government servants may get 'Fee' and 'Honorarium' in addition to Pay and allowances, if they perform some special work in special circumstances for the government.

Fee

Definition: Recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India, or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory whether made directly to the Government servant or indirectly through the intermediary of Government, but does not include – Unearned income such as income from property, dividends, and interests on securities; and Income from literary, cultural, artistic, scientific or technological efforts and income from participation in sports activities as amateur.

[FR 9(6-A)]

Any remuneration for work or service rendered by a Government servant from a source other than the Consolidated Fund of India/State/UT is termed as 'Fee'.

Permission Necessary

Government servants should obtain prior permission of the competent authority for undertaking the work or service and also for acceptance of fee. In case of Government servants who are on leave, he shall certify that the work can be undertaken without detriment to his official duties and responsibilities.

Share of Fee Payable to Government

- (i) **Recurring Fee** (total received in a financial year) share to be credited to Government

Fee Received Up to Rs.1500/-	NIL
Above Rs.1500/-	One – third of the Fee received subject to the condition that the Fee retained by the employee does not fall short of Rs.1500/-

- (ii) **Non- Recurring Fee (total received in a financial year)**

Upto Rs.1500/-	NIL
Above Rs.1500/-	one- third of the Fee received subject to the condition that the Fee retained by the employee does not fall short of Rs.1500/-

The competent authority may, however, grant permission exempting the employee from payment of share to Government.

Items of 'Fee' not subject to payment of share to Government

- I. Scholarship / stipend during study leave.
- II. Writing reports/papers of study reports on selected subjects for International Bodies.
- III. Fees received from recognized Universities and other statutory bodies, public sector undertakings etc.
- IV. Income derived from exploitation of patent for invention taken out.
- V. When the work is undertaken by the Government and payment is made to the Government servant assigned for the work.
- VI. Income from property, dividends, interest on securities, income from literary, cultural, artistic, scientific or technological efforts, participation in sports activities as amateur.

Conditions

The payments, which fall in the definition of fee, are subject to the following conditions:

- I. A Government servant cannot undertake such a service for a private person or body or for a Public Body including a body administering a local fund without the permission of the Competent Authority.
- II. The Government Agency may permit the Government servant, if this can be done without detriment to his official duties and responsibilities to perform the specified service(s) and to receive the recurring or non-recurring fee. [FR 46(a)]
- III. The Competent Authority while permitting the Government servant shall pay due regard to the principles enunciated in FR 11.

Honorarium

Remuneration or award to an employee from the Consolidated Fund for special work of an occasional or intermittent character.

Retention of Amount by Government Servant

The Government servant can retain the whole amount of honorarium and no share is payable to Government. Competent Authority for Permission and Amount of Honorarium

Upto Rs.2500/-	Head of Department
Beyond Rs. 2500/- and Upto Rs.5000/-	Administrative Ministries with the concurrence of FA
Beyond Rs.5000/- in a financial year	Ministry of Finance

Apart from normal pay and allowances, a government servant may receive payments for performing specified services/work. Such work may be performed for government or for a person/Body outside Government, and accordingly, the payment shall be made to the government servant by the Government or the outside agency.

Conditions

Payment of Honorarium is subject to the following conditions:

- I. The work must be undertaken, as far as possible, with the prior consent of the Competent Authority.
- II. The work is either so laborious or of such special merit as to justify grant of a special reward.
- III. The sanctioning authority shall record the reasons justifying the grant of extra remuneration.

[FR 46(b) & (c)]

In cases where the government servant undertakes work in another Department, the permission is sought and is to be granted by the lending Department, who shall convey its consent to the lending authority together with the certificate required under FR 46(c). The borrowing Department shall then issue sanction granting honorarium.

Rates prescribed by the Government

The Government has issued general instructions prescribing rate of honorarium to be paid by Ministries/Depts. In the following types of cases:

- I. Honorarium to government servants appointed as Arbitrators.
- II. Part-time Inquiry Officer and Presenting Officers.

- III. Group 'D' staff performing driving duties.
- IV. Group 'D' staff engaged as Gestetner operator.
- V. Translation work from Regional language to Hindi or English and vice – versa.
- VI. Reporters/Stenographers taking verbatim report of proceedings of ad-hoc committees and conferences.

The nodal Ministry may revise the rates for the above items from time to time. Where the nodal Ministry has not prescribed any rates, the competent authorities as mentioned above can decide the rate of honorarium on merits of each individual case.

Instances have also come to the notice of the nodal Ministry, where honorarium has been paid by the competent authorities for performing duties, which fall within the sphere of the normal duties of the government servant concerned. The general instructions have thus been issued specifying the items for which honorarium should not be granted. Thus no honorarium is admissible for:

- I. Temporary increase in routine work.
- II. For setting up of companies/corporations, to the officers for whom it forms part of their normal duties.
- III. Performing duties of another sanctioned post in addition to the normal duties.
- IV. The work for which OTA has been paid to the staff.

Apart from above, certain items of payments to Government servant have been identified under FR48, which a Government servant can receive and retain without any special permission. There are-

- I. the premium awarded for any essay or plan in public competitions;
- II. any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
- III. any reward in accordance with the provision of any Act or Regulation or rules framed thereunder;
- IV. any reward sanctioned for services in connection with the administration of the customs and excise laws; and

- V. any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order to Government.

These payments are neither termed as 'fee' nor 'honorarium'

CHAPTER - 2

RECRUITMENT RULES

1. AUTHORITY

Subject to the provisions of the Constitution of India, Parliament may by law, regulate the recruitment, and conditions of service of persons appointed to public service and posts in connection with the affairs of the Union, but the President, or such person as he may direct in the case of services and posts in connection with the affairs of the Union, may make rules regulating the recruitment, and the conditions of service of persons appointed to such services or posts, until provision in that behalf is made by or under an Act of Parliament, and any rules so made shall have effect subject to the provisions of any such Act.

(Article 309, Constitution of India)

At present the three All India Services which are common to the Union and the States and which have been duly constituted are the Indian Administrative Service, the Indian Police Service and the Indian Forest Service. Sub-section (1) of Section 3 of the Act empowers the Central Government to frame rules in consultation with the State Governments, for the regulation of recruitment and the conditions of service of persons appointed to an All India Service. Detailed rules and regulations in this regard have accordingly been made in respect of the three Services which have already been constituted.

(Article 312, Constitution of India)

2. PROCEDURE FOR FRAMING RECRUITMENT RULES

As soon as a decision is taken to create a new post/ service, or to upgrade any post, or re-structure any service, action should be taken immediately by the administrative Department concerned to frame recruitment rules therefore concerning all Groups A & B posts/ services and Groups C posts. Heads of Department of Attached/ Subordinate offices, who are competent to create posts etc. under their own powers, should endorse a copy of the relevant sanctions to the Administrative Department concerned, indicating therein whether the posts are already covered by the existing rules or fresh recruitment rules need to be framed. An officer not lower in rank than that of an Under Secretary/ Desk Officer should initiate action for the framing of recruitment rules for the new posts/ services.

Recruitment Rules for Groups 'A' & 'B' posts / services as approved by the administrative Department should be referred to the Department of Personnel & Training first for clearance as early as possible, and not later than one month from the date of the creation of post / Service. Proposal for framing/ amendment of Recruitment Rules for Group 'A' & Group 'B' posts (except Service Rules) is sent to Department of Personnel & Training, first, on-line under Recruitment Rules Formulation, Amendment and Monitoring System (RRFAMS) of the on-line services of Department of Personnel & Training. After

approval of on-line Recruitment Rules in Department of Personnel & Training, the proposal is referred by the Department in a file with a self-contained note accompanied inter alia the following: -

- (i) Copy of the report of freezed on-line Recruitment Rules.
- (ii) Draft Recruitment Rules including notification and Schedule 1 (for posts other than those in the Organized Services) in the proforma in Annexure I of Department of Personnel & Training OM No. AB.14017/48/2010-Estt. (RR) dated 31.12.2010.
- (iii) Supporting particulars in Annexure II (for framing of Recruitment Rules)/ Annexure-III (for amendment of Recruitment Rules), as prescribed in [Department of Personnel & Training OM No. AB.14017/48/2010-Estt. \(RR\) dated 31.12.2010.](#)
- (iv) Recruitment Rules for the feeder posts(s) and the higher post, if any.
- (v) Present sanctioned strength of the post for which rules are being framed/ amended as also of the lower and higher posts.
- (vi) Check-list as prescribed in [Department of Personnel & Training OM No. AB.14017/37/2012-Estt. \(RR\) dated 28.1.2013.](#)

The administrative Departments are empowered to frame /amend Recruitment Rules in respect of Group 'C' posts keeping in view the guidelines issued by this Department on various aspects. In cases of deviations from the existing guidelines, the concurrence of Department of Personnel & Training is to be obtained in cases of framing / amendment of Recruitment Rules even for Group 'C' posts. The Departments are competent to relax the Recruitment Rules for Group 'C' posts.

Ordinarily, the draft Recruitment Rules will be returned by the Department of Personnel & Training with their comments, within a month from the date of reference to that Department. If the circumstances of a case require more time for scrutiny / discussion, the administrative Department will be informed of the same and where there are many points for clarification, the Departments may also be requested to discuss the case with the officers of the Department of Personnel & Training.

Model Recruitment Rules for a number of posts framed in consultation with the Union Public Service Commission, have been circulated to all Departments. While framing Recruitment Rules for such posts, the Model Rules should be adhered to.

After obtaining the concurrence of the Department of Personnel & Training, the Administrative Ministry / Department should refer the draft Recruitment Rules for posts/ services which are within the purview of the UPSC in a self-contained letter to the Commission, along with the information in the prescribed proforma. It should be stated in the letter to the Commission whether the clearance of the Department of Personnel & Training (and also the Department of Pension & Pensioners' Welfare, where required) has been obtained in respect of the proposals in question. Where the procedure for consultation with the Commission has been followed and information necessary for consideration of the proposal has been fully given, it should be possible for the

Commission to convey their advice ordinarily within 4 to 5 weeks. If the Commission's advice is not received within this time, the administrative Department may settle the matter by personal discussion with the officers concerned in the Commission.

In case the provisions of the final draft as approved by the Commission are at variance with the draft rules, as concurred by the Department of Personnel and Training, the changes should be brought to the notice of the Department.

The procedure as indicated above will apply also to amendments proposed to be made to existing recruitment rules. Such proposals should however be sent along with the information in proforma given in Annexure-III (and not Annexure-II).

The Recruitment Rules or amendment(s) thereto as finally approved by the Union Public Service Commission are required to be notified within a period of 10 weeks from the date of receipt of their advice letter. This time limit should be adhered to.

[DoPT OM No. AB.14017/48/2010-Estt. \(RR\) dated 31.12.2010.](#)

Before referring any proposal for framing/amendment in the Recruitment Rules of any post in Ministries/Departments and their subordinate and attached office, the proposed amendments/revision in the Recruitment Rules would be put up on the website of respective Ministries/Departments for 30 days for inviting comments from the stakeholders. Thereafter, taking into account the comments so received, the proposal would be sent to DoPT, UPSC and Ministry of Law for finalisation.

[DoPT O.M. No. AB-14017/61/2008-Estt \(RR\) dt. 13.10.2015.](#)

At present, the proposals for framing/amendment of RRs are first processed in the on-line mode through RRFAMS portal. The proposal received on this portal is scrutinized in DOP&T and the recruitment rules are frozen. The preliminary observations are also conveyed through the system. Thereafter the Ministries/Departments are required to send their proposals along with comments received in the RRFAMS and necessary Annexures, hierarchy chart etc. in the physical file. However, it is now reiterated that such proposals submitted through the New RRFAMS Portal from 25.12.2016 onwards are not to be sent to DoPT in the physical file for approval. However, the proposals that have already been sent/received on the existing RRFAMS Portal will continue to be considered in DoPT in the physical file until these are settled/approved.

[DoPT O.M. No. AB-14017/19/2016-Estt. \(RR\) dt. 22.12.2016](#)

As a next step towards achieving automation i.e. end-to-end processing and approval of RRs by the nodal Ministries, DOP&T in consultation with UPSC has now developed a module under RRFAMS for holding consultation with UPSC. In the new system, after the RRs are approved and frozen by DOPT, the same shall be transmitted to UPSC and will be visible to -Administrative Ministry/Department. The new system will be in operation w.e.f. 3.12.2018 in test mode and will be formally pushed into service on 25.12.2018. The comments/approval of UPSC will be conveyed through the system itself. With the introduction of UPSC module, the requirement of sending proposal on physical files to UPSC after DOPT approval will be dispensed with.

3. SALIENT POINTS REGARDING FRAMING OF RECRUITMENT RULES

Short title to rules: - It is necessary to give short titles to general statutory rules and statutory rules and orders framed by the Ministries/ Departments, for referencing and tracing of rules. All amendments to such rules/ orders should also bear short rules and be given serial numbers in the short titles.

Commencement of rules: - All rules should be published before the date of their enforcement or they should be enforced from the date of their publication. If owing to any unavoidable circumstances the reasons which necessitated the retrospective operation of the rule, should be published separately along with the notification whereby the rule is made, but such explanatory memorandum should not form a part of the rule. The explanatory memorandum should further recite that the interests of no one would be prejudicially affected by reason of the retrospective operation of the rule.

Disqualification: - The recruitment rules should incorporate a standard rule in the following form to provide for prohibition against bigamous marriages in the case of Government servants: -

“No person: -

- (a) Who has entered into or contracted a marriage with a person having a spouse living, or
- (b) Who, having a spouse living, has entered into or contracted a marriage with any person shall be eligible for appointment to service

Provided that the Central Government may, if satisfied that such marriage is permissible under the Personal Law applicable to such person and the other party to the marriage and there are other grounds for so doing, exempt any person from the operation of the rule”.

Saving Clause: - The recruitment rules in respect of all services/ posts within the purview of the reservation orders should contain a separate rule on the following lines: -

“Saving — Nothing in these rules shall affect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes ex-servicemen and other special categories of persons in accordance with the orders issued by the Central Government from time to time in this regard.” Such a rule will ordinarily have to be inserted at the end of the rules, unless any other place is considered to be more appropriate in the context of a particular set of rules.

Classification of Services/ Posts: - Recruitment Rules should indicate classification of Services/ posts concerned. The UPSC should be consulted on all proposals for upgrading a Group C post or downgrading a Group B post, to which recruitment has already been made without consulting them.

Manner of recruitment to a particular grade or group of posts: - The manner in which recruitment to a particular grade or group of posts should be made, has necessarily to be determined with reference to the qualifications, experience and previous training required for efficiently manning the post. It is also necessary to ensure that persons employed in the lower grades of the service or lower posts have adequate opportunities of promotion so that incentive to good work is maintained. Another point to be considered in this context is the availability in the open market of persons who can be appointed to the particular grade or post. The need for providing a certain amount of direct recruitment which would facilitate the introduction of fresh blood and incidentally provide an opportunity for Scheduled Castes and Scheduled Tribes employees to be appointed against a reserved quota, will have to be balanced against the other considerations mentioned above; and the controlling authorities of the various services and posts will, on a balance of these considerations, have to determine whether, and if so to what extent, direct recruitment can be introduced in grades or posts to which there is at present no direct recruitment.

Eligibility for promotion: - It is necessary to fix suitable standards for promotion from one grade to another, including minimum length of service in the lower grade. As far as possible, the minimum length of service in the lower grade prescribed as a condition for promotion to the higher grade should not markedly be different from that prescribed by other Departments for promotion to similar grades involving the same nature of duties and responsibilities. The qualifying service for promotion from one grade to another is necessary so that there is no premature promotion or undue jump in pay and also to ensure that the officer has sufficient opportunity to demonstrate his competence/potential for holding the higher post. The period of qualifying service varies from post to post depending upon the scale of pay and the experience, required for manning the higher post. Broadly, the following qualifying service for promotion from one grade to another may be followed:

Field of Promotion

From Grade Pay (in Rs)	To Grade Pay (in Rs)	Qualifying Service (in years)
1800	1900	3 years
1900	2000	3 years
1900	2400	8 years
2000	2400	5 years
2400	2800	5 years
2400	4200	10 years
2800	4200	6 years
4200	4600	5 years
4200	4800	6 years
4200	5400	8 years
4200	6600	10 years
4600	4800	2 years
4600	5400	3 years
4600	6600	7 years
4800	5400	2 years
4800	6600	6 years
5400	6600	5 years
6600	7600	5 years
6600	8700	10 years
7600	8700	5 years
7600	8900	6 years
8700	8900	2 years
8700	10000	3 years
8900	10000	2 years
10000	HAG	3 years
HAG	HAG + Scale	1 year
HAG	Apex Scale	2 years
HAG + Scale	Apex Scale	1 year

Relaxation Clause: - The Relaxation Clause of the Recruitment Rules may be as follows: -

“Power to Relax: - Where the Central Government is opinion that it is necessary or expedient so to do, it may, by order for reasons to be recorded in writing, and in consultation with the Union Public Service Commission for Group A & B posts only relax any of the provisions of these rules with respect to any class or category of persons”.

Whenever the Administrative Ministry/ Department finds the necessity to suggest relaxation of any provisions of the recruitment rules, they should after obtaining the approval of the Secretary in the case of Group “A” posts & Joint Secretary concerned in

other cases, first consult the Department of Personnel & Training before making a proposal to the UPSC.

It is for the authority competent to relax, to consider the facts and circumstances of each case and come to the conclusion whether under the circumstances the relaxation should be granted.

The following three guidelines are suggested to be kept in mind while considering relaxation:

- (a) The discretion must be exercised bonafide;
- (b) Such an exercise should satisfy an objective test; and
- (c) It would satisfy any responsible man in place of the authority competent to relax.

In addition to the three points noted above, the power should be vested in a higher authority.

The draft Recruitment Rules should be drawn as given in Annexure –I of the guidelines on RRs, which consist of following columns: -

Column 1:	Name of post
Column 2:	Number of post
Column 3:	Classification
Column-4:	Level in the Pay Matrix
Column5:	Whether Selection post or non-selection post
Column6:	Age limit for direct recruits
Column7:	Educational and other qualifications required for direct recruits
Column8:	Whether age and educational qualifications prescribed for direct recruits will apply in the case of promotees
Column9:	Period of probation, if any
Column10:	Method of recruitment whether by direct recruitment or by promotion or by deputation/absorption and percentage of the vacancies to be filled by various methods
Column11:	In case of recruitment by promotion/ deputation/ absorption grades from which promotion/deputation/ absorption to be made
Column12:	If a Departmental Promotion Committee exists what is its composition
Column13:	Circumstances in which Union Public Service Commission to be consulted in making recruitment

A detailed step guide (column-wise) for processing of the proposal for framing/amendment of Recruitment Rules has been issued vide DoPT O.M. NO. AB.14017/13/2013-Estt. (RR) dt. 31.3.2015. The step guide material may be used for filling up thirteen columns Schedule to be annexes with notification part of the recruitment rules for various posts under Ministries/Departments.

[DoPT O.M. NO. AB.14017/13/2013-Estt. \(RR\) dt. 31.3.2015.](#)

The covering notification of the draft recruitment rules should include the following.

- (i) Short title and commencement
- (ii) The date from which the Recruitment Rules come into force.
- (iii) Application.
- (iv) Number of posts, classification and scale of pay.
- (v) Method of recruitment, age limit and other qualifications.
- (vi) Disqualifications (regarding plural marriages).
- (vii) Power to relax clause
- (vii) Saving Clause.

All recruitment rules including their amendments should be approved at the level of Minister-in-charge, unless the Minister has by general or special order authorized such approval at a lower level(s). The Ministries/ Departments may put up proposals for suitable delegation for approval of the Minister-in-Charge. The following scheme of delegation is suggested:

Posts/ Services	Authority
Groups C	Joint Secretary
Groups A& B posts / Services (excepting those indicated below)	Secretary
Framing of or important amendments to Recruitment Rules for posts of Heads of Departments or Service Rules for Organized Services	Minister

The above is only suggestion and the Ministries / Departments are free to follow a different pattern depending on the local situation.

In respect of framing of Recruitment Rules for the posts which are not covered by any of the Organized Services, the format of a Notification accompanied by the 13 column Schedule shall be used. As for Organized Services, comprehensive Service Rules shall be framed covering, inter-alia, the following aspects: -

1. Short Title and Commencement
2. Definitions
3. Constitution
4. Grades, Authorized Strength and its review
5. Members of the Service
6. Initial Constitution of the service.

When a Ministry or Department indicates in the recruitment rules pertaining to any post/service as a source of "deputation", a Service which is under the control of another Ministry or Department, the latter should be consulted before the draft rules are referred to the Union Public Service Commission. If the controlling Ministry or Department concerned with the Service concur in the proposal, this would in effect, amount to an understanding being reached with them that a suitable person would ordinarily be made available on deputation by them for the post/service in question. Copies of the recruitment

rules for the post/service in question, after they have been notified, may also be endorsed to such controlling Ministry/Department for information. This would enable the controlling authority to have an idea of demands that are likely to be made in the Service under its control for purposes of deputation. For deputation from among the State Service, however, which concern all States, this procedure of prior consultation with the State Governments would, for obvious reasons, be unnecessary.

4. WHERE PROMOTION IS METHOD OF RECRUITMENT

When promotion is kept as a method of recruitment, the detailed composition of the Departmental Promotion Committee may be indicated. In all cases, the minimum number of officers to be included in the DPC should be 3 and as far as possible the departments may avoid various alternative designations of officers which may cause confusion. In the case of promotion to Group 'A' posts, the Union Public Service Commission shall also be associated.

Endeavour should also be made to nominate SC/ST officers on the DPC constituted for various posts/services. However, the Recruitment Rules need not indicate the SC/ST officer as a DPC Member as inclusion of such an officer is covered by executive instructions. The UPSC need not be associated in respect of posts where the promotion is based on non-selection.

Separate composition of Departmental Confirmation Committee may be prescribed for considering cases of confirmation in the case of appointment by promotion/direct recruitment/re-employment.

5. CONSULTATION WITH UPSC

The circumstances in which the UPSC are to be consulted in making recruitment to the posts within their purview should be clearly indicated. Cases in which the Commission are to be consulted are illustrated below:-

- (i) Direct Recruitment
- (ii) Re-employment
- (iii) In all cases of 'absorption', the Commission shall be consulted. Such consultation is necessary because permanent arrangements are being made without resorting to the method of open recruitment and the Commission would ensure that the post has been circulated widely as per the provisions of the rules and the best person is selected.
- (iv) When the composite method of recruitment is prescribed i.e. the departmental candidate is to be considered along with outsiders, the selection shall be made by the Commission only.
- (v) For purpose of promotion from Group 'A' post to another Group 'A' post, consultation with the Commission is not necessary as per UPSC (Exemption from Consultation) Regulations, 1958. But, as the DPC for considering promotions within Group 'A' posts shall be presided over by Chairman/Member of the Commission, necessary provisions may be made in the DPC Column.

(vi) The Ministries/ Department are advised that if there are overriding compulsions for filling any Group A or Group B post in the absence of Recruitment Rules, then they may make reference to UPSC for determination of method of recruitment as a onetime measure for filling up of a post on regular basis.

(vii) When the field of deputation for Group 'A' or Group 'B' posts consists of Central Group 'A' or Group 'B' officers only, consultation with the Commission for selection of an officer is not necessary. If the field for consideration includes State Government Officers or Group 'A' & 'B' officers of the Central Government simultaneously, selection for the post shall be done through the UPSC. When the field for consideration is made more broad-based and consists of not only Central/State Government officers but also officers from non-Government institutions, the selection shall always be done through the Commission. This is tantamount to direct recruitment and the Commission would ensure that the post has been circulated to all the authorities in the field and the best person is selected.

(viii) Any relaxation or amendment of the provisions of the Recruitment Rules.

(ix) Exemption from Consultation with UPSC is governed by the UPSC (Exemption from Consultation) Regulations, 1958 as amended from time to time and the Central Civil Services and Civil Posts (Consultation with Union Public Commission) Rules, 1999 as amended.

(x) The process of again consulting DoPT and UPSC for amending the Recruitment Rules (on limited issue of exemption from consultation) is not necessary. The Ministries/Departments may amend column 13 of the Recruitment Rules for effecting the notifications issued by Estt B Division of this Department regarding exemption of certain posts/category of posts from consultation with UPSC after vetting by the Legislative Department.

[DoPT O.M. No. Misc-14017/10/2015-Estt \(RR\) dt. 21.06.2016.](#)

6. CONCURRENCE OF MINISTRY OF FINANCE TO ALTERATIONS IN SERVICE RULES

As the pay scales agreed to by the Ministry of Finance are on the basis of the qualifications and other requirements laid down for the respective posts, any alterations in the Service Rules applicable to any cadre, which will have the effect of lowering the qualifications below those laid down when the Service Scheme was sanctioned and the pay scales were agreed to by the Ministry of Finance, should receive the prior concurrence of that Ministry.

Departments may send proposals for framing/ amendment of recruitment rules on file to this Department and to UPSC invariably accompanied with duly filled in check list prescribed vide DOPT OM No. AB.14017/37/2012-Estt. (RR) dated 28.1.2013 and [DOPT OM No. AB.14017/21/2011- Estt. \(RR\) dated 9.8.2011](#) respectively.

The proposal for relaxation of recruitment rules should consist of a self-contained note indicating the name of officer, batch, period of relaxation of the shortfall, justification for the same duly approved by the competent authority. The reference to DOPT should be

made at the level of Joint Secretary. The signed and issued copy of seniority list of grades and duly filled in prescribed Annex-IV may also be furnished with the proposal.

7. ELIGIBILITY REQUIREMENT FOR PROMOTION TO VARIOUS GRADES

The eligibility requirement for considering promotion to Senior Administrative Grade and Higher Administrative Grade of Organized Group 'A' Service (Non-Engineering) has been prescribed vide [DOPT OM No. AB.14017/61/2008-Estt.\(RR\)/Pt. dated 15.12.2009](#) as follows: -

(i) For promotion to SAG level, the eligibility requirement shall be "Officers in the JAG with 8 years' regular service in the grade including NFSG OR Officers with 17 years' regular service in Group 'A' posts in the service out of which at least 4 years' regular service should be in the JAG (including service rendered in the NFSG of the JAG."

(ii) For promotion to HAG level, the eligibility requirement shall be "Officers in the SAG with 3 years' regular service in the grade OR Officers with 25 years' regular service in Group 'A' posts in the service out of which at least 1 year' regular service should be in the SAG."

Similarly, the following eligibility requirement for promotion to SAG and HAG in Organized Group 'A' Engineering Services vide [DOPT OM No. AB.14017/61/2008-Estt. \(RR\) dated 18.1.2011.](#)

(i) For promotion to SAG level, the eligibility requirement shall be "Officers in the grade of Superintending Engineer and equivalent (PB 4 Grade Pay of Rs.8700/-) with 3 years regular service in the grade or officers in the grade of Superintending Engineer/equivalent with 17 years regular service in Group A posts in the service out of which at least 1 year of regular service should be in the PB-4 Grade Pay of Rs.8700".

(ii) For promotion to HAG level, the eligibility requirement shall be "Officers in the SAG with 3 years' regular service in the grade OR Officers with 25 years' regular service in Group 'A' posts in the service out of which at least 1 year' regular service should be in the SAG."

The instructions related to operation of the reserve panels prepared on the basis of selections for promotion on direct recruitment, deputation and absorption basis, made by UPSC, Staff Selection Commission, other recruiting agencies and where selections are made by Ministries/ Departments, have been issued vide DOP&T OM No. 41019/18/97-Estt. 'B' dated 13.6.2011.

The principle to be observed for forwarding of applications for other posts from candidates serving under the Govt. has been laid down vide [DOPT OM No. AB.14017/101/91-Estt. \(RR\) dated 14.7.1993.](#)

The crucial date for determining eligibility for filling up posts by composite method of promotion/ deputation (including short term contract) will be same as applicable for deputation. The crucial date for determining age limit for competitive examinations by UPSC, SSC has been prescribed vide DOPT OM No. AB.14017/70/87-Estt. (RR) dated 14.7.1988.

The instructions for amendment of Service Rules/Recruitment Rules on revision of pay scales due to implementations of Sixth Central Pay Commission's recommendations has been issued vide DOP&T OM No. AB-14017/61/2008-Estt.(RR) dated 24.3.2009.

As per the CCS (Revised Pay) Rules, 2016 issued by Department of Expenditure consequential amendment in the existing Service Rules / Recruitment Rules shall be made by the Ministries / Departments by substituting the existing Pay Band and Grade Pay by the new pay structure i.e. "LEVEL in the PAY MATRIX" straightaway without making a reference to the Department of Personnel and Training (DoP&T) / Union Public Service Commission (UPSC).

[DoPT O.M. No. AB-14017/13/2016-Estt.\(RR\) dated 22.12.2017](#)

Instructions had been issued regarding amendment of Service Rules / Recruitment Rules in pursuance of Sixth Pay Commission's recommendations. The revised pay structure recommended by 6th CPC and approved by the Government included a number of 'merged grades' with a common Pay Band and Grade Pay.

In order to regulate the service rendered in the pre-revised scale where there have been merger of more than one grade into one with a single grade pay, it was advised that a Note to the following effect may be inserted under relevant columns in the Schedule of RRs and under relevant provisions in Service Rules.

"Note: For the purpose of computing minimum qualifying service for promotion, the service rendered on a regular basis by an officer prior to 1.1.2006/ the date from which the revised pay structure based on the 6th CPC recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay /pay scale extended based on the recommendations of the commission. For purposes of appointment on deputation / absorption basis, the service rendered on regular basis by an officer prior to 01.01.2006/the date from which the revised pay structure based on the 6th CPC recommendations has been extended, shall be deemed to be service rendered in the corresponding grade pay/pay scale extended based on the recommendations of the Commission except where there has been merger of more than one pre-revised scale of pay into one grade with a common grade pay/pay scale, and where this benefit will extend only for the post(s) for which that grade pay/pay scale is the normal replacement grade without any upgradation."

After implementation of 7th CPC there are only a few cases of merger/upgradation of pay scale. However, in cases where merger/upgradation of pay is recommended in the 7th CPC and the same has been accepted, there is a need to provide a Note on similar lines as above with relevant changes i.e. the date 1.1.2006 needs to be replaced with 1.1.2016 and "6th CPC" is to be replaced with "7th CPC". In other cases, **the Note as referred above need not to be prescribed in the RRs/SRs where no merger /upgradation are involved as per 7th CPC recommendations.**

[DoPT OM No. AB-14017//13/2016-Estt\(RR\) –Pt dated 18.01.2017](#)

A new Recruitment Rules Formulation, Amendment, Monitoring System (RRFAMS) Portal has been launched by DoPT on 25.12.2016. The system facilitates online approval of DoPT to proposals relating to framing/amendment of Recruitment Rules. Earlier, proposals for framing/amendment of RRs were first processed in the online mode through old RRFAMS portal followed by the physical file for approval of DoPT. In order to streamline the processing of RRs, the RRFAMS portal has been upgraded and a new system has been developed. The new system is a fully computerized system and the observations / approval of DoPT on the proposals related to Recruitment Rules are conveyed online. The requirement of sending physical file to DoP&T has been dispensed with.

[DoPT OM NO.AB- 14017/19/2016-Estt.\(RR\) dated 22.12.2016](#)

[DoPT DO NO. Misc.-14017/19/2016-Estt.\(RR\) dated 19.01.2017](#)

For detailed study refer to [OM No. AB.14017/48/2010-Estt. \(RR\) dated 1.12.2010](#)
Revision of Guidelines for framing/ amendment/ relaxation of Recruitment Rules.

CHAPTER -3

FORMALITIES ON JOINING THE SERVICE

1. RECORDS OF SERVICE

1.1 The Service Book of a Government servant is a document to record all the events in his/ her entire service period and career recording each and every administrative action qua the Government servant right from the stage of his recruitment till his retirement to reflect the history of service of a Government employee (SR 199).

1.2. Such a Service Book is to be maintained for a Government servant from the date of his/her first appointment to Government service and it must be kept in the custody of the Head of Office in which he is serving and transferred with him from office to office (SR 198).

1.3 The Service Book of a Government employee is required to be maintained in a prescribed form and the same is required to be maintained in duplicate. The first copy shall be retained by the respective Head of Office and the second copy shall be given to the Government servant for safe custody. A revised format has been prescribed vide O.M. No.17011/1/99-Estt.(L) dated 11th March, 2008.

1.4 The Part I of the prescribed format of the Service Book is required to reflect the Bio data of the employee concerned, which may include the following details:

- a) Date of Birth [Refer to para 16.2 below]
- b) Whether the Government servant belongs to Scheduled Caste/Scheduled Tribe or Other Backward Class
- c) Educational Qualifications at the time of first appointment

1.5. The instructions for maintenance of Service Book, which is part of the format states that the entries in this part will be made at the time of first appointment of the government servant and attested by the Head of Office or any other officer duly authorized in this behalf. Additions and alterations in this part are also to be similarly attested.

1.6. The Part II A of the prescribed format includes entries of the following certifications in respect of a Government employee:

- a) Medical Examination - The original medical certificate has been kept in safe custody in Vol. II of the Service Book.
- b) Character & Antecedents – The verification report is to be retained in safe custody in Vol. II of the Service Book.
- c) Marital Status - It is required to be certified that the Government employee concerned has furnished declaration regarding her/his not having contracted

bigamous marriage and the relevant declaration is also to be retained in of Vol. II of the Service Book.

- d) Oath of Allegiance to the Constitution also forms part of the said Part of the Service Book with the same being retained in Vol. II of the Service Book
- e) Declaration of Home Town is also required to be made by the Government employee concerned and the same also being retained in Vol. II of the Service Book

1.7. The said part also contains a certification of the competent authority that correctness of the entries against S. No. 5-8 of Part I— “Bio-data” has been verified from original certificates considered as valid documentary evidence for the respective purposes. Attested copies of these certificates have been filed in Vol. II of the Service Book.

1.8. The Part II A of the prescribed format includes entries of the following certifications in respect of a Government employee:

- a) Family Particulars with due certification that the Government servant concerned, has furnished the details of the family members which have been filed in Vol.II of the Service book.
- b) Nomination for Central Govt. Employees Group Insurance Scheme (CGEGIS) with similar certification as indicated above.

1.9. The instructions for maintenance of Service Book, which is part of the format states that the first seven certificates in Part II-A of the format will be recorded at the time of initial appointment of the government servant and the last entry at the appropriate stage. All these entries are not subject to change/revision subsequently. Further, the declarations, nominations and related notices like change of nomination for GPF, D.C.R Gratuity, Family Pension, Central Government Employees Insurance Scheme and Leave Encashment, testimonials and other documents referred to and relied upon in this part will be kept in Vol. II of the service book of the government servant and will be retained by the Head of Office for safe custody.

1.10. The declarations of Government servants electing the scales of pay and statements showing the fixation of initial pay in the relevant scales of pay in support of the entries in the Service Books should be pasted in the Service Books. The GPF Account Number allotted to the Government Servant should be entered on the right hand top of page 1 of the Service Book.

1.11. Each entry in the Service Book is to be attested by the Head of Office, or if he himself is the Head of Office, by his immediate superior. The Head of Offices are permitted to delegate to subordinate Gazetted Officers under them powers to attest entries in Service Book. Such subordinate Gazetted Officers are also authorized to keep these documents in their custody and to attest entries in the leave account.

1.12. At a fixed time early in the year, the Service Books shall be taken up for verification by the Head of Office who, after satisfying himself that the services of the government servant concerned are correctly recorded in each of the Service Book shall record in each case a certificate in prescribed form (SR 202 read with GFR 257).

1.13. In January each year, the Government servant shall hand over his copy of the Service Book to his office for updation. The office shall update and return it to the Government servant within thirty days of its receipt. In case the Government servant's copy is lost by the Government servant, it shall be replaced on payment of a sum of Rs.500/-. (GFR 257)

1.14. Service Book must be shown to the Government servants every year and their signatures obtained therein in token of their having inspected the Service Book. In the case of a Government Servant on foreign service, his signature shall be obtained in his Service Book after the Audit Officer (P&AO, as the case may be), has made therein necessary entries connected to his foreign service in terms of provisions of SR 203.

1.15. On a Government servant completing eighteen years of service or on his being left with five years of service before the date of retirement, whichever is earlier, the Head of Office in consultation with the Accounts Officer shall, in accordance with the rules for the time being in force, verify the service rendered by such a Government servant, determine the qualifying service and communicate to him, in Form 24, the period of qualifying service so determined. [Rule 32 of CCS (Pension) Rules].

2. DATE OF BIRTH

2.1 Every person newly appointed to a service or a post under Government shall, at the time of the appointment, declare the date of birth by the Christian era with confirmatory documentary evidence such as a Matriculation Certificate, where prescribed qualification for appointment is Matriculation or above. In other cases, Municipal Birth Certificate or Certificate from the recognised school last attended shall be treated as a valid document.

GFR 256

The Date of Birth of the Government employee gets a mention in Note 6 under Fundamental Rule 56 regulating the age of retirement of the employee. It states that the date on which a Government servant attains the age of fifty-eight years or sixty years (or any other age of retirement prescribed by the Government)) shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the Appropriate Authority on production of, as far as possible, a confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register.

2.2 Alteration in the date of birth can be made by Government servant only within five years of his entry into Government service, with the sanction of a Ministry or Department of the Central Government etc. subject to the following conditions.

- a) A request in this regard is made within five years of his entry into Government service;
- b) It is clearly established that a genuine bona fide mistake has occurred; and
- c) The date of birth so altered would not make him ineligible to appear in any school or University or Union Public Service Commission examination in which he had appeared, or for an entry into Government service on the date on which he first

appeared at such examination or on the date on which he entered Government service.

The Government policy regarding rejection of belated claim for alteration in date of birth is reinforced by the observations made by the Supreme Court in the judgment in Civil Appeal No.502 of 1993 (Union of India Vs. Harnam Singh).

DoP&T O.M.No.19017/7/792-Estt (A) dated 30th November, 1979 and

DoP&T O.M.No.19017/2/92-Estt (A) dated 19th May, 1993

3. EDUCATIONAL QUALIFICATION AND PROFICIENCY STANDARDS

3.1 General Principles:

- (1) Educational qualifications should be prescribed as soon as a new post is created, in the relevant recruitment rules/orders.
- (2) Educational qualifications apply alike to permanent and temporary appointment.
- (3) Educational qualifications do not apply to posts filled by promotion in regular line, unless otherwise provided in the relevant recruitment rules/orders.

3.2 Educational and other Qualifications for Direct Recruits:

With respect to provisions for educational and other qualifications required for direct recruits the minimum educational qualifications and experience required for direct recruitment may be indicated as precisely as possible, if necessary, these may be divided into two parts, viz., "Essential Qualifications" and "Desirable Qualifications". These requirements vary from post to post depending upon the scale of pay and the nature of duties. But they should be determined, as far as possible, keeping in view the provisions in the approved Recruitment Rules for similar posts and higher and lower posts in the same hierarchy. The Ministries/Departments need to clearly specify the educational qualifications and should avoid usage of the term 'or equivalent'.

Educational Qualification for promotion:

The educational qualifications are not generally insisted upon in the case of promotion to posts of non-technical nature; but for scientific and technical posts, these should be insisted upon, in the interest of administrative efficiency, at least in the case of senior Group A posts in the Pay Band-3 Grade Pay Rs.6600 and above. Sometimes the qualifications for junior Group A posts and Group B posts may not be insisted upon in full but only the basic qualification in the discipline may be insisted upon. For example, if a degree in Civil Engineering is the qualification prescribed for direct recruits, the promotees may be required to possess at least a Diploma in Civil Engineering.

OM No. AB.14017/48/2010-Estt.(RR) dated 31 December, 2010

Educational qualifications and Proficiency standards prescribed for direct recruitment.

The educational qualifications for recruitment to the various public services shall be as shown below:

I. Superior Services All India and Central Services, Group A	University Degree essential
II. Middle Group Services (i) Central Group B (Gazetted) (ii) Central, Group B (Non-Gazetted) and Assistant Section Officer in office not participating in C.S.S.	University Degree essential
III. Central Group C, Non-Gazetted	
(a) MTS	Matriculation pass or equivalent from a recognized Board or Industrial Training Institute pass Certificate from a recognized Institute
(b) Lower Division Clerks	(i) 12 th class pass or equivalent qualification from a recognized Board or University. (ii) should pass type writing in English with a minimum speed of 35 words per minute or in Hindi with a minimum speed of 30 words per minute on computer (35 words per minute and 30 words per minute correspond to 10500 KDPH/9000 KDPH on an average of 5 key depression for each word).
(c) Stenographers	(i) 12 th class pass or equivalent qualification from a recognized Board or University. (ii) Skill Test Norms: (a) For Stenographers in Pay Band-1 Dictation: 10 minutes @ 80 words per minute Transcription: 50 minutes (English), 65 minutes (Hindi) on computers (b) For Stenographers in Pay Band-2: Dictation: 10 minutes @ 100 words per minute Transcription: 40 minutes (English), 55 minutes (Hindi) on computers

Proof of Educational Qualifications:

Appointing authority should ensure that claims regarding educational and other special qualifications and age are scrutinized strictly at the time of appointments.

MHA OM No.2/29/54-RPS, 19-11-54

Degree/Diploma and Certificates Recognized for Recruitment:

Those awarded by-

- (i) Universities in India incorporated by an Act of the Central or State Legislature and other educational institutions established by an Act of Parliament or declared to be deemed to be Universities under Section 3 of the UGC Act, 1956. MHA OM No.26/4/52-CS dt. 30-9-52 and MHA OM No.6/1/64-Estt.(D) dated 10-4-64
- (ii) Board of Secondary and Intermediate Education duly set up and recognized by the Central Government or the State Government concerned.

MHA OM No.26/4/52-CS dt.30-9-52

Those specially recognized by the Central Government as equivalent to particular degrees, diplomas or certificate. For technical qualifications a reference may be made to "List of Technical and Professional Qualifications recognized by Government of India" issued by the Ministry of Human Resource Development.

4 OATH OF ALLEGIANCE

1. All new entrants to Government service are required to take an oath of allegiance to the Constitution of India in the prescribed form. Conscientious objectors to oath taking may make a solemn affirmation in the prescribed form.
2. The oath/affirmation can be taken/ made in English or Hindi or in any official regional language with which the Government servant is conversant. The prescribed forms in English and Hindi are given in **Annexure I**. Heads of office may get the same translated into regional language, where required.
3. Full-time Government servants who are foreign nationals, are also required to take/make an oath/affirmation in the form given in **Annexure II**.
4. The taking of oath should be made one of the terms of appointment of persons to Government service.
5. The oath/affirmation should be taken/ made before the Head of Department of Office as may be appropriate, or a gazetted officer who may be authorised in this behalf. The signed copy of the Oath/Application may be kept in Vol-II of the Service Book and entry made in the service book in the appropriate place.

ANNEXURE I**FORM OF OATH / AFFIRMATION**

"I, _____, do swear / solemnly affirm that I will be faithful and bear true allegiance to India and to the Constitution of India as by Law established, that I will uphold the sovereignty and integrity of India, and that I will carry out the duties of my office with loyalty, honesty and impartiality,"

(SO HELP ME GOD)

Signature_____

Name_____

Date_____

Designation_____

मैं.....शपथ लेता हूँ / सत्यनिष्ठा से प्रतिज्ञा करता हूँ कि भारत और विधि द्वारा स्थापित भारत के संविधान के प्रति श्रद्धा और सच्ची निष्ठा रखूँगा, मैं भारत की प्रभुता और अखंडता अक्षुण्ण रखूँगा, तथा मैं अपने पद के कर्तव्यों का राजभक्ति, ईमानदारी और निष्पक्षता से पालन करूँगा

(अतः ईश्वर मेरी सहायता करें)

हस्ताक्षर-----

नाम-----

दिनांक-----

पद-----

**FORM OF OATH FOR GOVERNMENT SERVANTS
WHO ARE FOREIGN NATIONALS**

I.....a citizen of temporarily residing in and holding a civil post under the Government of India do swear/solemnly affirm that, having the faith and allegiance I own to*.....I will, during the period of my service as aforesaid, be faithful to India and to the Constitution of India as by law established and that I will carry out the duties of my office loyally, honestly and with impartiality.

(So help me God)

*Here insert the name of the country conferred.

Signature_____

Name_____

Designation_____

5 DECLARATION OF HOME TOWN UNDER LTC RULES

16.5.1 Every new entrant in Government service is required to declare his/her home town to avail the benefits of Leave Travel Concession.

The Home Town once declared and accepted by the Controlling Officer shall be treated as final. In exceptional circumstances, the Head of the Department or if a Government servant himself is the Head of the Department, the Administrative Ministry, may authorize a change in such declaration, provided that such a change shall not be made more than once during the service of the Government servant.

Rule 5 of CCS (LTC) Rules, 1988

16.5.2 The declaration made by the Government Servant initially may be accepted. A detailed check may be applied only when he seeks a change. The following criteria may be applied to determine whether the Government servant's declaration may be accepted:

- (i) Whether the place declared by the Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the Government servant had been visiting that place frequently.
- (ii) Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.
- (iii) Whether his near relations are resident in that place.

- (iv) Whether, prior to his entry into Government service, the Government servant had been living there for some years.

Note: The criteria, one after another need be applied only in cases where the immediately preceding criterion is not satisfied.

Where the Government servant or the family of which he is a member owns a residential or landed property in more than one place, it is left to the Government servant to make a choice giving reasons for the same, provided that the decision of the Controlling Officer whether or not to accept such place as the town of the Government servant shall be final. Where the presence of near relation at a particular place is not to be the determining criterion for the acceptance of declaration of 'hometown', the presence of near relation should be more or less permanent nature.

MHA O.M.No.43/15/57-Estt (A) dated 24th June, 1958, GoI Decision below Rule 5 of CCS (LTC) Rules

6 DECLARATION OF MOVABLE / IMMOVABLE PROPERTY

Rule 18 (1) (i) of the CCS (Conduct) Rules, 1964 prescribes that every Government servant shall on his first appointment to any service or post submit a return of his assets and liabilities, in such form as may be prescribed by the Government, giving the full particulars regarding-

1. The immovable property inherited by him, or owned or acquired by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person;
2. Shares, debentures and cash including bank deposits inherited by him or similarly owned, acquired, or held by him;
3. Other movable property inherited by him or similarly owned, acquired or held by him; and
4. Debts and other liabilities incurred by him directly or indirectly.

[These Rules are explained in detail under the chapter of "Movable, Immovable and Valuable Property" in the CCS (Conduct) Rules, 1964]

Note: For All India Services please see the relevant provision in the appropriate rules, e.g.: Rule 16(1) of AIS (Conduct) Rules, 1968 in respect of AIS officers.

In terms of rule 18 (4) of the CCS(Conduct) Rules, 1964 all the Government servants belonging to Group 'A', 'B', 'C' and erstwhile Group 'D' are required to file annual property returns by 31st January of every year.

DOPT O.M. No. 11013/7/2014-Estt A-III dated 05.01.2016

THE SCHEDULE
[See Rule 18 (1)]

Return of Assets and Liabilities on First Appointment on 31December, 20...

1. Name of the Government servant in full.....
(in block letters)
2. Service to which he belongs.....
3. Total length of service upto date.....
(i) in non-gazetted rank.
(ii) in gazetted rank.
4. Present post held and place of posting.....
5. Total annual income from all sources during the Calendar year immediately proceeding the 1st day of January 20.....
6. Declaration

I hereby declare that the return enclosed namely, Forms I to V are complete, true and correct as on.....to the best of my knowledge and belief, in respect of information due to be furnished by me under the provisions of sub-rule (1) of rule 18 of the Central Services (Conduct) Rules, 1964.

Date.....

Signature.....

Note 1. This return shall contain particulars of all assets and liabilities of the Government servant either in his own name or in the name of any other person.

Note 2. If a Government servant is a member of Hindu Undivided Family with coparcenary rights in the properties of the family either as a 'Karta' or as a member, he should indicate in the return in Form No. I the value of his share in such property and where it is not possible to indicate the exact value of such share, its approximate value. Suitable explanatory notes may be added wherever necessary.

FORM NO. I**Statement of immovable property on first appointment as on 31st Dec., 20....
(e.g. Lands, House, Shops, Other Buildings, etc.)**

Sl. No.	Description of property	Precise location (Name of District, Division, Taluk and Village in which the property is situated and also its distinctive number, etc.)	Area of land (in case of land and buildings)	Nature of land in case of landed property	Extent of interest	If not in own name, state in whose name held and his/her relationship, if any to the Government servant
1	2	3	4	5	6	7

Date of acquisition	How acquired (whether by purchase, mortgage, lease inheritance, gift or otherwise) and name with details of person/persons from whom acquired (address and connection of the Government servant, if any, with the person/persons concerned) Please see Note 1 below)	Value of the property (see Note 2 below)	Particulars of sanction of prescribed authority if any	Total annual income from the property	Remarks
8	9	10	11	12	13

Date.....

Signature.....

Note (1) For purpose of Column 9, the term "lease" would mean a lease of immovable property from year to year or for any term exceeding one year or reserving a yearly rent. Where, however, the lease of immovable property is obtained from a person having official dealings with the Government servant, such a lease should be shown in this Column irrespective of the term of the lease, whether it is short term or long term, and the periodicity of the payment of rent.

Note (2) In Column 10 should be shown –

- (a) where the property has been acquired by purchase, mortgage or lease, the price or premium paid for such acquisition;
- (b) where it has been acquired by lease, the total annual rent thereof also; and
- (c) where the acquisition is by inheritance, gift or exchange, the approximate value of the property so acquired.

FORM NO. II**Statement of liquid assets on first appointment as on 31st December, 20....**

- (1) Cash and Bank balance exceeding 3 months' emoluments.
(2) Deposits, loans, advances and investments (such as shares, securities, debentures, etc.)

Sl. No.	Description	Name & Address of Company, Bank etc.	Amount	If not in own name, name and address of person in whose name held and his/her relationship with the Government servant	Annual income derived	Remarks
1	2	3	4	5	6	7

Date.....

Signature.....

Note 1. In column 7, particulars regarding sanctions obtained or report made in respect of the various transactions may be given.

Note 2. The term "emoluments" means the pay and allowances received by the Government servant.

FORM NO. III**Statement of movable property on first appointment as on 31st December, 20.....**

Sl. No	Description of items	Price or value at the time of acquisition and/or the total payments made upto the date of return, as the case may be, in case of articles purchased on hire purchase or instalment basis	If not in own name, name and address of the person in whose name and his/her relationship with the Government servant	How acquired with approximate date of acquisition	Remarks
1	2	3	4	5	6

Date.....

Signature.....

Note 1. In this Form information may be given regarding items like (a) jewellery owned by him (total value); (b) silver and other precious metals and precious stones owned by him not forming part of jewellery (total value), (c) (i) Motor Cars (ii) Scooters/Motor Cycles; (iii) refrigerators/air-conditioners, (iv) radios/radiograms/television sets and any other articles, the value of which individually exceeds Rs. 1,000 (d) value of items of movable property individually worth less than Rs. 1,000 other than articles of daily use such as cloths, utensils, books, crockery, etc., added together as lumpsum.

Note 2 : In column 5, may be indicated whether the property was acquired by purchase, inheritance, gift or otherwise.

Note 3 : In column 6, particulars regarding sanction obtained or report made in respect of various transactions may be given.

FORM NO. IV
Statement of Provident Fund and Life Insurance Policy on First Appointment as
on 31st December, 20.....

S. No.	Policy No. and date of policy	Name of Insurance Company	Sum insured date of maturity	Amount of annual premium	Type of Provident Funds /GPF / CPF, Insurance Policies account No.	Closing balance as last reported by the Audit/ Accounts Officer along with date of such balance	Contribution made subsequently	Total	Remarks (if there is dispute regarding closing balance the figures according to the Government servant should also be mentioned in this column)
1	2	3	4	5	6	7	8	9	10

Date.....

Signature

FORM NO. V
Statement of Debts and Other Liabilities on First Appointment as on
31st December, 20.....

Sl. No.	Amount	Name and address of Creditor	Date of incurring Liability	Details of Transaction	Remarks
1	2	3	4	5	6

Date

Signature.....

Note 1. Individual items of loans not exceeding three months' emoluments or Rs. 1,000 whichever is less, need not be included.

Note 2. In column 6, information regarding permission, if any, obtained from or report made to the competent authority may also be given.

Note 3. The term "emoluments" means pay and allowances received by the Government servant.

Note 4. The statement should also include various loans and advances available to Government servants like advance for purchase of conveyance, house building advance, etc. (other than advances of pay and traveling allowance), advance from the GP Fund and loans on Life Insurance Policies and fixed deposits.

CHAPTER - 4

PROBATION AND CONFIRMATION

1. PROBATION

A person is appointed on probation in order to assess his suitability for absorption in the service to which he has been appointed. Probation should not, therefore, be treated as a mere formality. No formal declaration shall be necessary in respect of appointment on probation. The appointing authority may declare successful completion, extend the period of probation or terminate the services of a temporary employee on probation, on the basis of evaluation of performance.

Probation is prescribed when there is direct recruitment, promotion from one Group to another or for officers re-employed before the age of superannuation. The probation shall stand successfully completed on issue of orders in writing. It is, however, not desirable that a Government servant should be kept on probation for long periods.

2. PERIOD OF PROBATION

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

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

5	Appointment on contract basis, tenure basis, re-employment after superannuation and absorption	No probation.
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DoPT [OM No. 21011/2/80-Estt.\(C\) dated 19.05.1983](#) and
OM No. [AB.14017/5/83 -Estt.\(RR\) dated 07.05.1984](#)

(A) DIRECT RECRUITMENT

If a Government servant is appointed to another post by direct recruitment either in the same department or a different department, it may be necessary to consider him for confirmation in the new post in which he has been appointed by direct recruitment irrespective of the fact that the officer was holding the earlier post on a substantive basis. Further confirmation in the new entry grade becomes necessary because the new post may not be in the same line or discipline as the old post in which he has been confirmed and the fact that he was considered suitable for continuance in the old post (which was the basis for his confirmation in that post) would not automatically make him suitable for continuance or confirmation in the new post the job requirements of which may be quite different from those of the old post.

[OM No. 18011/3/88-Estt\(D\) dated 24.09.1992](#)

(B) PROMOTION

- (i) Persons who are inducted into a new service through promotion shall also be placed on probation but there shall be no probation on promotion from one grade to another but within the same group of posts, except when the promotion involves a change in the Group of posts in the same service, e.g., promotion from Group 'B' to Group 'A' in which case the probation would be for the prescribed period.

[OM No. 21011/2/80-Estt.\(C\) dated 19.05.1983](#)

- (ii) If the recruitment rules do not prescribe any probation, an officer appointed on regular basis (after following the prescribed DPC procedure, etc.) will have all the benefits that a person confirmed in that grade would have.

[OM No. 18011/1/86-Estt.\(D\) dated 28.03.1988](#)

- (C) There shall be no probation in the cases for appointment on contract basis, tenure basis, re-employment after superannuation and absorption.

[OM No. 21011/2/80-Estt.\(C\) dated 19.05.1983](#)

3. PROGRESS DURING PROBATION

1. Instead of treating probation as a formality, the existing powers to discharge probationers should be systematically and vigorously used so that the necessity of dispensing with the services of employees at later stages may arise only rarely.
2. Concentration of attention on the probationer's ability to pass the probationary or the departmental examination, if applicable, should be an essential part of the qualification for confirmation but there should be a very careful assessment of the outlook, character and aptitude for the kind of work that has to be done in the service before a probationer is confirmed.
3. A probationer should be given an opportunity to work under more than one officer during this period and reports of his work obtained from each one of those officers. The probation reports for the whole period may then be considered by a Board of senior officials for determining whether the probationer concerned is fit to be confirmed in service. For this purpose, separate forms of report on the probationers should be used, which are distinct from the usual Annual Performance Appraisal Report (APAR) forms. The probation reports, unlike APAR, are written to help the supervising officer to concentrate on the special needs of probation and to decide whether the work and conduct of the officer during the period of probation or the extended period of probation are satisfactory enough to warrant his further retention in service or post. The probation reports thus do not serve the purpose for which the APARs are written and vice versa. Therefore, in the case of all probationers or officers on probation, separate probation reports should be written in addition to the usual APARs for the period of probation.
4. Save for exceptional reasons, probation should not be extended for more than a year and in no circumstance an employee should be kept on probation for more than double the normal period.
5. A probationer, who is not making satisfactory progress, should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement. This can be done by giving him a written warning to the effect that his general performance has not been such as to justify his confirmation and that, unless he showed substantial improvement within a specified period, the question of discharging him would have to be considered. Even though this is not required by the rules, discharge from the service being a severe, final and irrevocable step, the probationer should be given an opportunity before taking the drastic step of discharge.

[OM No. F.44/1/59-Ests\(A\) dated 15.04.1959](#)

6. In all cases of direct recruitment, there should be a mandatory induction training of at least two weeks' duration. Successful completion of the training may be made a pre-requisite for completion of probation. The syllabus for the training may be prescribed by the cadre authorities and the Training Division of DOPT can be consulted, if required. The recruitment rules for all posts, wherever such a provision does not already exist, may be amended to provide for such mandatory training. Till such time the recruitment rules are amended, a clause on the above lines may be included in the offer of appointment.

[DOPT OM No. 28020/1/2010-Estt \(C \) dated. 30.10.2014](#)

4. TERMINATION OF PROBATION

- a) The decision whether an employee should be confirmed or his probation extended should be taken soon after the expiry of the initial probationary period, that is within six to eight weeks, and communicated to the employee together with the reasons in case of extension. A probationer who is not making satisfactory progress or who shows himself to be inadequate for the service in any way should be informed of his shortcomings well before the expiry of the original probationary period so that he can make special efforts at self-improvement.

[OM No. F.44/1/59-Estt\(A\) dated 15.04.1959](#)

- b) On the expiry of the period of probation, steps should be taken to obtain the assessment reports on the probationer to: -
- i. Confirm the probationer/issue orders regarding satisfactory termination of probation, as the case may be, if the probation has been completed to the satisfaction of the competent authority; or
 - ii. Extend the period of probation or discharge the probationer or terminate the services of the probationer as the case may be, in accordance with the relevant rules and orders, if the probationer has not completed the period of probation satisfactorily.

[OM No. 21011/2/80-Estt.\(C\) dated 19.05.1983](#)

- c) In order to ensure that delays do not occur in confirmation, timely action must be initiated in advance so that the time limit is adhered to.

[OM No. 18011/2/98-Estt.\(C\) dated 28.08.1998](#)

- d) If it appears to the Appointing Authority, at any time, during or at the end of the period of probation that a Government servant has not made sufficient use of his opportunities or is not making satisfactory progress, the Appointing Authority may revert him to the post held substantively by him immediately preceding his appointment, provided he holds a lien thereon or in other cases may discharge or terminate him from service.

- e) A Probationer reverted or discharged from service during or at the end of the period of probation shall not be entitled to any compensation.

5. EXTENSION OF PROBATION PERIOD

- a) If during the period of probation, a probationer has not undergone the requisite training course or passed the requisite departmental examinations (proficiency in Hindi, etc.), if any prescribed, the period of probation may be extended by such period or periods as may be necessary, subject to the condition that the total period of probation does not exceed double the prescribed period of probation.
- b) The Appointing Authority may, if it so thinks fit, extend the period of probation of a Government servant by a specified period not exceeding more than double the normal period. In such cases, periodic reviews should be done and extension should not be done for a long period at one time.
- c) Where a probationer who has completed the period of probation to the satisfaction of the Central Government is required to be confirmed, he shall be confirmed in the Services/ Post at the end of his period of probation, having been completed satisfactorily.

6. LEAVE TO PROBATIONER, A PERSON ON PROBATION

- 1. A person appointed to a post on probation shall be entitled to leave under the rules as a temporary or a permanent Government servant according as his appointment is against a temporary or a permanent post. Where such person already holds a lien on a permanent post before such appointment, he shall be entitled to leave as a permanent Government servant.
 - a) If an employee does not complete 75% of the total duration prescribed for probation on account of availing any kind of leave, probation period may be extended by the length of leave availed, but not exceeding double the prescribed period of probation.
DoPT OM No.28020/1/2017-Estt. dated 05.01.2017
 - b) The period of joining time availed of by a probationer on return from leave should be counted towards the prescribed period of probation if but for the leave, he would have continued to officiate in the post to which he was appointed.
 - c) If, for any reason, it is proposed to terminate the services of a probationer, any leave which may be granted to him shall not extend –
 - i. beyond the date on which the probation period as already sanctioned or extended expires, or
 - ii. beyond any earlier date on which his services are terminated by the orders of an authority competent to appoint him.

[Rule 33 CCS\(Leave\) Rules 1972](#)

7. CONFIRMATION

- a) On completion of the period of probation or any extension thereof, officers shall, if considered fit for permanent appointment, be retained in their appointments on regular basis and be confirmed.
- b) If, during the period of probation or any extension thereof, as the case may be Government is of the opinion that an officer is not fit for permanent appointment, Government may discharge or revert the officer to the post held by him prior to his appointment in the service, as the case may be.
- c) Confirmation will be made only once in the service of an official which will be in the entry grade post/service/cadre provided further confirmation shall be necessary when there is fresh entry subsequently in any other post/service/cadre by way of direct recruitment or otherwise. Confirmation is de-linked from the availability of permanent vacancy in the grade. In other words, an officer who has successfully completed the probation, as prescribed under relevant rules, may be considered for confirmation. A specific order of confirmation will be issued when the case is cleared from all angles.

[OM No. 18011/1/86-Estt.\(D\) dated 28.03.1988](#)

- d) The date from which confirmation should be given effect to is the date following the date of satisfactory completion of the prescribed period of probation or the extended period of probation, as the case may be. The decision to confirm the probationer or to extend the period of probation as the case may be should be communicated to the probationer normally within 6 to 8 weeks. *Confirmation of the probationer after completion of the period of probation is not automatic but is to be followed by formal orders. As long as no specific orders of confirmation or satisfactory completion of probation are issued to a probationer, such a probationer shall be deemed to have continued on probation.*

[OM No. 21011/2/80-Estt.\(C\) dated 19.05.1983](#)

- e) Where probation on promotion is prescribed, the appointing authority will on completion of the prescribed period of probation assess the work and conduct of the officer himself and in case the conclusion is that the officer is fit to hold the higher grade, he will pass an order declaring that the person concerned has successfully completed the probation. If the appointing authority considers that the work of the officer has not been satisfactory or needs to be watched for some more time he may revert him to the post/service/cadre from which he was promoted, or extend the period of probation, as the case may be.

[OM No. 18011/1/86-Estt.\(D\) dated 28.03.1988](#)

- f) Since there will be no confirmation on promotion before an official is declared to have completed the probation satisfactory, a rigorous screening of his performance should be made and there should be no hesitation to revert a person to the post or grade from which he was promoted if the work of the officer during probation has not been satisfactory.

[OM No. 18011/1/86-Estt.\(D\) dated 28.03.1988](#)

- g) A Government servant appointed by transfer would duly have been confirmed in the earlier post. In such a case further confirmation in the new post would not be necessary and he could be treated as permanent in the new post. Where, however, a Government servant who has not already been confirmed in the old post is appointed by transfer, it would be necessary to confirm him in the new post. In such cases, he may be considered for confirmation after watching him for two years. Within that period of two years, the officer would earn two reports in the new grade and the DPC may consider his case for confirmation on the basis of these APARs.

[OM No. 18011/3/88-Estt\(D\) dated 24.09.1992](#)

- h) Master Circular on Probation/Confirmation in Central Services is DoPT OM No. 28020/3/2018-Estt (C) dated 11th March, 2019.

CHAPTER - 5

PROMOTION

1. PRELUDE

Article 309 of the Constitution of India provides that Acts of the appropriate Legislature may regulate the recruitment and conditions of service of persons appointed to public services and posts in connection with the affairs of the Union or any State. It also provides that pending provision in this behalf being made by or under an Act, the President or such persons as he may direct shall be competent to make, in the case of services and posts in connection with the affairs of the Union, rules regulating the recruitment and other service conditions of persons appointed to such services and posts.

For an impartial and uniform procedure of recruitment to services, it is necessary that there should be prescribed recruitment rules for every post/grade and all recruitment made in accordance with these rules. The instructions issued by Government of India from time to time on Procedure to be adopted by the Departmental Promotion Committees regarding Promotion, Confirmation and Assessment of work and conduct of Probationers, are detailed in the succeeding paragraphs.

2. FUNCTIONS AND COMPOSITION OF DEPARTMENTAL PROMOTION COMMITTEE

A post is filled by promotion where the Recruitment Rules so provides. In making promotions, it should be ensured that suitability of the candidates for promotion is considered in an objective and impartial manner. For this purpose, Departmental Promotion Committee should be formed in each Ministry/Department /Office whenever an occasion arises for making promotions/confirmations etc. The DPCs so constituted shall judge the suitability of officers for: -

- (a) promotions to 'Selection' as well as 'non-selection' posts;
- (b) confirmation in their respective grades/posts; and
- (c) assessment of the work and conduct of the probationers for the purpose of determining their suitability for retention in service or their discharge from it or extending their probation.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

3. COMPOSITION OF DPCs

Members included in DPCs for Group 'A' and 'B' posts should be officers who are at least one step above the posts in which promotion/confirmation is to be made as indicated below: -

Pay scale (revised-as per V CPC) of the post in which confirmation or to which promotion is to be considered by the DPC	Minimum status of the officers who should be members of the DPC
1. Rs. 8000-13,500 or equivalent (Revised as PB-3, GP-Rs.5400) As per 6 th CPC (Revised as Level-10 of pay Matrix after 7 th CPC) Rs. 10,000-15,200 or equivalent (Revised as PB-3, GP-Rs. 6600) as per 6 th CPC (Revised as Level-11 of pay matrix as per 7 th CPC)	Officers of the rank of Deputy Secretary to the Government of India or above
2. Rs. 12,000-16500 or equivalent (Revised as PB-3, GP-Rs.7600) as per 6 th CPC (Revised as Level 12 of Pay Matrix) as per 7 th CPC 3. Rs, 14300-18300 (Revised as PB-4 GP Rs. 8700) as per 6 th CPC (Revised as Level 13 of pay matrix)as per 7 th CPC Rs.16400 – 20000 (Revised as PB-4 GP Rs.8900) as per 6 th CPC (Revised as level 13A of pay matrix) as per 7 th CPC Rs.16400 – 20900 (Revised as PB-4 GP Rs.8700) as per 6 th CPC (Revised as level 13A of pay matrix) as per 7 th CPC	Officers of the rank of Joint Secretary to the Government of India or above. In such cases, Secretary/ Additional Secretary of the Department/ Ministry should invariably be one of the members of the DPCs
4. Rs.18,400-22,400 or equivalent (Revised as PB-4, GP-Rs.10,000) as per 6 th CPC (Revised as Level 14 of pay matrix) as per 7 th CPC	Secretary/Additional Secretary to the Government of India

4. ASSOCIATION OF UPSC WITH DPCs

The Union Public Service Commission (UPSC) should be associated with DPCs in respect of Central Civil Service posts belonging to Group 'A' where promotion is based on the principles of Selection unless it has been decided by the Government not to associate UPSC with a Group 'A' DPC. The UPSC need not be associated in respect of posts belonging to Group A, if the promotion is based not on the principles of selection but on seniority-cum-fitness.

The Commission need not be associated with a DPC constituted for considering the cases of confirmation of officers. [Procedure of vetting by UPSC of the minutes of DPC making substantive appointment or confirmation to any Group 'A' and 'B' service or post, of any person recruited directly through UPSC to such Group 'A' and Group 'B' service or post is also dispensed with]

DoPT OM No. 39018/1/98-Estt B dated 21.5.1999

Whenever the UPSC is associated with a DPC, the Chairman or a Member of the Commission will preside at the meeting of the DPC

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

5. COMPOSITION OF DPC FOR GROUP 'C' POSTS

In respect of a DPC for Group 'C' (including erstwhile Group D) posts, the Chairman of the DPC should be an officer of a sufficiently high level and one of the members of the DPC should be an officer from a Department not connected with the one in which the promotions are considered. The other member (s) should be an officer of the Department familiar with the work of the persons whose suitability is to be assessed. The officer of another Department appointed, as a member of the DPC should also be of an appropriate level keeping in view the level of the other members of the DPC and the post to which promotion is to be made. In the case of a DPC constituted for promotions to a technical post, it may also be ensured that the officer nominated by another Department has also the requisite technical competence to advise on the suitability of the candidates under consideration.

6. CO-OPTION OF SC/ST OFFICERS AS MEMBERS OF DPC

15.3.6 Endeavour should also be made to nominate an SC/ST officer on the DPC constituted for various posts/services particularly where a DPC has to make bulk selection for a large number of vacancies, say 30 or more at a time. Where an outside member has to be associated when the DPC for Group C or Group D posts, there would be no objection to nominate on such a DPC, a SC/ST officer from such other Ministry/Department in the event of such officer not being available in the Ministry/Department itself.

In Group A and Group B Services/posts if none of the officers included in the DPC as per the composition given in the recruitment rules is a SC or ST officer, it would be in order to co-opt a member belonging to the SC or ST if available within the Ministry/Department. If no such officer is available within the Ministry/ Department, he may be taken from another Ministry/Department.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

7. MODEL CALENDAR FOR HOLDING DPCs

The DPCs should be convened at regular annual intervals to draw panels, which could be utilised on making promotions against the vacancies occurring during the course of a year. For this purpose, it is essential for the concerned appointing authorities to initiate action to fill up the existing as well as anticipated vacancies well in advance of the expiry of the previous panel by collecting relevant documents like CRs, integrity certificates seniority list etc. for placing before the DPC. The Model Calendar circulated vide - DoPT

O.M. No.22011/9/98-Estt(D) dated 08.09.1998, as revised vide O.M. No. 22011/04/2013 Estt (D) dt. 08.05.2017 is to be followed for this purpose. For DPCs conducted by Ministries/Departments for Grades/posts not associated with UPSC, the Model Calendar as prescribed vide DoPT O.M. No. 22011/4/2013-Estt (D) dt. 28.1.2015 may be followed.

One of the reasons for delays in convening DPCs, cited by concerned Ministries/Departments, is non-acceptance of their proposals by the Union Public Service Commission (UPSC). It may be noted that UPSC has introduced Single Window System for accepting complete proposals. This system has resulted in substantive improvement in number of DPCs being held by UPSC. The average time taken for disposal of a case has also come down. The concerned administrative Ministries/Departments are required to send their proposals to the UPSC complete in all respects.

DoPT O.M. No. 22011/1/2011-Estt (D) dt. 13/12/2013
DoPT O.M. No.22011/4/13-Estt(D) dated 28/01/2015

In order to streamline the process of timely convening of DPCs, henceforth the following changes may be effected in the DPC procedure in partial modification of existing guidelines of DoPT:

- (i) The vacancy year may be shifted to Calendar Year from the year 2018 onwards, wherever the financial year based vacancy year being followed now.
- (ii) The crucial date of eligibility will be 1st of January of the Vacancy year w.e.f. 2019.
- (iii) The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December, 2019), the reckoning APARs shall be 2016-17, 2015-16, 2014-15, 2013-14 and 2012-13.
- (iv) The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-16, 2014-15, 2012-13 and 2011-12. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.

DoPT O.M. No.22011/4/2013-Estt(D) dated 08/05/2017

8. RECRUITMENT RULES IN FORCE AT THE TIME OF OCCURRENCE OF VACANCY TO BE ADOPTED;

Holding of DPC meetings need not be delayed or postponed on the ground that recruitment rules for a post are being reviewed/amended. A vacancy shall be filled in accordance with the recruitment rules in force on the date of vacancy, unless rules made subsequently have been given retrospective effect. Since amendments to recruitment rules normally have only prospective application, the existing vacancies should be filled as per the recruitment rules in force.

The requirement of convening annual meetings of the DPC should be dispensed with only after a certificate has been issued by the appointing authority that there are no vacancies to be filled by promotion or no officers are due for confirmation during the year in question.

DoPT OM No.22011/5/86-Estt(D) dated 10.04.1989 – Guidelines on DPC

9. PREPARATORY ACTION FOR HOLDING DPCs

DETERMINATION OF REGULAR VACANCIES

It is essential that the number of vacancies in respect of which a panel is to be prepared by a DPC should be estimated as accurately as possible. For this purpose, the vacancies to be taken into account should be the clear vacancies arising in a post/grade/service in the relevant vacancy year due to death, retirement, resignation, regular long term promotion and deputation or from creation of additional posts on a long term. As regards vacancies arising out of deputation, only those cases of deputation for periods exceeding one year should be taken into account, due note, however, being kept also of the number of the deputationists likely to return to the cadre and who have to be provided for. Vacancies arising on account of deputation for more than one year will be taken to the recruitment roster for regular appointment only after ensuring that clear vacancies will be available for deputationists on return. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc. should not be taken into account for the purpose of preparation of a panel. In cases where there has been delay in holding DPCs for a year or more, vacancies should be indicated year- wise separately.

OM No.22034/1/2006-Estt.(D) dated 15/05/2007

“Chain vacancies” in the higher grades are taken into account only if an appointment has already been made to the higher grade as on the date of the DPC. Unless actual appointment in the higher grade is made, even retirement vacancies in the higher grade are not taken into account as the same may arise by appointment subsequently. Since in accordance with the suggested Model Calendar being prescribed, the panels for all grades may be available on the first day of the vacancy year, it is expected that all chain vacancies may become available during the same vacancy year. Accordingly, for the sake of uniform procedure, it is provided that a DPC for a grade may take into account all clear expected vacancies by retirement etc in the concerned grade as well as chain vacancies on account of retirement etc. in the higher grades which can be clearly anticipated in the same vacancy year. (Model calendar DoPT’s O.M. No.22011/9/98-Estt(D) dated 8/09/1998).

Timely and advance action may be taken by the Ministries/Departments and the Attached and Subordinate Offices of the Government of India, etc for reporting vacancy position w.r.t. Direct Recruitment (DR) posts also to the concerned recruitment agencies i.e. Union Public Service Commission (UPSC) and Staff Selection Commission (SSC) etc. for filling up of such Direct Recruitment vacancies in a timely manner.

DOPT O.M. No. 39020/18/2016-Estt (B)/3127101 dt. 19.12.2016

10. PAPERS TO BE PUT UP FOR CONSIDERATION BY THE DPCs

(i) Proformae to be filled in

In the case of promotions or confirmations, the proposals should be placed before the DPC in the prescribed proforma given in Annexure –I. As regards cases of confirmation, the proposals should be put up before the DPC in the proforma given in

Annexure –II. These proformas should be completed and submitted to the DPC, whether the UPSC is associated with the DPC or not.

Where a member of the UPSC has to attend a meeting of the DPC, the necessary documents should be sent to the Commission along with the reference requesting the Commission to nominate one of their Members to preside over the DPC.

The responsibility of sending the DPC proposals, complete in all respect, to the UPSC, lies entirely on the administrative Ministries/ Departments concerned.

O.M. No.22011/3/2011-Estt. (D) dated 24.03.2011

(ii) Annual Confidential Reports (ACR)/Annual Performance Appraisal Reports (APAR)

No proposal for holding a DPC or Selection Committee should be sent to UPSC until and unless all the ACRs/APARs complete and upto-date are available. In certain case involving collection of a large number of ACRs, the proposal can be sent only if at least 90% of the ACRs/APARs (up to date and complete) are available.

15.5.2.4 The ACR/APAR folder should be checked to verify whether the ACRs/APARs for the individual years are available. If the ACR/APAR for a particular year is not available and for valid/justifiable reasons it cannot be made available, a certificate should be recorded to that effect and placed in the ACR/APAR folder.

(iii) Integrity Certificate

15.5.2.5 Pursuant to the judgment of the Hon'ble Supreme Court in the case of Union of India vs. K. V. Janakiraman etc. (AIR 1991 SC 2010), no promotion can be withheld merely on the basis of suspicion or doubt or where the matter is under preliminary investigation and has not reached the stage of issue of charge sheet etc. If in the matter of corruption/dereliction of duty etc., there is a serious complaint and the matter is still under investigation of CBI or otherwise, the Government is within its right to suspend the official. In that case, the officer's case for promotion would automatically be required to be placed in the sealed cover. Further, deemed sealed cover procedure after DPC meeting would become applicable only once the three conditions for denial of vigilance clearance are met, irrespective of and notwithstanding the integrity condition. There is no requirement of furnishing a separate integrity certificate to the DPC.

DOPT O.M. No. 22012/1/99-Estt(D) dated 25.10.2004

(iv) Statement of penalties imposed on the officer

15.5.2.6 All Departments should attach a statement showing the penalties imposed on the officers within the zone of consideration during a period of ten years preceding the year of DPC. Copies of orders imposing the penalties and decisions taken on appeals, if any, should be kept in the respective CR dossiers

No. 22011/5/86-Estt D dated 27th March, 1990

11. CONSIDERATION OF SOME SPECIAL CASES:

Consideration of officers on deputation to an ex-cadre post

The names of the officers who are on deputation should also be included in the list submitted to the DPC for consideration for promotion in case they come within the field of choice for promotion and fulfil the prescribed eligibility conditions. Similarly, the names of the officers on deputation should also be included in the list of names to be considered by the DPC for confirmation, in case they are eligible for confirmation and come within the range of seniority.

Eligibility service- Counting of service rendered on deputation/foreign service:

Very often a certain number of years of service in the lower grade is prescribed as a condition for becoming eligible for consideration for promotion to a higher post/grade. In such cases, the period of service rendered by an officer on deputation/foreign service should be treated as comparable service in his parent department for purposes of promotion as well as confirmation. This is subject to the condition that the deputation/foreign service is with the approval of the competent authority and it is certified by the competent authority that but for deputation/foreign service, the officer would have continued to hold the relevant post in his parent department. Such a certificate would not be necessary if he was holding the departmental post in a substantive capacity.

Officers on Study Leave/ Special Leave for Training to be treated at par with Deputationists:

An officer proceeding on study leave should be treated on the same basis as an officer proceeding on deputation if the study leave was duly sanctioned by the competent authority and the competent authority certified that he would have continued to officiate but for his proceeding on study leave. Such a certificate would not be necessary if he was holding the said departmental post substantively. These instructions would also apply in the cases of Government servants who are granted special leave for training abroad under the various training schemes.

Consideration of officer already recommended for Direct Recruitment

It may happen that a Government servant who is recommended for appointment to a post as a direct recruit may also be among those eligible for consideration for promotion to the same post. An officer does not lose his right of consideration for such promotion merely because he has been recommended for appointment against the direct recruitment quota. Therefore, such officers, if they are within the field of eligibility should be included in the list of officers for consideration by the DPC excepting where an officer was holding the lower post in a temporary capacity and has been appointed to the higher post as a direct recruit before the date of the meeting of the DPC

Reservation for SCs/STs

Instructions have been issued from time to time by the Department of Personnel and Training regarding reservations and concessions to SCs and STs in the matter of promotions and confirmations. These instructions should be duly taken into account by appointing authorities while formulating proposals for promotion/confirmation for consideration of the DPC.

Crucial date for eligibility

DOPT O.M. No. 22011/6/2013-Estt(D) dated 28.05.2014 Crucial date for determining of officers for promotion in case of financial year based vacancy year would fall on January 1 immediately preceding such vacancy year and in the case of calendar year based vacancy year, the first day of the vacancy year i.e January 1 itself would be taken as the crucial date irrespective of whether the ACRs are written financial year wise or calendar year wise e.g. January 1, 2000 will be cut off date in relation to vacancy years commencing from January 1 / April 1, 2000.

Furnishing of the certificate by the Chairperson/Members:

While sending the Agenda Papers of the DPC to the Chairperson and to the Members of the DPC, each one of them may specifically be asked to furnish the information to the Appointing Authority sufficiently in advance stating that none of his/her close relative is being considered by the DPC and that he/she (Chairperson/Members) is otherwise also not interested in any particular candidate. Members of the DPC may also endorse sufficiently in advance, a copy of such information to the Chairperson of the DPC. In the event of the Chairperson/Members not being in a position to participate in the meeting, this would facilitate making alternate arrangement (as the case may be) in time by nominating officers of the equivalent ranks to function as the Chairperson/members of the DPC, if permissible according to the provisions of the relevant Recruitment Rules.

O.M. No. 22012/1/97-Estt D dated 23.5.2001

Procedure for conducting the proceedings of the DPC

Each Departmental Promotion Committee should decide its own method and procedure for objective assessment of the suitability of the candidates.

Interviews in promotions:

No interviews should be held unless it has been specifically provided for in the recruitment rules for the post/service. Whenever promotions are to be made by the method of Selection by DPC and the administrative Ministry desires that an interview should form part of the selection process, necessary provision should be made in the recruitment rules.

12. ZONE OF CONSIDERATION

Where appointments are to be made by promotion method as prescribed in the recruitment rules, the DPC shall, for the purpose of determining the number of officers who will be considered from out of those eligible officers in the feeder grade (s), restrict the field

of choice as given hereunder with reference to the number of clear regular vacancies proposed to be filled in the year.

If adequate number of SC/ST candidates are not available within the normal field of choice as above to fill up the vacancies reserved for them, the field of choice shall be extended to five times the total number of vacancies and the SC/ST candidates (and not any other) coming within the extended field of choice be considered against the vacancies reserved for them. The normal zone and the extended zone will accordingly be as follows:

No. of vacancies	Normal size of zone of consideration	Extended zone of consideration for SC/ST
1	5	5
2	8	10
3	10	15
4	12	20
5 and above	Twice the number of vacancies plus 4.	5 times no. of vacancy.
x (x =no. of vacancy)	(i) $5x$ for $x=1$ (ii) $2x+4$ for $1 < x \leq 10$; (iii) $1.5x+3$ or 24 whichever is more, for $x > 10$	$5x$

- i) For vacancies upto [and including] 10, existing provisions relating to normal size of zone of consideration will continue to be applicable;
- ii) For vacancies exceeding 10, the normal size of zone of consideration will now be one and a half times the number of vacancies, rounded off to next higher integer, plus three but shall not be less than the size of zone of consideration for ten vacancies;
- iii) The existing size of extended zone of consideration for SC/ST officers, viz. five times the total number of vacancies, will continue to be applicable.
While the zone of consideration would remain as prescribed above, the DPC may assess the suitability of eligible employees in the zone of consideration (in the descending order) for inclusion in the panel for promotion upto a number which is considered sufficient for preparation of the main select panel and the extended panel. In respect of the remaining employees, the DPC may put a note in the minutes that 'the assessment of the remaining employees in the zone of consideration/extended zone of consideration is considered not necessary as sufficient number of employees with prescribed bench mark have become available.

OM No.22011/2/2002-Estt D dated 6/01/2006; and
OM No.22011/18/87-Estt D dated 9/04/1996

13. ZONE OF CONSIDERATION FOR CONDUCT OF SUPPLEMENTARY DPC

[DoPT OM No. 22011/5/86-Estt(D) dated 10.4.89 [para 6.4.2(i)] provides that when vacancies occurring due to death, voluntary retirement, new creations etc. could not be foreseen at the time of placing facts and material before the DPC, then meeting of DPC (commonly referred to supplementary DPC) **SHOULD BE HELD FOR DRAWING UP A PANEL FOR THESE** vacancies. The following guidelines may be followed:

- (i) The zone of consideration, in case of holding supplementary DPC, shall be fixed as per the provisions in this Department OM No. 22011/2/2002-Estt(D) dated 6.1.2006 keeping in view total number of vacancies arising in a particular vacancy year i.e. vacancies accounted in Original DPC + additional vacancies becoming available subsequently during the same year.
- (ii) The eligibility list for supplementary DPC shall be prepared by removing the names of all such officers who have already been assessed by earlier DPC as fit, unfit or placed in the sealed cover by the original DPC before placing the same for consideration by the supplementary DPC.
- (iii) The officers who have already been empanelled or placed in the extended panel but could not be promoted due to these vacancies not actually becoming available need not be re-assessed by the supplementary DPC as the assessment matrix remains the same. They may be appointed against the additional vacancies of the same vacancy year as per recommendations of the earlier DPC. In such situation, the number of vacancies for supplementary DPC shall be accordingly adjusted.

DOPT O.M. No. 22011/2/2014-Estt.(D) dated 30.01.2015

14. GUIDELINES FOR DPCs

Methods and procedures for assessment

DPCs enjoy full discretion to devise their own methods and procedures for objective assessment of the suitability of candidates who are to be considered by them including those officers on whom penalty has been imposed.

DOPT O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014

While merit has to be recognised and rewarded, advancement in officer's career would not be regarded as a matter of course, but should be earned by dint of hard work, good conduct and result oriented performance as reflected in the annual confidential reports and based on strict and rigorous selection process. The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed benchmark and accordingly grade the officers as 'fit' or 'unfit' only.

Government also desires to clear the misconception about "Average" performance. While "Average" may not be taken as adverse remark in respect of an officer, at the same

time, it cannot be regarded as complimentary to the officer, as 'Average' performance should be regarded as routine and undistinguished. It is only performance that is above average and performance that is really noteworthy which should entitle an officer to recognition and suitable rewards in the matter of promotion.

CONSIDERATION OF CONFIDENTIAL REPORTS (ANNUAL PERFORMANCE APPRAISAL REPORTS - APARs)

Confidential Rolls/Performance Appraisal (APARs) are the basic inputs on the basis of which assessment is to be made by each DPC. The evaluation of CRs (APARs) should be fair, just and non-discriminatory.

Number of ACRs to be considered

- a) The DPC should consider CRs for equal number of years in respect of all officers considered for promotion subject to (c) below:
- b) The DPC should assess the suitability of the employees for promotion on the basis of their service record and with particular reference to the CRs/APARs for five preceding years irrespective of the qualifying service prescribed in the Service /Recruitment Rules. The 'preceding five years' for the aforesaid purpose shall be decided as per the guidelines contained in DoP&T O.M. No. 22011/9/98-Estt (D) dated September 8, 1998 which prescribe the Model Calendar for DPC read with O.M. of even number dated June 16, 2000. (If more than one CR/APAR have been written for a particular year, all the CRs/APARs for the relevant years shall be considered together as the CR/APAR for one year).

O.M. No. 22011/7/98-Estt(D) dated 06.10.2000;
O.M. No. 22011/9/98-Estt (D) dated 08.09.1998

- c) In order to streamline the process of timely convening of DPCs, it has been now decided that henceforth, the following changes may be effected in the DPC procedure:
 - i. The vacancy year may be shifted to Calendar Year from the year 2018 onwards, wherever the financial year based vacancy year being followed now.
 - ii. The crucial date of eligibility will be 1st of January of the Vacancy year w.e.f. 2019.
 - iii. The APARs for five years preceding T-2nd year may be taken as reckoning APARs, i.e. for the vacancy year 2019 (January 2019 to December, 2019), the reckoning APARs shall be 2016-17, 2015-16, 2014-15, 2013-14 and 2012-13.
 - iv. The year of 2018 being the transitional year, the vacancy period shall be from 1st April 2018 to 31st December, 2018. The reckoning APARs for this vacancy year shall be 2015-16, 2014-15, 2013-14, 2012-13 and 2011-12. The crucial date of eligibility shall be 1st April, 2018 for the transitional year.

- (d) Where one or more CRs (APARs) have not been written for any reason during the relevant period, the DPC should consider the CRs (APARs) of the years preceding the period in question and if in any case even these are not available, the DPC should take the CRs (APARs) of the lower grade into account to complete the number of CRs (APARs) required to be considered as per (b) above. If it is also not possible, all the available CRs (APARs) should be taken into account.

Assessment where an officer working in next higher grade on ad hoc basis

- (e) Where an officer is officiating in the next higher grade and has earned CRs (APARs) in that grade, his CRs (APARs) in that grade may be considered by the DPC in order to assess his work, conduct and performance, but no extra weightage may be given merely on the ground that he has been officiating in the higher grade.

Grading an officer – Own assessment by the DPC

- (f) The DPC should not be guided merely by the over all grading, if any, that may be recorded in the CRs (APARs) but should make its own assessment on the basis of the entries in the CRs (APARs). It has been noticed that sometimes the overall grading in a CR (APAR) may be inconsistent with the grading under various parameters or attributes. Before making the overall recommendation after considering the APARs for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty.

DoPT O.M. No. 22011/4/2007-Estt(D) dated. 28.04.2014

In cases where the assessment by DPCs are apparently not in line with the grades in the ACRs (APARs), the DPC should appropriately substantiate its assessment by giving reasons, so that the appointing authority could factor these while taking a view on the suitability of officer for promotion. These instructions are applicable with effect from the panel year 2008-09.

O.M. No. 22011/3/2007-Estt(D) Dated 18.02.2008

- (g) If the Reviewing authority or the Accepting authority as the case may be has over-ruled the Reporting Officer or the Reviewing Authority, as the case may be, the remarks of the latter authority should be taken as the final remarks for the purpose of assessment provided it is apparent from the relevant entries that the higher authority has come to a different assessment consciously after due application of mind. If the remarks of the Reporting officer, Reviewing authority and Accepting authority are complementary to each other and one does not have the effect of over ruling the other, then the remarks should be read together and the final assessment made by the DPC

The DPC shall determine the merit of those being assessed for promotion with reference to the prescribed bench mark and accordingly grade the officers as 'fit' or 'unfit' only. Only those who are graded 'fit' (i.e. who meet the prescribed

bench-mark) by the DPC shall be included and arranged in the select panel in order to their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed bench-mark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit (in terms of the prescribed bench-mark) by the DPC.

Before making the overall grading after considering the CRs (APARs) for the relevant years, the DPC should take into account whether the officer has been awarded any major or minor penalty or whether any displeasure of any superior officer or authority has been conveyed to him as reflected in the ACRs. In assessing the suitability of the officer on whom a penalty has been imposed, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of general service record of the officer and the fact of imposition of penalty, the officer should be considered for promotion. Where the DPC considers that despite the penalty the officer is suitable for promotion, the officer will be actually promoted only after the currency of the penalty is over. The DPC should also have regard to the remarks against the column on integrity.

DOPT O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014

Any proposal for promotion has to be assessed by the DPC, on case to case basis, and the practice of down gradation of APARs (earlier ACRs) by one level in all cases for one time, where a penalty has been imposed in a year included in the assessment matrix or till the date of DPC, should be discontinued immediately, being legally non-sustainable.

DOPT O.M. No. 22011/4/2007-Estt.(D) dated 28.04.2014

PREPARATION OF PANEL

The list of candidates considered by the DPCs and the overall grading assigned to each candidate would form the basis for preparation of the panel for promotion by the DPC. The following principles should be observed in the preparation of the panel (Introduced vide Department of Personnel & Training O.M. No. 35034/7/97-Estt D dated 08.02.2002).

Bench mark

- (i) Having regard to the levels of the posts to which promotions are to be made, the nature and importance of duties attached to the posts, a bench mark would be determined for each category of posts for which promotions are to be made by selection method. For promotion to all Group 'B' and Group 'A' posts below PB-3, GP 7600, the bench mark shall be 'Good'
- (ii) For promotion to all posts which are in the pay band-3, GP 7600 and above, the bench mark grade shall be 'Very Good'

O.M. No. 35034/7/97-Estt D dated 08.02.2002

Benchmark prescription for promotion at the level for JS and above

- (iii) In order to ensure greater selectivity at higher level of administration, the DPC may ensure that for the promotion to the scale of Rs. 18,400-22,400 (revised to PB-4, Grade Pay of Rs.10,000 – VI CPC) and above, the prescribed benchmark of 'Very Good' is invariably met in all ACRs of five years under consideration.

O.M. No. 22011/3/2007-Estt(D) Dated 18.02.2008

No supersession in promotion

- (iv) Only those officers who are graded 'fit' (i.e. those who meet the prescribed benchmark) by the DPC shall be included and arranged in the select panel in order of their inter-se seniority in the feeder grade. Those officers who are graded 'unfit' (in terms of the prescribed benchmark) by the DPC shall not be included in the select panel. Thus, there shall be no supersession in promotion among those who are graded 'fit' (in terms of the prescribed benchmark) by the DPC.
- (v) Although among those who meet the prescribed bench-mark, inter-se seniority of the feeder grade shall remain intact, eligibility for promotion will no doubt be subject to fulfilment of all the conditions laid down in the relevant Recruitment/Service Rules, including the conditions that one should be the holder of the relevant feeder post on regular basis and that he should have rendered the prescribed eligibility service in the feeder post.

O.M. No. 35034/7/97-Estt (D) dated 08.02.2002

Consideration of SC/ST Officers within Group 'A'

- (i) In promotions by Selection to posts /services within Group 'A' which carry an ultimate salary of Rs. 5700/- per month (revised to Grade Pay of Rs.8700, PB – 4, VI CPC) or less, the SC/ST officers, who are senior enough in the zone of consideration for promotions so as to be within the number of vacancies for which the select list has to be drawn up, would notwithstanding the prescription of 'benchmark' be included in that list provided they are not considered unfit for promotion

O.M. No. 36028/21/2003-Estt(Res) dated 29.01.2004

- (ii) In promotion by Selection to posts/services in Group 'B' within Group 'B' and from Group 'B' to the lowest rung in Group 'A' selection against vacancies reserved for SCs and STs will made only from those SC/ST officers, who are within normal zone of consideration. Where adequate number of SC/ST candidates are not available within the normal field of choice as prescribed vide O.M. No. 22011/1/90-Estt D dated 12th October, 1990, it will be extended to five times the number of vacancies and the SC/ST candidates coming within the extended field of choice should also be considered against the vacancies reserved for them. If candidates from SC/ST obtain on the basis of merit with due regard to seniority, on the same basis as

others, lesser number of vacancies than the number reserved for them, the difference should be made up by selecting candidates of these communities, who are in the zone of consideration, irrespective of merit and 'bench mark' but who are considered fit for promotion.

- (iii) As regards promotions made by selection in Group 'C' posts /services, Select Lists of SCs/STs officers should be drawn up separately in addition to the general select list, to fill up the reserved vacancies. SCs/STs officers who are within the normal zone of consideration, should be considered for promotion along with and adjudged on the same basis as others and those SCs and STs amongst them, who are selected on that basis may be included in the general Select List in addition to their being considered for inclusion in the separate Select Lists for SCs and STs respectively. In the separate Select Lists drawn up respectively for SCs and STs officers belonging to SCs and STs will be adjudged separately amongst themselves and not along with others and, if selected, they should be included in the concerned separate list, irrespective of their merit as compared to other officers and the 'bench mark' determined by the cadre authorities. If candidates from SCs/STs obtain on the basis of their position in the aforesaid general list, lesser number of vacancies than are reserved for them, the difference should be made up by selected candidates of these communities in the separate Select Lists' for SCs and STs respectively.

Preparation of year-wise panels by DPC where they have not met for a number of years

Where for reasons beyond control the DPC could not be held in a year (s), even though the vacancies arose during that year (or years), the first DPC that meets thereafter should follow the following procedures:

- (i) Determine the actual number of regular vacancies that arose in each of the previous year (s) immediately preceding and the, actual number of regular vacancies proposed to be filed in the current year separately.
- (ii) Consider in respect of each of the years those officers only who would be within the field of choice with reference to the vacancies of each year starting with the earliest year onwards.

Consideration of Retired Employees: There is no specific bar for consideration of retired employees, while preparing year wise panel(s), who will be within the zone of consideration in the relevant year (s). According to legal opinion also it would not be in order if eligible employees, who were within the zone of consideration for the relevant year (s) but are not actually in service when the DPC is being held, are not considered while preparing year wise zone of consideration/panel and, consequently, their juniors are considered (in their places) who would not have been in the zone of consideration if the DPC(s) had been held in time. This is considered imperative to identify the correct zone of consideration for the relevant year (s). Names of the retired officials may also be included in the panel (s). Such

retired officials would, however, have no right for actual promotion. The DPC (s) may, if need be, prepare extended panel(s) as per principles prescribed in O.M. dated April, 9, 1996.

O.M. No. 22011/4/98-Estt D dated October, 12, 1998

- (iii) Prepare a 'Select List' by placing the select list of the earlier year above the one for the next year and so on.

Cases of occurrence of additional vacancies in a year after convening of DPC Meeting:

Where a DPC has already been held in a year and further vacancies arise during the same year due to death, resignation, voluntary retirement etc. or because the vacancies were not intimated to the DPC due to error or omission on the part of the Department concerned, the following procedure should be followed: -

- (i) Vacancies due to death, voluntary retirement, new creations, etc., clearly belonging to the category which could not be foreseen at the time of placing facts and material before the DPC. In such cases, another meeting of the DPC should be held for drawing up a panel for these vacancies as these vacancies could not be anticipated at the time of holding the earlier DPC. If, for any reason, the DPC cannot meet for the second time, the procedure of drawing up of year wise panels may be followed when it meets next for preparing panels in respect of vacancies that arise in subsequent year (s).
- (ii) In the second type of cases of non-reporting of vacancies due to error or omission (i.e. though the vacancies were there at the time of holding of DPC meeting but they were not reported to it), it results in injustice to the officers concerned by artificially restricting the zone of consideration. The wrong done cannot be rectified by holding a second DPC or preparing a year wise panel. In all such cases, a review DPC should be held keeping in mind the total vacancies of the year.

The Reckoning ACRs/APARs while preparing year-wise panel

For the purpose of evaluating the merit of the officers while preparing year-wise panels, the scrutiny of the record of service of the officers should be limited to the records that would have been available had the DPC met at the appropriate time. However, if on the date of meeting of the DPC, departmental proceedings are in progress and under the existing instructions sealed cover procedure is to be followed, such procedure should be observed even if departmental proceedings were not in existence in the year to which the vacancy related. The officer's name should be kept in the sealed cover till the proceedings are finalized.

Promotions have prospective effect only:

While promotions will be made in the order of the consolidated select list, such promotions will have only prospective effect even in cases where the vacancies relate to earlier year (s).

Date from which promotions are to be treated as Regular has been discussed in subsequent para No. 17.10 and 17.11. In respect of persons already holding a higher post on ad-hoc basis and later selected by the UPSC for regular appointment thereto, the promotion to that post may be treated as regular from the date of advice of UPSC i.e. the date of the Commission's letter conveying their recommendations in the matter.

O.M. No. 22011/4/91-Estt (D) dated 1.7.1991

EXTENDED PANEL

Normally the number of persons recommended in the panel should be equal to the number of vacancies reported. However, the DPCs shall prepare an extended panel only in following contingencies (and not for filling up vacancies which have arisen subsequent to the DPC or during currency of panel):

- i) when persons included in the panel are already on deputation or whose orders of deputation have been issued and will be proceeding on deputation shortly for more than a year, or
- ii) when persons included in the panel have refused promotion on earlier occasions and are under debarment for promotion , or
- iii) when officers included in the panel are retiring within the same year provided there is no change in the zone of consideration by the expected date of their retirement

While giving the extended panel, the DPC should stipulate a condition against the additional names to the effect that they will be promoted only in the event of the officers in regular panel not being available for promotion /appointment for the reasons given by the Ministry/Department].

Vacancies arising on account of deputation for more than one year will be taken to the recruitment roster for regular appointment only after ensuring that clear vacancies will be available for deputationists on return. Purely short term vacancies created as a result of officers proceeding on leave, or on deputation for a shorter period, training etc. should not be taken into account for the purpose of preparation of a panel.

O.M. No. 22011/18/87-Estt D dated 9.4.1996, and OM No.22034/1/2006-Estt.(D) dated 15/05/2007

NON- SELECTION METHOD

Where the promotions are to be made on 'non- selection' basis according to Recruitment Rules, the DPC need not make a comparative assessment of the records of officers and it should categorise the officers as 'fit' or 'not yet fit' for promotion on the basis of assessment of their record of service. While considering an officer 'fit' guidelines in para 20.8.1.4 should be borne in mind. The officers categorised as 'fit' should be included in the panel in the order of their seniority made from which promotions are to be made.

CONFIRMATION

In the case of confirmation, the DPC should not determine the relative merit of officers but it should assess the officers as 'Fit' or 'Not yet fit' for confirmation in their turn on the basis of their performance in the post as assessed with reference to their record of service.

PROBATION

In the case of probation, the DPC should not determine the relative grading of officers but only decide whether they should be declared to have completed the probation satisfactorily. If the performance of any probationer is not satisfactory, the DPC may advise whether the period of probation should be extended or whether he should be discharged from service.

GOVERNMENT SERVANTS UNDER CLOUD –PROCEDURE TO BE FOLLOWED BY THE DPC

At the time of consideration of the cases of Government servants for promotion, details of Government servants in the consideration zone for promotion falling under the following categories should be specifically brought to the notice of the Departmental Promotion Committee

- (i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge sheet has been issued and the disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

As regards the stage when prosecution for a criminal charge can be stated to be pending, the said O.M. dated 14.9.92 does not specify the same and hence the definition of pendency of judicial proceedings in criminal cases given in Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 is adopted for the purpose. The Rule 9 (6)(b)(i) of CCS (Pension) Rules, 1972 provides as under :-

“(b) judicial proceedings shall be deemed to be instituted –

- (i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made”.

O.M. No.22034/4/2012 -Estt. (D) dated 2.11.2012

The DPC shall assess the suitability of the Government servants coming within the purview of the circumstances mentioned above along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution, pending. The assessment of the DPC, including ‘Unfit for Promotion”, and the grading awarded by it will be kept in a sealed cover. The cover will be super scribed “Findings regarding suitability for promotion to the grade/post of _____ in respect of Shri _____ (name of the Government servant). Not to be opened till the termination of the disciplinary case/criminal prosecution against Shri _____”. The proceedings of the DPC need only contain the Note “The findings are contained in the attached sealed cover”. The authority competent to fill the vacancy should be separately advised to fill the vacancy in the higher grade only in an officiating capacity when the findings of the DPC in respect of the suitability of a Government servant for his promotion are kept in a sealed cover.

The same procedure outlined in para 11.2 above will be followed by the subsequent Departmental Promotion Committees convened till the disciplinary case/criminal prosecution against the Government servant concerned is concluded.

O.M. NO. 22011/4/91-Estt (A) dated 14.09.1992

Adverse remarks in a CR (APAR)

Where the Departmental Promotion Committee find that the adverse remarks in the Confidential Report of an officer have not been communicated to him but the adverse remarks are of sufficient gravity to influence their assessment of the officer concerned, then the Committee shall defer consideration of the case of the officer, provided these remarks have been recorded in any of the CRs (APARs) pertaining to three immediately preceding years prior to the year in which the DPC is held and direct the cadre controlling authority concerned to communicate the adverse remarks to the officer concerned so that he may have an opportunity to make a representation against the same. Where the uncommunicated adverse remarks pertain to a period earlier than the above or where the remarks are not considered of sufficient gravity to influence the assessment of the officer concerned, the DPC may proceed with the consideration of the case but may ignore the remarks while making the assessment.

After a decision is taken by the competent authority on the representation made by the Government servant or in the event of the Government servant not making any such representation after the period therefor has expired, the DPC shall assess the suitability of the Government servant on the basis of the entries now contained in the CR (APAR). While considering the deferred case as above, if the DPC find the officer fit for promotion, the procedure prescribed in paragraphs 18.4.2 and 18.4.3 shall be followed.

In a case where a decision on the representation of an officer against adverse remarks has not been taken or the time allowed for submission of representation is not over, the DPC may in their discretion defer the consideration of the case until a decision on representation.

In both the cases referred to in paragraphs 12.1 and 12.3 above, where the consideration of a case is deferred on account of adverse remarks contained in the Confidential Report (APAR), the concerned authority should intimate the result of the representation of the officer against the adverse remarks within a period of three months from the date of submission of the said representation, if any.

O.M. No. 22011/3/88-Estt D dated 11.05.1990

Below Benchmark Grading in APARs – Disposal of Representation thereon:

The system of communicating the entries in the APAR from the reporting period 2008-09 onwards for representation if any has been introduced vide DoPT OM No.21011/1/2005-Estt.A(Pt.II) dated 19th May 2009. The Competent Authority to consider the representation shall decide the matter objectively based on the material placed before him within a period of 30 days from the date of receipt of the representation. The Competent Authority after due consideration may reject the representation or may accept or modify the APAR accordingly. In this Department's OM of even number dated 13.4.2010, it was further decided that if an employee is to be considered for promotion in a future DPC and his ACRs prior to the period 2008-09 which would be reckonable for assessment of his fitness in such future DPCs contain final grading which are below the benchmark for his next promotion, before such ACRs are placed before the DPC, the concerned employee will be given a copy of the relevant ACR for his representation, if any, within 15 days of such communication. It may be noted that only below benchmark ACR for the period relevant to promotion need be sent. This OM dated 13.4.2010 specifically provides that in case of upgradation of the final grading given in the APAR, specific reasons therefor may also be given in the order of the Competent Authority. Since the provisions of the above OM dated 13.4.2010 are applicable only for future DPCs where the recommendations will be implemented prospectively from the date of assuming charge of the higher appointment, the provisions will not be applicable to retired officers.

OM No.21011/1/2005-Estt.A(Pt.II) dated 14.05. 2009

OM No. 21011/1/2010-Estt.A dated 13.04, 2010

OM No.21011/1/2005-Estt.A(Pt.II) dated 19.05 2011

An officer whose increments have been withheld or who has been reduced to a lower stage in the time scale, cannot be considered on that account to be ineligible for promotion to the higher grade as the specific penalty of withholding promotion has not been imposed on him. The suitability of the officer for promotion should be assessed by the DPC as and when occasions arise for such assessment. In assessing the suitability, the DPC will take into account the circumstances leading to the imposition of the penalty and decide whether in the light of the general service record of the officer and the fact of

the imposition of penalty he should be considered suitable for promotion. However, even where the DPC considers that despite the penalty the officer is suitable for promotion, the officer should not be actually promoted during the currency of the penalty.

Validity of the proceedings of the DPCs when one member is absent:

15.16. The proceedings of the Departmental Promotion Committee shall be legally valid and can be acted upon notwithstanding the absence of any of its members other than the Chairman provided that the member was duly invited but he absented himself for one reason or the other and there was no deliberate attempt to exclude him from the deliberation of the DPC and provided further that the majority of the members constituting the Departmental Promotion Committee are present in the meeting.

IMPLEMENTATION OF THE RECOMMENDATIONS OF DPC

Processing of recommendations of DPC

The recommendations of the DPC are advisory in nature and should be duly approved by the appointing authority. Before the recommendations are so approved, the appointing authority shall consult all concerned as indicated below without undue delay.

Consultation with UPSC

The recommendations of the DPC whether it included a Member of the UPSC or not should be referred to the Commission for approval, if

- (i) Consultation with the Commission is mandatory under Article 320(3) of the Constitution, read with UPSC (Exemption from Consultation) Regulations, 1958. However, a reference may be made to the Regulations, as and when necessary.
- (ii) The Member of the Commission who presides over the DPC specifically desires that the Commission should be consulted.

Approval of ACC

Where the posts fall within the purview of the Appointments Committee of the Cabinet, the approval of ACC should also be obtained.

PROCEDURE TO BE FOLLOWED FOR DISAGREEMENT WITH DPC

There may be certain occasions when the appointing authority may find it necessary to disagree with the recommendations of the DPC. The procedure to be followed in such cases is indicated below.

Where UPSC is associated with the DPC the recommendations of the DPC should be treated as recommendations of UPSC. If it is so considered necessary by the appointing authority to vary or disagree with the recommendations of the DPC the prescribed procedure for over-ruling the recommendations of UPSC (not incorporated in these guidelines) should be followed.

The recommendations of the DPC on which UPSC is not represented should be dealt with as under: -

- (a) Where the appointing authority, being lower than the President of India, does not agree with the recommendations of the DPC, such appointing authority should indicate the reasons for disagreeing and refer the entire matter to the DPC for reconsideration of its earlier recommendations. In case the DPC reiterates its earlier recommendations, giving also reasons in support thereof, the appointing authority may accept the recommendations, if the reasons adduced by the DPC are convincing. If that authority does not accept the recommendations of the DPC, it shall submit the papers to the next higher authority with its own recommendations. The decision of the next higher authority shall be final.
- (b) Where the appointing authority is the President of India, the recommendations of the DPC should be submitted to the Minister in charge of the Department concerned for acceptance or otherwise of the recommendations. In case the circumstances so necessitate, the Minister may refer the matter again to the DPC for reconsideration of its earlier recommendations. If the DPC reiterates its earlier recommendations giving also reasons in support thereof, the matter should be placed before the Minister for his decision. The decision taken by the Minister either to accept or to vary the recommendations of the DPC shall be final.

TIME LIMIT FOR TAKING A DECISION ON THE RECOMMENDATIONS OF THE DPC

Appointing Authority to take decision within 3 months

In cases, excepting those which require the approval of the Appointments Committee of the Cabinet, the appointing authority should take a decision either to accept or disagree with the recommendations of the DPC within a time limit of three months (from the date of the DPC meeting or the date of communication of the UPSC's approval to the panel, where such approval is required). Where the appointing authority proposes to disagree with the recommendations, the relevant papers should be submitted by the appointing authority to the next higher authority with its own recommendations by the expiry of the period of three months. In those cases, in which the UPSC is associated with the DPC and the appointing authority proposes to disagree with the recommendations of the DPC, the case should be forwarded to the Establishment Officer in the Department of Personnel and Training for placing the matter before the Appointments Committee of the Cabinet as soon as possible and, in any case, not later than three months from the date on which the validity of the panel commences.

In cases where the panel prepared by the DPC requires the approval of the ACC, proposals therefor along with the recommendations of the Minister-in-charge should be sent to the Establishment Officer before expiry of the same time limit of three months.

Vigilance clearance before promotion

A clearance from the Vigilance Section of the Office/Department should also be obtained before making actual promotion or confirmation of officer approved by DPC to ensure that none of the conditions mentioned in para 2 of DOPT OM dated 14.9.1992 are pending against the officer concerned.

Order in which promotions to be made

Promotion of whatever duration should as far as possible be made in the order in which the names of officers appear in the panel. Exception to this rule may be necessary where a large number of vacancies are to be filled within a comparatively short period or it is convenient and desirable to make postings with due regard to the location and experience of the officers concerned or where short term vacancies have to be filled on local and ad-hoc basis.

Where eligible by direct recruitment and promotion

If a person's name is included in the panel for promotion to the higher post (to which appointment can be made by promotion as well as by direct recruitment) and also in the panel for direct recruitment to the said higher post, he should be appointed as a direct recruit or as a promotee, having regard to the fact whether his turn for appointment comes earlier from the direct recruitment list or from the promotion list, as the case may be.

Promotion of officers on deputation/foreign service in public interest and on study leave

If the panel contains the name of a person who has gone on deputation or on foreign service in the public interest, including a person who has gone on study leave, provision should be made for his regaining the temporarily lost seniority in the higher grade on his return to the cadre. Therefore, such an officer need not be reconsidered by a fresh DPC, if any, subsequently held, while he continues to be on deputation/foreign service, study leave so long as any officer junior to him in the panel is not required to be so considered by a fresh DPC irrespective of the fact whether he might or might not have got the benefit of proforma promotion under the NBR. The same treatment will be given to an officer included in the panel who could have been promoted within the currency of the panel but for his being away on deputation.

If the panel contains the name of an officer on study leave, he should be promoted to the higher post on return from the study leave. He should also be given seniority according to his position in the **panel and not on the basis of the date of promotion.**

Sealed Cover Cases -Action on completion of disciplinary proceedings/ criminal prosecution

If the proceedings of a DPC for promotion contain findings in a sealed cover, on the conclusion of the disciplinary case/criminal prosecution, the sealed cover or covers shall be opened. In case the Government servant is completely exonerated, the due date of his

promotion will be determined with reference to the position assigned to him in the findings kept in the sealed cover/covers and with reference to the date of promotion of his next junior on the basis of such position. The Government servant may be promoted, if necessary, by reverting the junior most officiating person. He may be promoted notionally with reference to the date of promotion of his junior. However, whether the officer concerned will be entitled to any arrears of pay for the period of notional promotion preceding the date of actual promotion, and if so, to what extent, will be decided by the appointing authority by taking into consideration all the facts and circumstances of the disciplinary proceedings/criminal prosecution. Where the authority denies arrears of salary or part of it, it will record its reasons for doing so. It is not possible to anticipate and enumerate exhaustively all the circumstances under which such denials of arrears of salary or part of it may become necessary. However, there may be cases where the proceedings, whether disciplinary or criminal proceedings, are for example, delayed at the instance of the employee or the clearance in the disciplinary proceedings or acquittal in the criminal proceedings is with benefit of doubt or on account of non-availability of evidence due to the acts attributable to the employee etc. These are only some of the circumstances where such denial can be justified.

If any penalty is imposed on the Government servant as a result of the disciplinary proceedings or if he is found guilty in the criminal prosecution against him, the findings of the sealed cover/covers shall not be acted upon. His case for promotion may be considered by the next DPC in the normal course and having regard to the penalty imposed on him if he is considered fit for promotion by the DPC which meets after the imposition of the said penalty, the promotion may be given effect to after the expiry of currency of the penalty. His seniority would be fixed according to his position in that panel. Since the promotion is to take effect only from a date subsequent to the expiry of the currency of the penalty, the officer would be entitled to pay fixation in the promotional grade with effect from the date of actual promotion only. Even if a person junior to him in the panel is promoted earlier, it will have no bearing on the pay to be allowed on promotion to the officer on whom a penalty was imposed, and there shall be no stepping up of his pay. Similarly, as the officer undergoing penalty is not to be promoted during the currency of the penalty, the eligibility service in the promotional grade for further promotion shall commence only from the date of actual promotion and in no case, it may be related, even notionally, to the date of promotion of the junior in the panel.

Course of action to be taken in cases where the Government servant is acquitted by trial court but an appeal against the judgment is either contemplated or has been filed:

- i. Where the recommendation of DPC has been kept in sealed cover solely on account of pendency of the criminal case, the sealed cover may be opened in case of acquittal of the Government servant provided it has not been stayed by a superior court.
- ii. In the order of promotion, a mention may however be made that the promotion is provisional subject to the outcome of appeal that may be filed against the acquittal of the Government servant. The promotion thus will be without prejudice to the action that may be taken if the judgment of the trial court acquitting the Government servant is set-aside.

- iii. In case, on appeal the Government servant stands convicted, following action will be taken:
- a. The provisional promotion shall be deemed *non est*, and the Government servant shall stand reverted;
 - b. In case of the Government servant being sentenced to imprisonment exceeding 48 hours, he will be deemed to be under suspension in terms of rule 10(2)(b) from the date of conviction;
 - c. Action under rule 19(i) of the CCS(CCA) Rules, 1965, read with OM No. 11012/11/85-Estt(A) dated the 11th November, 1985 and 4th April, 1986 shall be taken.

DoPT OM No. 11012/6/2016-Estt. A-III dated 19.01.2017

O.M. No. 22011/4/91-Estt (A) dated 14/09/1992.O.M. No. 20011/2/92-Estt D dated 3/11/1995 and O.M. No. 22034/5/2004 dated 15/12/2004 [Preceding Paragraph No. 20.15 also refers

Six monthly Reviews of sealed cover cases

It is necessary to ensure that the disciplinary case/criminal prosecution instituted against any Government servant is not unduly prolonged and all efforts to finalise expeditiously the proceedings should be taken so that the need for keeping the case of a Government servant in a sealed cover is limited to the barest minimum. The appointing authorities concerned should review comprehensively the case of a Government servant whose suitability for promotion to a higher grade has been kept in a sealed cover on the expiry of 6 months from the date of convening the first DPC, which had adjudged his suitability and kept its findings in the sealed cover. Such a review should be done subsequently also every six months. The review should, inter-alia, cover the progress made in the disciplinary proceedings/criminal prosecution and the further measures to be taken to expedite their completion.

O.M. NO. 22011/4/91-Estt (A) dated 14.09.1992

Sealed Cover procedure for Confirmation

The procedure outlined in the preceding paras should also be followed in considering the claim for confirmation of an officer under suspension etc. A permanent vacancy should be reserved for such an officer when his case is placed in sealed cover by DPC.

O.M. NO. 22011/4/91-Estt (A) dated 14.09.1992

Procedure for ad-hoc promotion where conclusion of pending case is prolonged for more than two years:

In spite of the six monthly review referred to in para 17.7.1 above, there may be some cases where the disciplinary case/criminal prosecution against the Government servant are not concluded even after the expiry of two years from the date of the meeting of the first DPC, which kept its findings in respect of the Government servant in a sealed

cover. In such a situation, the appointing authority may review the case of the Government servant, provided he is not under suspension, to consider the desirability of giving him *ad hoc* promotion keeping in view the following aspects:-

- a) Whether the promotion of the officer will be against public interest;
- b) Whether the charges are grave enough to warrant continued denial of promotion;
- c) Whether there is no likelihood of the case coming to a conclusion in the near future;
- d) Whether the delay in the finalisation of proceedings, departmental or in a court of law, is not directly or indirectly attributable to the Government servant concerned; and
- e) Whether there is any likelihood of misuse of official position, which the Government servant may occupy after *ad-hoc* promotion, which may adversely affect the conduct of the departmental case/criminal prosecution.

The appointing authority should also consult the Central Bureau of Investigation and take their views into account where the departmental proceedings or criminal prosecution arose out of the investigations conducted by the Bureau.

O.M. NO. 22011/4/91-Estt (A) dated 14.09.1992

In case the appointing authority comes to a conclusion that it would not be against the public interest to allow *ad hoc* promotion to the Government servant, his case should be placed before the next DPC held in the normal course after the expiry of the two years period to decide whether the officer is suitable for promotion on *ad hoc* basis. Where the Government servant is considered for *ad hoc* promotion, the DPC should make its assessment on the basis of the totality of the individual's record of service without taking into account the pending disciplinary case/criminal prosecution against him.

After a decision is taken to promote a Government servant on an *ad hoc* basis, an order of promotion may be issued making it clear in the order itself that:

- (i) the promotion is being made on purely *ad hoc* basis and the *ad hoc* promotion will not confer any right for regular promotion; and
- (ii) the promotion shall be "until further orders". It should also be indicated in the orders that the Government reserve the right to cancel at any time the *ad hoc* promotion and revert the Government servant to the post from which he was promoted.

If the Government servant concerned is acquitted in the criminal prosecution on the merits of the case or is fully exonerated in the departmental proceedings, the *ad hoc* promotion already made may be confirmed and the promotion treated as a regular one from the date of the *ad hoc* promotion with all attendant benefits. In case the government could have normally got his regular promotion from a date prior to the date of this *ad hoc*

promotion with reference to his placement in the DPC proceedings kept in the sealed cover(s) and the actual date of promotion of the person ranked immediately junior to him by the same DPC, he would also be allowed his due seniority and benefit of notional promotion as envisaged in para 20.18.6.1 above.

In cases where the Government Servant, who has retired by the time he is exonerated of all the charges, notional promotion and payment of arrears of pay, if any, for the period of notional promotion till the date of retirement, to such a retired Government servant if found fit on opening of the sealed cover is to be decided by the appointing authority in terms of Para 3 of OM No. 22011/4/91-Estt.(A) dated 14/9/1992. A retired Government employee who is considered for notional promotion from the date of promotion of his next junior after opening of the sealed cover would also be entitled to fixation of pension on the basis of such notional pay on his notional promotion.

DOPT O.M. No. 22011/3/2013-Estt (D) dated 25.01.2016

If the Government servant is not acquitted on merits in the criminal prosecution but purely on technical grounds and Government either proposes to take up the matter to a higher court or to proceed against him departmentally or if the Government servant is not fully exonerated in the departmental proceedings, the ad hoc promotion granted to him should be brought to an end.

Sealed cover procedure applicable to officers coming under cloud after recommendations of the DPC but before actual promotion:

If the disciplinary/criminal prosecution is in the preliminary stage and official under consideration is covered under any of the three conditions mentioned in para 2 of O.M. dated 14.09.1992, the DPC will assess the suitability of Government servant along with other eligible candidates without taking into consideration the disciplinary case/criminal prosecution pending. A Government servant, who is recommended for promotion by the Departmental Promotion Committee but in whose case any of the circumstances mentioned in para 20.13.1 above arise after the recommendations of the DPC are received but before he is actually promoted, will be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him and the provisions contained in this part of the DPC guidelines will be applicable in his case also.

O.M. No. 22011/4/91-Estt (A) dated 14.09.1992

DOPT O.M.No. 22011/4/2007-Estt(D) dated 28.4.2014

In cases where by the time the Departmental Proceedings are concluded and the officer is fully exonerated but another charge sheet has been issued, the second charge sheet will not come in the way of opening of sealed cover and granting promotion notionally from the date of promotion of the junior and para 7 of O.M. dated 14.9.92 will not apply as clarified in the O.M. No. 22011/2 / 2002-Estt.(A) dated 24.2.2003. After the disciplinary proceedings are concluded and penalty is imposed, vigilance clearance will not be denied. The details of the penalty imposed are to be conveyed to the DPC.

O.M. No.22034/4/2012 -Estt. (D) dated 2.11.2012 and

O.M. No. 22011/2/ 2002-Estt.(A) dated 24.2.2003

Vigilance clearance for Review DPC:

For the purpose of vigilance clearance for review DPC, instructions exist in O.M. No.22011/2/99-Estt.(A) dated 21.11.2002 that review DPC will take into consideration the circumstances obtaining at the time of original DPC and any subsequent situation arising thereafter will not stand in the way of vigilance clearance for review DPC. However, before the officer is actually promoted it needs to be ensured that he / she is clear from vigilance angle and the provision of para 7 of O.M. No. 22011 / 4 / 91-Estt. (A) dated 14.09.1992 are not attracted.

O.M. No.22034/4/2012 -Estt. (D) dated 2.11.2012

In the case of a review DPC, where a junior has been promoted on the recommendations of the original DPC, the official would be considered for promotion if he/she is clear from vigilance angle on the date of promotion of the junior, even if the provisions of para 2 of DoPT OM dated 14.9.92 get attracted on the date the actual promotion is considered, as provided in DoPT O.M. No. 22011/2/99-Estt(A) dated 21.11.2002. In cases where the junior is not promoted, it is to be ensured that the provisions of para 7 of OM dated 14.9.1992 are not attracted on the date the official is being actually promoted.

DOPT O.M. No. 22034/4/2012-Estt (D-II) dated 23.01.2014

DATE FROM WHICH PROMOTIONS ARE TO BE TREATED AS REGULAR

The general principle is that promotion of officers included in the panel would be regular from the date of validity of the panel or the date of their actual promotion whichever is later.

In cases where the recommendations for promotion are made by the DPC presided over by a Member of the UPSC and such recommendations do not require to be approved by the Commission, the date of Commission's letter forwarding fair copies of the minutes duly signed by the Chairman of the DPC or the date of the actual promotion of the officers, whichever is later, should be reckoned as the date of regular promotion of the officer. In cases where the Commission's approval is also required the date of UPSC's letter communicating its approval or the date of actual promotion of the officer, whichever is later will be the relevant date. In all other cases the date on which promotion will be effective will be the date on which the officer was actually promoted or the date of the meeting of the DPC whichever is later. Where the meeting of the DPC extends over more than one day the last date on which the DPC met shall be recorded as the date of meeting of the DPC.

Appointments to posts falling within the purview of ACC can, however, be treated as regular only from the date of approval of ACC or actual promotion whichever is later except in particular cases where the ACC approves appointments from some other date.

Refusal of Promotion:

When a Government employee does not want to accept a promotion which is offered to him, he may make a written request that he may not be promoted and the request will be considered by the appointing authority, taking relevant aspects into consideration. If the reasons adduced for refusal of promotion are acceptable to the appointing authority, the next person in the select list may be promoted. However, since it may not be administratively possible or desirable to offer appointment to the persons who initially refused promotion, on every occasion on which a vacancy arises during the period of validity of the panel, no fresh offer of appointment on promotion shall be made in such cases for a period of one year from the date of refusal of first promotion or till a next vacancy arises whichever is later. On the eventual promotion to the higher grade, such Government servant will lose seniority vis-a-vis his juniors promoted to the higher grade earlier irrespective of the fact whether the posts in question are filled by selection or otherwise. The above mentioned policy will not apply where ad-hoc promotions against short-term vacancies are refused.

O.M. No.22034/3/81-Estt(D) dated 1/10/1981 and O.M. 1/3/69-Estt(D) dated 22.11.1975

VALIDITY PERIOD OF A PANEL

The panel for promotion drawn up by DPC for 'Selection' posts would normally be valid for one year. It should cease to be in force on the expiry of a period of one year and six months or when a fresh panel is prepared, whichever is earlier.

The date of commencement of the validity of a panel will be the date on which the DPC meets. In case the DPC meets on more than one day, the last date of the meeting would be the date of commencement of the validity of the panel. In case the panel requires partially or wholly, the approval of the Commission, the date of validity of panel would be the date of Commission's letter communicating their approval to the panel. It is important to ensure that the Commission's approval to the panel is obtained, where necessary, with the least possible delay.

Review of Panels

The 'select list'/Panel should be periodically reviewed. The names of those officers who have already been promoted (otherwise than on a local or purely temporary basis) and continue to officiate should be removed from the list and the rest of the names, if they are still within the consideration zone, along with others who may now be included in the field of choice should be considered for the 'select list' for the subsequent period.

REVIEW OF DPCs:

When Review DPCs may be held:

The proceedings of any DPC may be reviewed only if the DPC has not taken all material facts into consideration or if the material facts have not been brought to the notice of the DPC or if there have been grave errors in the procedure followed by the DPC. Thus,

it may be necessary to convene Review DPCs to rectify certain unintentional mistakes, e.g.

- a) where there is a case of non-reporting of vacancies due to error or omission though the vacancies were available at the time to holding DPC meeting, as pointed out in paragraph 6.4.2(ii); or
- b) where eligible persons were omitted to be considered; or
- c) where ineligible persons were considered by mistake; or
- d) where the seniority of a person is revised with retrospective effect resulting in a variance of the seniority list placed before the DPC; or
- e) where some procedural irregularity was committed by a DPC; or
- f) where adverse remarks in the CRs (APARs) were toned down or expunged after the DPC had considered the case of the officer.

Situations enumerated above are only illustrative and not exhaustive. Primary objective of holding a review DPC is to rectify any mistake that took place at the time of holding of the original DPC. Over reporting of vacancies is also one of the mistakes which needs to be rectified by holding a review DPC. Therefore, the provision made in para 18.1 was/is required to be read to cover this situation also. However, in cases of over reporting of vacancies, a review DPC may be held only if the change in the number of vacancies would result in exclusion of a person(s) empanelled by the original DPC, on account of over reporting of vacancies which led to inflated zone of consideration]

O.M.No. 22013/1/97-Estt D dated 13.04,1998

Scope and procedure of Review DPC:

A Review DPC should consider only those persons who were eligible as on the date of meeting of original DPC. That is, persons who became eligible on a subsequent date should not be considered. Such cases will, of course, come up for consideration by a subsequent regular DPC. Further, the review DPC should restrict its scrutiny to the CRs (APARs) for the period relevant to the first DPC. The CRs (APARs) written for subsequent regular DPC should not be considered. If any adverse remarks relating to the relevant period, were toned down or expunged, the modified CRs (APARs) should be considered as if the original adverse remarks did not exist at all.

A Review DPC is required to consider the case again only with reference to the technical or factual mistakes that took place earlier and it should neither change the grading of an officer without any valid reason (which should be recorded) nor change the zone of consideration nor take into account any increase in the number of vacancies which might have occurred subsequently.

Review DPC in respect of cases where adverse remarks have been expunged or toned down after DPC meeting:

In cases where the adverse remarks were toned down or expunged subsequent to consideration by the DPC, the procedure set out herein may be followed. The appointing authority should scrutinize the case with a view to decide whether or not a review by the DPC is justified, taking into account the nature of the adverse remarks toned down or expunged. In cases where the UPSC have been associated with the DPC, approval of the Commission would be necessary for a review of the case by the DPC.

While considering a deferred case, or review of the case of a superseded officer, if the DPC finds the officer fit for promotion/confirmation, it would place him at the appropriate place in the relevant select list/list of officers considered fit for confirmation or promotion after taking into account the toned down remarks or expunged remarks and his promotion and confirmation will be regulated in the manner indicated below.

Consequential benefits in case of retrospective promotion

If the officers placed junior to the officer concerned have been promoted, he should be promoted immediately and if there is no vacancy the junior most person officiating in the higher grade should be reverted to accommodate him. On promotion, his pay should be fixed under F.R. 27 at the stage it would have reached, had he been promoted from the date the officer immediately below him was promoted but no arrears would be admissible. The seniority of the officer would be determined in the order in which his name, on review, has been placed in the select list by DPC. If in any such case, a minimum period of qualifying service is prescribed for promotion to higher grade, the period from which an officer placed below the officer concerned in the select list was promoted to the higher grade, should be reckoned towards the qualifying period of service for the purpose of determining his eligibility for promotion to the next higher grade.

“Confirmation” on the basis of Review DPC

In the case of confirmation, if the officer concerned is recommended for confirmation on the basis of review by the DPC, he should be confirmed and the seniority already allotted to him on the basis of review should not be disturbed by the delay in confirmation.

ANNEXURE-I

Vide para 20.5.2.1

Proforma For Referring Proposals For PROMOTION TO THE UNION PUBLIC SERVICE COMMISSION**1. Name of Ministry/Deptt./Office****2. Name and designations of Members of the Departmental Promotion Committee (Copy of the orders constituting the DPC to be attached)**

Name	Designation	Office	Tel No.
------	-------------	--------	---------

3. Grade or post to which promotion is to be made.

(1) Designation	(2) Classification	(3) Scale of Pay	(4) No. of post in the grade Filled/ Un- filled	(5) Total of posts filled on ad-hoc basis	(6) No. of regular vacancies falling in the promotion quota Existing Anticipated vacancy (For current Year panel Only)	(7) Total
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4. Year-wise breakup of the number of regular vacancies indicated in Column 7 of Item 3.

Year	General	SC	ST	Total
------	---------	----	----	-------

5. Recruitment Rules for the grade post

(a) Date on which the Recruitment Rules were notified in the Gazette of India and UPSC reference under which they were approved.

(b) Method of recruitment prescribed:

- (i) % direct recruitment
- (ii) % promotion
- (iii) % deputation/transfer

- (c) Whether an upto-date copy of the recruitment rules has been enclosed (this should invariably be sent for reference). If any changes in the recruitment rules have been agreed to by the Commission after they were notified, details should be attached. If after the approval of the recruitment rules any other post has been created which should normally be included in the field of promotion, give details.

6. Grade or post from which promotion is to be made

Designation	Classification	Scale of Pay	Service prescribed for eligibility for promotion
1.	2.	3.	4.

7. UPSC reference No. under which promotion to the grade/post were last considered.

8. Seniority List

- (a) Whether the seniority list as in the prescribed proforma (attached) has been enclosed. If there are more than one feeder grade, enclose separate seniority lists for each grade together with combined seniority list.
- (b) Whether all eligible officers, including those belonging to SC/ST and those on deputation etc. are included and whether those belonging to SC/ST and those on deputation are clearly indicated in the seniority list.
- (c) Whether the list before finalisation was circulated to all concerned.
- (d) Whether there are any officers whose seniority has not been finalised. If so, give details.
- (e) Whether the seniority list has been duly authenticated by an officer not below the rank of Under Secretary to the Govt. of India.
- (f) Whether the list has undergone any changes since it was last placed before the DPC. If so, give details.

9. An eligibility list showing separately officers who are eligible for different years for which the select list is to be prepared should be drawn up and enclosed. The eligibility list for past years should be drawn up as on the 31st December of the year for which the panel is drawn. In cases where there are more than one feeder grade for which no specific quotas have been earmarked, a common eligibility list should be forwarded.

10. Character Rolls.

Complete and up-to-date character rolls of all the eligible officers are required.

- (a) Whether a list (in duplicate) has been attached showing the names of officers whose character rolls are enclosed with this reference?
- (b) Are the character rolls complete and up-to-date? (Character rolls should be sent only after they have been completed.)

11. Self-contained note for the DPC

Whether a self-contained note for the DPC explaining the proposals for promotion, has been enclosed.

12. Check List

A check list in terms of Whether the DOP&T O.M. No. 22012/1/99-Estt(D) dated 18/5/2001 and O.M. No.22012/1/99-Estt (D) dated 20/04/2004 has been enclosed.

Signature.....
Designation.....
Date.....

ANNEXURE-1A

Vide Item 8(a) of the DPC Proforma

Seniority List of Officers in the grade of _____ as on _____

Sl. No.	Name of the Officer	Whether belongs to SC or ST. if not, say Neither	Date of Birth	Date of regular Officer appointment to the grade
1	2	3	4	5

UPSC reference in which recommended/ Approved	Post held substantively	Remarks
6	7	8

Signature of authenticating officer*

Designation_____

Date _____

*To be signed by an officer of or above the rank of Under Secretary.

Vide Item 8(f) of the DPC Proforma

Particulars of changes in the seniority list.

(i)

Name of the Officers which were included in the last seniority list but Reasons for have been deleted in the present seniority list deletion

.	
1	2
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	

(ii) Name of officers added in the present seniority list

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Proforma for referring proposals for CONFIRMATION

1. Name of Ministry/Deptt./Office

2. Names and designations of Members of the. DPC

Name	Designation	Office Tele. No.
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Note:- copy of orders constituting the DPC to be attached

3. Grade or post in which confirmation is to be made

(a) Designation

(b) Classification

(c) Scale of pay

(d) Total number of permanent posts in the grade

(e) (i) Total number of vacancies available for confirmation and the dates on which available.

(ii)* Number of vacancies falling in the direct recruitment quota with dates on which they occurred.

(iii)* Number of vacancies falling in the promotion quota with dates on which they occurred.

(iv)* Number of vacancies available for being filled by transfer with dates on which they occurred.

(v) Whether appropriate reservation for SC/ST in service/posts has been made.

(vi) Details of vacancies reserved for Schedules Castes/Tribes

*To be furnished only in cases of posts/services where specific quotas have been prescribed for substantive appointment of promotes / direct recruits/departmental examination candidates etc.

4. UPSC reference No. under which confirmation to the grade/post were last considered.

5 Recruitment Rules for the grade/post

- (a) Date on which the Recruitment Rules were notified in the Gazette of India and UPSC reference Number under which they were approved.
- (b) Method of recruitment prescribed
 - (i)% direct recruitment
 - (ii).....% promotion
 - (iii)..... % deputation/transfer
- (c) Whether an upto date copy of the Recruitment Rules has been enclosed? (This should invariably be sent for reference). If any changes in the Recruitment Rules have been agreed to by the Commission after they were notified, details should be attached.

6. Seniority List

- (a) Whether a seniority list as in the prescribed proforma has been enclosed?
- (b) Whether all eligible officers, including those on deputation and those holding the higher posts on a local or purely ad-hoc or temporary basis are included in the list?.
- (c) Whether the list, before finalisation was circulated to all concerned?
- (d) Whether there are any officers, whose seniority has not been finalised? If so, give details.
- (e) Whether the seniority list has been duly authenticated by the officer not below the rank of an Under Secretary to the Government of India.
- (f) Whether the list has undergone any changes since it was last placed before the DPC? If so, give necessary details in the prescribed proforma.
- (g) in cases of confirmation of officers appointed by different methods e. g. promotion, direct recruitment or transfer, please enclose separate seniority lists also in addition to combined list.

7. Character Rolls

Complete and upto-date character rolls of all the officers assessed as 'Not Yet Fit' are required.

- (a) Whether a list (in duplicate) has been attached, showing the names of officers whose character rolls are enclosed with this reference?
- (b) Are the character rolls complete and up-to-date? (Character rolls should be sent only after they have been completed).
- (c) Names of Officers, if any, in whose cases adverse remarks in their Character Rolls were communicated to them and the time allowed for submission of a representation is not yet over.
- (d) Names of officers, if any, who have submitted representations against adverse entries in their character Rolls, but decisions on the representations have not yet been taken.

8. *Probation*

Whether the officers have completed satisfactorily the period of probation?

The date of regular appointment and the date of completion of probation should also be given.

- 9. Whether the DPC for confirmation has been convened in time? If not, state the reasons therefor.

10. *Self-contained Note for the DPC*

Whether a self-contained note for the DPC explaining the proposals for confirmation has been enclosed.

Signature.....

Designation

Date.....

Note: This proforma is to be suitably modified when proposal is submitted for confirmation in accordance with the procedure outlined in the DoPT OM No.18011/1/86-Estt(D) dated 28.3.1988.

CHAPTER - 6

SENIORITY

1. SENIORITY OF DIRECT RECRUITS

The relative seniority of all direct recruits in a grade is determined by the order of merit in which they were selected. Persons appointed as a result of an earlier selection will be unblock senior to those appointed on the basis of the results of subsequent selection, irrespective of their order of confirmation. In case of recruitment through examination, the date of publication/announcement of the results shall be the differentiating criteria.

DoPT O.M. No. 22011/5/76-Estt. (D) dated 24.06.1978, [O.M. No. 20011/5/90-Estt \(D\) dated 4.11.1992](#)

The inter se seniority of candidates nominated from reserve panel will be fixed as per consolidated merit given by UPSC/SSC/Recruiting agency, subject to the instructions contained in DoPT O.M. No. 41019/18/97-Estt.(B) dated 13th June 2000 in operating or requesting for nominations from the reserve panel.

Though, all possible efforts would be made by the UPSC and other selecting authorities to send the panels for more than one requisitions in chronological order of the dates of receipt thereof in order to avoid recommending more than one panels on a same date, in case of such an eventuality (i.e. different panels on the same date) following procedures are to be followed for fixation of the inter se seniority of the candidates from the two panels:

- I. Chronology of recommendation letters from the recruiting agency;
- II. Where the date of recommendation letter is same, chronology of interview board reports and
- III. Where both (i) and (ii) are also same, then the chronology of requisition made by the respective Ministries/Departments.

[O.M. No. 20011/1/2008-Estt \(D\) dated 11.11.2010](#)

2. SENIORITY OF PROMOTEEES

Where promotions (by Selection or Non-selection) are made on the basis of recommendations of a DPC, the seniority of an officer assessed as 'fit', in the higher grade (to which they are promoted) shall be same as in the feeder grade (from which they are promoted), irrespective of their date of confirmation. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such persons shall not, if he/she is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who were promoted by earlier DPC. In other words, persons

appointed as a result of an earlier selection shall be senior to those appointed as a result of subsequent selection.

[O.M. No. 9/11/55-RPS dated 22.12.59 & O.M. No. 20011/5/90-Estt \(D\) dated 4.11.1992](#)

Where promotions to a grade are made from more than one grade and quotas have been laid down for each feeder grade, the eligible persons shall be arranged in separate lists in the order of their relative seniority in their respective grades. The officers in each grade, assessed as fit by the Departmental Promotion Committee shall be interpolated in the ratio prescribed for each grade in the recruitment rules for the higher post.

[O.M. No. 9/11/55-RPS dated 22.12.59](#)

Where promotions to a grade/post are made from more than one grade and no quota has been fixed for various feeder grades, owing to a small number of posts in the promotion grade, the aforesaid principle would not be viable. In such cases it would be required to prepare a combined eligibility list of the candidates from various feeder grades with due regard to the inter-se seniority of the candidates of various feeder grades. Whereas specific criteria need to be issued/incorporated in the Recruitment Rules by the cadre controlling authorities for preparation of combined eligibility list of the candidates from various feeder grades/ broad parameters as under may be kept in view while preparing such list:

- I. Date of completion of the qualifying service prescribed in the relevant recruitment rules, in the feeder grade for promotion.
- II. If the aforesaid date is same than date of completion of the qualifying service in the feeder-to-feeder grade.
- III. Inter-se seniority of the officers in each feeder grade will be maintained.

3. SENIORITY OF PROMOTEES BELONGING TO SC/ST

Officers belonging to SC/ST on their promotion by virtue of instructions on reservation roster will be entitled to consequential seniority also. In other words, the candidates belonging to general/OBC category promoted through a later DPC will be placed junior to those belonging to SC/ST promoted through earlier DPC, even though their promotion was by virtue of the rules on reservation. It is clarified that reservation roster/points are only meant for identifying the vacancy that goes to a particular category of officer and no way acts as a determinant for fixation of seniority of the officer in a panel recommended by the DPC.

[O.M. No. 35014/7/97-Estt.\(D\) dated 8.11.2002 &O.M. No.20011/1/2001-Estt. \(D\) dated 1.11.2002](#)

4. RELATIVE SENIORITY OF DIRECT RECRUITS AND PROMOTEEES

The fundamental principle of fixation of inter se seniority of direct recruits and promotees in Central Civil Services/posts is that the relative seniority of direct recruits vis-à-vis promotees shall be determined according to the rotation of vacancies between direct recruits and promotees. The rotation of vacancies in turn shall be based on the quotas reserved for direct recruitment and promotion respectively, in the relevant Recruitment Rules. In pursuance of Hon'ble Supreme Court Judgment dt. 27.11.2012, in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar vs. UOI & Ors, it has been decided that the manner of determination of inter-se-seniority of direct recruits and promotees would be as under:

- a) DoPT OM No. 20011/1/2006-Estt.(D) dated 3.3.2008 is treated as non-existent/withdrawn ab initio;
- b) The rotation of quota based on the available direct recruits and promotees appointed against the vacancies of a Recruitment Year, as provided in DOPT O.M. dated [7.2.1986/3.07.1986](#), would continue to operate for determination of inter se seniority between direct recruits and promotees:
- c) The available direct recruits and promotees, for assignment of inter se seniority, would refer to the direct recruits and promotees who are appointed against the vacancies of a Recruitment Year;
- d) Recruitment Year would be the year of initiating the recruitment process against a vacancy year;
- e) Initiation of recruitment process against a vacancy year would be the date of sending of requisition for filling up of vacancies to the recruiting agency in the case of direct recruits. In the case of promotees, the date on which a proposal, complete in all respects, is sent to UPSC/Chairman-DPC for convening of DPC to fill up the vacancies through promotion would be the relevant date.
- f) The initiation of recruitment process for any of the modes viz. direct recruitment or promotion would be deemed to be the initiation of recruitment process for the other mode as well;
- g) Carry forward of vacancies against direct recruitment or promotion quota would be determined from the appointments made against the first attempt for filling up of the vacancies for a Recruitment Year;
- h) The above principles for determination of inter se seniority of direct recruits and promotes would be effective from 27.11.2012, the date of Supreme Court Judgment in Civil Appeal No. 7514-7515/2005 in the case of N.R. Parmar Vs. UOI & Ors.
- i) The cases of seniority already settled with reference to the applicable interpretation of the term availability, as contained in DoPT O.M. dated 7.2.86/3.7.86 may not be reopened.

As the conferment of seniority would be against the Recruitment Year in which the recruitment process is initiated for filling up of the vacancies, it is incumbent upon all administrative authorities to ensure that the recruitment process is initiated during the vacancy year itself. While requisition for filling up the vacancies for direct recruitment should be sent to the recruiting agency, complete in all respects, during the vacancy year itself, the timelines specified in the Model Calendar for DPCs contained in DoPT O.M. No. 22011/9/98-Estt(D) dated 8.9.98 and the Consolidated Instructions on DPCs contained in O.M. No. 22011/5/86-Estt(D) dated April 10, 1989 should be scrupulously adhered to, for filling up the vacancies against promotion quota.

[DOPT O.M. No. 20011/1/12-Estt\(D\) dated 04/03/14](#)

Starting point in the recruitment roster for the purpose of inter se seniority of officers through Direct Recruitment, Promotion, Absorption etc should be that mode of recruitment prescribed in the Recruitment Rules for which the selection process had been completed first. For this purpose, the date of the completion of the selection process will be determined as follows: -

Direct Recruitment

- a. Through examination conducted by UPSC or any other authorities: Date of publication/ announcement of results
- b. Through interviews conducted by UPSC or any other authorities: Date of Commission's letters containing their recommendation.

Promotion

- a. Where UPSC is associated: Date of UPSC's letter containing their recommendations ratifying the promotion
- b. Where UPSC is not associated or its concurrence is not required: Last date of DPC meeting
- c. Limited Departmental Examination: Date of announcement of results.

A new roster will have to be started in the following cases:

- a. From the date the recruitment rules are notified in the gazette.
- b. When there is an amendment to the Recruitment Rules which changes the percentage allotted for the various modes of recruitment.

[OM No. 28011/6/76-Estt, Dated 24th June, 1978](#)

5. SENIORITY OF PERSONS APPOINTED BY ABSORPTION

16.4.1 The relative seniority of persons appointed by absorption to a Central service from the Subordinate Offices of the Central Government or other departments of the Central or a State Government shall be determined in accordance with the order of their selection for such absorption.

[OM No. 9/11/55-RPS dated 22.12.1959](#)

Where such absorptions are effected against specific quotas prescribed in the Recruitment Rules, the relative seniority of such persons appointed by absorption vis-à-vis direct recruits or promotees, shall be determined by rotation of vacancies amongst the available direct recruits, promotees and persons appointed by absorption which shall be based on the quotas reserved for direct recruitment, promotion and absorption respectively in the Recruitment Rules.

Where the vacancies in any quota or quotas are carried forward, the principles stated earlier will apply, mutatis mutandis, in determining inter-se seniority of the appointees.

The principle laid down above will not present any difficulty where recruitment by absorption is made singly and at intervals but it will be found wanting in cases where two or more persons are selected from different sources on the same occasion and the selection is spread over a number of days. It will, therefore, be necessary for the authorities responsible for approving appointments by absorption to indicate the inter se order of merit of the selected persons in such cases.

Seniority of persons absorbed after being on deputation- In the case of a person who is initially taken on deputation and absorbed later (i.e. where the relevant recruitment rules provide for "Deputation/Absorption)", his seniority in the grade in which he/she is absorbed will normally be counted from the date of absorption. If he/she has, however, been holding already (on the date of absorption) the same or equivalent grade on regular basis in his/her parent department, such regular service in the grade shall also be taken into account in fixing his seniority, subject to the condition that he/she will be given seniority from

- The date he/she has been holding the post on deputation, (or)
- The date from which he/she has been appointed on a regular basis to the same or equivalent grade in his parent department, whichever is earlier.

These instructions have taken effect from December 14, 1999.

The fixation of seniority of an absorbee in accordance with the above principle will not, however, affect any regular promotions to the next higher grade made prior to the date of such absorption. In other words, it will be operative only in filling up of vacancies in higher grade taking place after such absorption.

[O.M. No. 20020/7/80-Estt.\(D\) dated 29.5.1986](#) and [O.M. No. 20011/1/2000-Estt.\(D\) dated 27.3.01](#)

Seniority of persons who are transferred and absorbed directly without being on deputation- In the case of a person who is initially taken on deputation and absorbed later, would be applicable also for persons who are transferred and absorbed directly without being on deputation i.e. where the recruitment rules provide for recruitment through absorption. The matter has been considered and it has been decided that, in such cases also the provision as contained in the afore-said O.Ms would be applicable i.e. the date he has been holding the post on deputation or the date from which he has been appointed on the regular basis to the same or equivalent grade in his parent department, whichever is earlier.

[O.M. No. 20011/1/2008-Estt\(D\) dated 11.11.2010](#)

6. SENIORITY OF OFFICERS IN GRADES MERGED IN PURSUANCE OF RECOMMENDATIONS OF SIXTH CENTRAL PAY COMMISSION.

The recommendations of Sixth CPC provide that where all the posts in one or more pre-revised scales are merged with a higher pre-revised scale and given a common replacement scale/ grade pay/ pay scale, the suitability of the incumbents need not be assessed for granting them the higher replacement scale/ grade pay/pay scale, there is also no need for the incumbents to complete any minimum eligibility service in the earlier scale of pay. The recommendation of 6th CPC has been accepted on 29.08.2008 and the merger of pay scale(s) of the post has been made effective w.e.f. 01.01.2006.

The seniority of officers holding post in grades which have been merged (except merged grades of MTS) in pursuance to recommendation of Sixth Central Pay Commission will be determined as follows :-

- I. The status of a government servant as on 29.08.2008 including those who have earned promotion between 01.01.2006 to 29.08.2008 will be protected as appointment/promotions are made as per the provisions of statutory recruitment rules applicable to the post/grade.
- II. The seniority of government servant which existed on 29.08.2008 (date of acceptance of recommendation of 6th CPC) will be maintained i.e. the holder of post having higher pay scale or post which constituted promotion post for the posts in the feeder grade, will rank *en bloc* senior to those holding post having lower pay scale or the posts in feeder grade.
- III. Where posts having different pay scales prior to 6th CPC recommendation and now after merger have come to lie in the same Pay Band with same Grade Pay, the inter-se seniority of all the employees will be fully maintained with employee in a higher pre-revised pay scale being placed higher vis-a-vis an employee in a lower pay scale. Within the same pre-revised pay scale, seniority which existed prior to revision would continue.
- IV. Where recruitment for the posts in different pre-revised pay scale(s) was initiated separately for each posts, prior to acceptance of recommendation of 6th CPC i.e. prior to 29.08.2008 but selected individual joined duty on or after 30.08.2008 in the revised pay scale(s) against the posts which have been granted same Grade pay,

such officers will be assigned seniority en bloc below those officers who were in position as on 29.08.2008.

- V. The availability of officers nominated on the basis of panel of promotion given by DPC or selection list given by selecting Authority will be decided as on 29.08.2008. In case an officer from the panel given by DPC or selection list given by selecting Authority has joined on or prior to 29.08.2008, then status of all the officers included in panel given by DPC or selection list will be protected and all officer will be considered available and their seniority determined by following the basic principle of seniority i.e. order of panel given by DPC or merit list given by selecting Authority. In case all the officers included in the panel given by DPC or selection list given by selecting Authority joins after 29.08.2008, then the seniority of such officers within a grade, will be determined by placing them below all available officers as on 29.08.2008 but maintaining their inter se seniority in order of panel of DPC or merit list given by selecting authority.

[OM No. 20020/4/2010-Estt.\(D\) 13/09/2012](#)

7. SENIORITY FOR MERGED GRADE OF MTS

- VI. The posts in the erstwhile Group 'D' for the purpose of determination of seniority, can be grouped into five different categories as under:

S.No.	Pre-revised pay scale of the post	Category
1.	2750-70-3800-80-4590	I
2.	2650-65-3300-70-4000	II
3.	2610-60-2910-65-3300-70-4000	III
4.	2610-60-3150-65-3540	IV
5.	2550-55-2660-60-3200	V

- VII. The determination of seniority of merged grade will be regulated as per following guidelines:
- As on 29.08.2008, holders of posts in Category-I will be enbloc senior to the holder of posts in Category-II, similarly holder of the posts in Category-II will be senior to holder of the posts in Category-III and so on.
 - While merging the different grade(s), the inter se seniority in a post which existed as on 29.08.2008 is to be maintained.
 - Within same category, where different standalone posts have been merged, inter se seniority will be determined based on length of continuous officiating in the post.
 - Only the regular service in the grade is to be counted for determination of service and ad-hoc service, if any, is to be ignored.

- e. Seniority is to be determined based on the substantive post held by the employee irrespective of the fact that such employee has been allowed financial up-gradation to the next higher grade under ACP Scheme or any other scheme.
- f. In case of employees who joined an erstwhile Group 'D' post either by promotion or direct recruitment between 01.01.2006 to 29.08.2008, inter-se seniority will be determined as per guidelines laid down in this Department's O.M. of even number dated 13.09.2012.

[O.M. No. 20020/4/2010-Estt \(D\) dated 30th April, 2013](#)

- g. Merger and re-designation of erstwhile Group 'D' staff as Multi-Tasking Staff shall be effective from 29.8.2008

[DoPT O.M No. AB-14017/39/2013-Estt \(RR\) \(3102233\) dt. 23.12.2013](#)

The contents of all extant instructions on seniority (except of merged grades) which have been issued from time to time, have been consolidated under a single compilation "Instructions and Guidelines on Seniority" contained in [DoPT O.M. No. 20011/1/2008-Estt\(D\) dated 11/11/2010.](#)

CHAPTER – 7

PAY FIXATION

1 Genesis

1.1 In order to rationalise the application of pay-fixation rules, the Fundamental Rules (FRs) earlier existing on the issue were re-written in 1989 thereby version of FR 22 substituted the old FRs 22, 22-C, 30 and 31. The pay fixation rules have subsequently undergone substantial changes after 5th Central Pay Commission (CPC), 6th CPC and 7th CPC. Rule 15 of the CCS(RP) Rules 2016, prescribes that the provisions of the Fundamental Rules, shall not, save as otherwise provided in these rules, apply in cases where pay is regulated under these rules, to the extent they are inconsistent with these rules.

2. Definitions

2.1 Some useful terminologies associated with application of Pay Fixation rules are briefly described below:

- a) Pay :** Pay means the amount drawn monthly by a Government servant as basic pay in the Pay Matrix in a particular level attached to the post held by him. It is defined as “basic pay” because, other allowances are granted as a percentage of the pay. Pay includes overseas pay, personal pay and non-practicing allowance.
- b) Scales of Pay :** The scale of pay means the Level in the Pay Matrix, attached to the post held by the Govt servant.
- c) Identical Scales :** Two posts are said to be in “identical scales” if the levels attached to the posts are identical but these two posts fall in different cadres. The duties and responsibilities of the posts in these two scales are not, however, taken into consideration. For example, if the posts of Research Officer and Section Officer are having similar scale of pay but belong to different cadres they are on identical scale.
- d) Same Time Scale :** Two posts are said to be in “same scale”, if the Levels attached to the posts are identical and the posts fall within a cadre.
- e) Cadre :** Cadre means strength of a service or part of service sanctioned as a separate unit, e.g. Central Secretariat Service. It is further divided into many sub-cadres, each sub-cadre having been placed under the control of different ministry like Home, Finance, Commerce, Defence etc.
- f) Tenure Post :** A tenure post is a regular post, which a particular individual may not hold beyond a prescribed limit of time. For example, a Section Officer

appointed as Research Officer on deputation basis could hold that post for a prescribed tenure only. The post of Research Officer is a tenure post for him.

- g) Substantive Pay :** Substantive pay means pay, other than special pay or personal pay or any other emoluments classed as pay to which a Government servant is entitled in respect of a post to which he is appointed substantively or by reasons of his substantive position in a cadre. Thus, substantive pay is a pay to which a Government servant is entitled in a post in which he is having a lien.
- h) Presumptive Pay:** Presumptive pay of a post, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, in consideration of which the special pay was sanctioned. For example, an Assistant appointed as Research Assistant on deputation basis opts of his own grade pay plus deputation (duty) allowance. He will thus, draw presumptive pay of Assistant plus deputation allowance at prescribed percentage on it.

3. Pay Fixation under various circumstances

3.1 Pay Fixation rules are required to be applied in various circumstances. While it is commonly used in case of promotion, there are different provisions for pay fixation in cases of first appointment to the Government service, appointment on deputation, re-appointment of a pensioner, grant of MACP and fixation of pay after pay revision etc. Pay fixation under normal rules are held under Fundamental Rule 22, commonly referred to as FR 22. Let us see as to what are the various clauses under FR 22(I) :

- a)** The appointment is from one post to another involving higher duties and responsibilities. – **Sub Clause (a)(1).**
- b)** The appointment to another post, which does **not** involve higher duties and responsibility – **Sub Clause (a)(2).**
- c)** The appointment is on his own request to a lower post and maximum of such post is less than his pay in the earlier post. His pay can be fixed at the maximum of the new pay scale only. – **Sub Clause (a)(3).**
- d)** It also gives protection of pay drawn on previous occasion(s) in the same post, in the post held on the same time-scale or an identical time-scale. [**Proviso to FR 22(I)**]

3.2 Implications of other provisions in the FR are also given below:

- a) **FR 22.II** : Under the provisions of this clause, the Government servants on deputation under the government outside the regular service, or on Foreign Service, are granted Proforma promotion under Next Below Rule (NBR).
- b) **FR 22.III** : Stipulates that when an appointment is made to a post on the same scale of pay or on identical scale of pay, which should not be deemed to involve the assumption of higher duties and responsibilities.
- c) **FR 22. IV**: Stipulates that when a Government servant holding an ex-cadre post is appointed/promoted to another post in his cadre, his pay in the new cadre post will be fixed with reference to his presumptive pay in the cadre post only, which he could have held, but for his holding the ex-cadre post; and by virtue of which he becomes eligible for such appointment or promotion.
- d) **FR 22-B**: Governs fixation of pay of a government servant who is appointed as a probationer or on probation or as an apprentice in another service/cadre.

3.3. Other than these rules mentioned above, executive instructions are also issued by the Government from time to time regulating fixation of pay of a class of employee. Whenever the pay of government servants are revised by pay commissions, separate rules are framed [like CCS (Revised Pay) Rules, 2016] for fixation of pay in the revised scales of pay, now called “Levels” in the “Pay Matrix”. For fixation of pay in respect of Assured Career Progression Scheme (ACP) and “Pay Fixation of Re-employed pensioners”, separate orders have been issued.

4. Pay Structure effective from 01.01.2016 :

4.1 After acceptance of the Recommendations of the 7th Central Pay Commission by the Government vide Resolution dated 25th July, 2016 and promulgation of Revised Pay Rules, 2016 vide the Notification dated 25th July, 2016, the Pay Fixation Rules have undergone a sea change. Band Pay and Grade Pay have been dispensed with and new functional ‘Levels’ have been introduced by merging Band Pay & Grade Pay in the New Pay Structure, which will be in the form of a “Pay Matrix”. The new pay matrix assigns ‘Levels’ in place of Grade Pay and it comprises two dimensions :

- a) **Horizontal Range**: each level corresponds to functional role in hierarchy, assigned numbers 1,2,3-----18
- b) **Vertical Range** :for each Level it denotes pay progression within that Level

4.2. On recruitment an employee joins at a particular Level and progresses within the Level as per the vertical range. Movement will be usually on an annual basis, based on annual increment. On promotion he will move to the Level corresponding to the promotional post and in the case of non-functional upgradation, he moves one level ahead on horizontal range. Pay Matrix charts out likely path of pay progression.

4.3 Pay in New Pay Matrix : An employee will come over to the new Pay Matrix by multiplying his basic pay (Band Pay + Grade Pay) as on 01.01.2016 by a factor 2.57. The figure so arrived at will be located in new Pay Matrix in the Level corresponding to his Grade Pay. If identical figure not available, next higher figure will be his pay in the

corresponding Level. Pay on Direct Recruitment will start at minimum of corresponding Level.

4.4 Increments in New Pay Matrix : The increment shall be as specified in the vertical cells of the applicable Level in the Pay Matrix. There shall be two dates for grant of increment namely, 1st January and 1st July of every year. However, an employee shall be entitled to only one annual increment either on 1st January or 1st July depending on the date of his appointment, promotion or grant of financial upgradation.

5. Pay Fixation on appointment to a post carrying higher responsibilities FR 22(I)(a)(1)

5.1. This Rule is applicable if the appointment is from one post to another involving higher duties and responsibilities. In such cases, pay fixation will be done as follows:-

Increase the pay notionally by one increment in the Level from which the employee is promoted and he shall be placed at a cell equal to the figure so arrived at in the Level of the post to which he has been promoted and if no such cell is available in the Level of the promoted post, he shall be placed in the next higher cell in that Level.

Illustration-I:

A Govt. servant drawing pay of Rs.25600 in the Level 1 is promoted to a post involving higher duties in the Level 2. His pay in the promoted Level will be fixed as under:

Increase the pay notionally in Level-1 by one increment to arrive at Rs.26400. Now see if the same stage is available in Level 2 or not. As the same stage is not available in Level 2, his pay will be fixed at next higher stage i.e. at Rs.26800/-

5.2. Option for Fixation under FR 22(I)(a)(1) : A Govt. servant has the option to be exercised within one month from the date of promotion/appointment, to have his pay fixed either from the date of promotion itself or from the date of accrual of next increment in the lower post. If he opts to get his pay fixed from the original date of promotion, his pay will be fixed as per the illustration-II given above.

Illustration-II :-

1. Mr 'A' drawing substantive pay of Rs.69000 in the Level 10 w.e.f. 01.07.2018 is promoted to a higher post in the Level 11 w.e.f. 21.05.2019. At what stage his pay will be fixed, if he opts for pay fixation under FR22(I)(a)(1) from the date of promotion? Would he be benefited if he gives his option for pay fixation under the above rule from date of next increment?

Date	Level-10	Level-11
01.07.2018	69000	----
Ist Option		
21.05.2019	69000	71800 DNI 01.01.2020
		Pay will be 74000
IInd Option		
01.07.2019	71100	74000 DNI 01.01.2020
		Pay will be 76,200
Pay during intervening period (21.05.2019 to 30.06.2019)	-----	69700

Hence the second option is beneficial

- In case he opts for fixation from the date of next increment, during intervening period, i.e. between the date of promotion and the date of next increment, his pay in the promoted Level will be **next higher stage** which he was drawing in the lower Level, even if such stage is available in the promoted Level. His pay will be refixed under the above formula from the date of accrual of next increment viz. 1st July/1st January.

5.3 This option is not admissible to the Govt. servant who is appointed:

- (a) to an ex-cadre post on deputation basis;
- (b) to a post on ad-hoc basis ;
- (c) to a post on direct recruitment basis.

5.4 However, if the ad-hoc promotion is followed by a regular promotion without break, the Govt. servant can exercise option within one month from the date of such regular promotion and the option shall be admissible from the date of initial appointment / promotion, which was ad-hoc in nature. Thus if he opts for fixation of his pay under this rule from the date of his next increment, his pay shall be re-fixed from initial date of appointment at a stage next above his pay in the lower-grade and under this rule from the date of next increment.

5.5 For the purposes of pay-fixation, FR 22 III clarifies that an appointment to another post on the same scale of pay or on identical scale of pay does not involve the assumption of higher duties and responsibilities. In case there is any doubt whether there is assumption of higher duties and responsibilities or not, decision of the administrative head has to be obtained if the posts belong to the same Department. In case the posts belong to different Departments, the decision of the Govt. of India (Department of Personnel and Training) has to be obtained.

5.6 As already mentioned, the above rule is applicable in case of appointment made to a higher post subject to fulfilment of eligibility conditions in the Recruitment Rules. In the case of appointment is made without fulfilling the eligibility criteria, the pay has to be fixed under the above rule and may be restricted under FR 35. Such appointment may be on promotion or otherwise.

5.7 If a Government servant holding an ex-cadre post is promoted or appointed regularly to a post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any ex-cadre post outside the ordinary line of service, as per FR 22 IV.

6. Fixation of Pay in case of appointment to another post with no assumption of higher responsibilities and duties: FR22(I)(a)(2)

6.1 Sub-clause (a)(2) of FR 22 (I) deals with Fixation of Pay on appointment, from one post to another, when such an appointment does not involve assumption of higher duties and responsibilities. The appointment could be in the same Level or in a different Level. The employee will continue to draw the same Pay in the Level corresponding to the new post, however, if there is no such stage in promotional Level, he will draw next higher stage in promotional Level. If the pay in the Level of lower post is less than the minimum of the promotional Level, he will draw the minimum.

Illustration-III(a):-

A Govt servant drawing a pay of Rs. 30500/- from 01.07.2018 in the Level 4 on regular basis is appointed to another post in the Level 5 on 18.03.2019, which does not involve duties and responsibilities of greater importance than those attaching to the old post. How his pay will be fixed?

Solution

Date	Level-4	Level-5
01.07.2018	30500	----
18.03.2019	30500	31000 DNI will be 01.01.2020

Illustration-III(b) :-

An employee drawing pay of Rs 50500 in Level-8 from 10.07.2018 is given a non-functional grade in the level-9 from 24.05.2016. Fix the pay of the employee

Solution :

Date	Level-8	Level-9
01.07.2018	50500	----
24.05.2019	50500	53100 DNI will be 01.01.2020 Not less than the minimum of the Level

6.2 On such appointment also the Govt. servant has an option to come over to the new pay scale (pay level) from the date of his appointment to such post / getting such scale or from the date of his next increment in the earlier post. If the employee opts to get his pay fixed from the date of next increment, during the intervening period he shall continue to draw the same pay in the same Level. On the date of increment, he will earn an increment and then his pay will be fixed.

Illustration-IV:

1. A Govt servant drawing a pay of Rs. 62200/- from 01.07.2018 in the Level 8 on regular basis, is appointed to another post in the Level 9 on 12.04.2019, which does not involve of higher duties. How her pay will be fixed? Is the option of getting his pay fixed from next date of increment more beneficial?

Solution :-

Date	Level-8	Level-9	
01.01.2018	62200	----	
Ist Option			
12.04.2019	62200	63300	DNI 01.01.2020 Pay will be 65200
IIInd Option			
01.07.2019	64100	65200	DNI 01.01.2020 Pay will be 67200
Pay during intervening period (12.04.2016 to 30.06.2016)	62000		

Hence it is clear that the second option will be beneficial

7. Fixation of Pay on appointment to a Lower post by Choice

7.1 Under FR 15 (a) Government servant can seek his/her transfer to a lower post on his/her own volition. A Government servant can also be reduced to a lower post as a measure of penalty.

7.2 In case an employee seeks transfer to a lower post on his/her own volition, he/she will continue to draw pay at the same stage in the Level corresponding to the lower post. If there is no such stage in the lower Level, he will draw next lower stage in that Level and the difference will be paid as Personal Pay to be absorbed in future increment. However, the date of next increment will remain the same as if he was not promoted.

Illustration - V:

1. A Govt. servant drawing a pay of Rs. 33900/- w.e.f. 01.07.2018 in the Level 5 is appointed on his own request on 17.05.2019 to a post in the Level 4. At what stage will his pay be fixed? What will be the date of next increment?

Solution:

Date	Level-5	Level-4
01.07.2018	33900	----
17.05.2019	33900	33300 + 600 (As PP) DNI will be 1.07.2019

8. Protection of Pay under Proviso to FR 22(I)

8.1 This proviso gives protection to the effect that a Government servant, appointed to the same post or to a post in the same Level on second and any subsequent occasion, should not draw pay less than what he had drawn on earlier occasion. The period for which pay at a particular stage is drawn also counts towards computing 6 months period for grant of next increment. The protection is admissible for having previously held substantively or in officiating capacity in the following cases:

- (a) The same post.
- (b) A post in the same Level, which means in the same cadre.
- (c) A post in the identical Level
- (d) Benefit of Cadre post in ex-cadre post.
- (e) Benefit of one ex-cadre post in another ex-cadre post,

However, benefits of ex-cadre post are not brought to the cadre

Illustration - VI: -

A Government servant drawing pay of Rs. 33300/- w.e.f. 01.07.16 on a post in the Level 4 was promoted on adhoc basis to a post in the Level 6 w.e.f. 23.09.2016. He is reverted on 17.09.2019 and again promoted on 15.12.2019. Find out pay he is entitled for from time to time.

Solution :

Date & Event	Level-4	Level-6
01.07.2016 (Increment)	33300	--
23.09.2016 (Promotion)	33300	35400

01.07.2017 (Increment)	34300	36500
01.07.2018 (Increment)	35300	37600
01.07.2019 (Increment)	36400	38700
17.09.2019 (Reversion)	36400	--
15.12.2019(Promotion)	36400	(37600) Raised to 38700 In term of (Proviso to FR-22)

9. Pay Fixation of Direct Recruits (Probationers)

9.1 Notwithstanding the rule position discussed above or earlier, when a Govt. servant is appointed to another post as direct recruit on probation or as a probationer, his pay is fixed at the minimum of the time-scale or at probationary stage of the time scale of the post as the case may be.

9.2 However, if such a Govt. servant was already holding lien on another post and his pay in such post was more than the probationary stage/minimum of the new post, his pay is to be regulated as follows in terms of **FR22(B)**

- a) During probation, he draws his presumptive pay of the earlier post.
- b) On confirmation, his pay is fixed under FR 22-I, w.r.t his presumptive pay on the previous post.

Illustration

A Govt. servant drawing pay of Rs 50500 w.e.f 01.07.2018 in the Level 6 is appointed to another service as a direct recruit in the Level 8 w.e.f. 01.10. 2018. He was holding lien on earlier post and is placed on probation for 2 years. His pay will be fixed as follows:

01.10.2018	Rs 50500	{Presumptive pay
01.07.2019	Rs 52000/-	of earlier
01.07.2020	Rs 53600/-	Post}
On Confirmation		
01.10.2020	Rs. 55200/-	Pay fixed w.r.t. Rs. 53600/- under FR 22I(a)1

10. Protection of Pay on recruitment from Non-Government Organisation.

10.1 When a candidate working in Public Sector Undertakings (including State Govt. Undertaking), Universities, Semi-Government Institutions or Autonomous Bodies and Banks is appointed as a direct recruit in the Government, his pay in the Government pay-scale will be fixed at a stage so that pay plus dearness allowance in the Government

protects the pay plus DA already being drawn earlier. In case there is no such stage, pay will be fixed at next lower stage.

10.2 However, protection of pay for candidates recruited from Autonomous Bodies/Public Sector Undertakings is admissible, if the selection is through interview only. It has been clarified vide DOPT's O.M. No. 12/1/96-Estt. (Pay-I), dated 10.7.98 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.....".

Financial Effects of Penalties

1. Penalties may be imposed on a Govt. Servants as per the provisions contained in the CCS (CCA) Rules, 1965

1.1 According to rule 11 of CSS (CCA) Rules, 1965, the following penalties may be imposed on a Govt. servant:

(a) Minor Penalties

- (i) Censure
- (ii) Withholding of promotion
- (iii) Recovery from pay of the whole or part of any pecuniary loss caused to the Govt. by negligence or breach of orders.
- (iv) Reduction to a lower stage in the time scale of pay by one stage for a period not exceeding 3 years, without cumulative effect and not adversely affecting pension.
- (v) Withholding of increments of pay.

(b) Major Penalties

- (i) Reduction to a lower stage in the time scale of pay other than referred to at (iv) above.
- (ii) Reduction to a lower time scale of pay, grade, post or service.
- (iii) Compulsory retirement.
- (iv) Removal from service (which is ordinarily not a disqualification for future employment under the Govt.).

2. Censure

2.1 Of the above penalties, censure is the minor most penalty which has no direct financial implication except that it may have its bearing on confirmation, promotion, and selection etc. of the employee where the confidential service record is considered. Since,

overall effect of service record is taken into account; a solitary 'censure' in an otherwise good record shall have negligible effect. There is no currency period of censure. Hence there is no bar in giving effect to promotion etc. even immediately after the penalty is imposed.

3. Withholding of promotion

3.1 Withholding of promotion may be a personal pecuniary loss to a Govt. servant. Non-promotion can arise from (i) lack of merit and not being found suitable for promotion by DPC; (ii) as a result of penalty imposed on the conclusion of disciplinary proceedings against the Govt. servant. The former is not a penalty whereas the latter is a penalty, but in either of these cases, there is no immediate drop in pay, but future loss of increased pay due to non-promotion.

4. Recovery of Loss

4.1 This penalty is awarded only when it is established that Govt. servant was responsible for a particular act (s) of negligence or breach of orders or rule and that such negligence or breach caused pecuniary loss to Govt. While determining any omission or lapses, the status and financial position of the employee, the bearing of such lapses on the total loss suffered, and any extenuating circumstances in which duty was performed shall be given due weightage.

5. Withholding of increment

5.1 In the punishment order withholding the increment, the punishing authority has to state the period for which it is withheld and whether the penalty will have the effect to postponing future increment, i.e. cumulative effect. In case the latter part is not so stated, it will have non-cumulative effect. (i.e. not postponing future increments).

5.2 In case of cumulative effect, increments falling during the period of penalty are not allowed. In a non-cumulative case, increments falling during the period of penalty may or may not be allowed and the financial loss is specific and ascertainable.

5.3 The penalty of withholding of increment takes effect from the date of increment accruing to an officer after the issue of punishment orders. When the order mentions that one increment be withheld for a specified period, it will have the effect of withholding **one increment** only over a specified period and the official concerned will be able to draw the subsequent increment, falling during the period, of course depressed by one increment which is withheld. However, when the punishment order states that the **next increment** be withheld for a specified period, then all the increment falling during that period would be withheld.

Illustration

A Senior Sectt Assistant in Level-4 was drawing a pay of Rs 29600/- w.e.f. 01.07.2016. The effect of withholding his one increment and next increment for a period of two years w.e.f. 01.10.2016 will be as follows in case the penalty has effect of postponing / not postponing future increment.

		One Increment	
Period		Not postponing	Postponing
01.07.2016	to	29600	29600
30.06.2017			
01.07.2017	to	29600 (30500)	29600
30.06.2018			
01.07.2018	to	30500 (31400)	29600
30.06.2019			
01.07.2019(Penalty over)		32300	30500
		Next increment	
		Not postponing	Postponing
01.07.2016	to	29600	29600
30.06.2017			
01.07.2017	to	29600 (30500)	29600
30.06.2018			
01.07.2018	to	29600 (31400)	29600
30.06.2019			
01.07.2019	(Penalty over)	32300	30500

5.4 When a series of penalties of **stoppage of increments** are imposed i.e. one after the other in separate cases, the effect of the first punishment order of stoppage of increment will continue for the period specified in the punishment order. Thereafter, his pay will be raised to what have been admissible but for the imposition of the penalty and only then the second order of stoppage of increment will be implemented which will continue for the period specified in the second punishment order and so on. In other words, the penalties should not run concurrently.

Illustration :

A Govt. servant drawing pay of Rs. 28700/- in Level 4 with DNI 01.01.2016 is imposed a penalty of withholding of one increment for a period of 3 years without

cumulative effect on 01.05.2016. A second penalty of withholding of one increment for 2 years without cumulative effect was imposed on 1.10.1996. He would draw pay from time to time as under:

1 st Penalty		2 nd Penalty	
01.05.2016 - 30.06.2016	28700	01.07.2019 -30.06.2020	32300
01.07.2016 - 30.06.2017	28700	01.07.2020 – 30.06.2021	32300
01.07.2017 - 30.06.2018	29600	01.07.2021 – 30.-6.2022	33300
01.07.2018 - 30.06.2019	30500	01.07.2022 (Penalty over)	35300
01.07.2019 (Penalty over)	32300		

6. Another Penalty during the currency of one Penalty

6.1 When second penalty of higher grade is imposed during the currency of lower grade, their implementation would depend upon the intention of the disciplinary authority in the second penalty order i.e. the two penalties should run concurrently or implemented after the expiry of period of 1st penalty. If no mention is made, the two punishment should run concurrently and the higher penalty even though ordered later, should be implemented immediately and after the expiry of its period, if the currency of the period of earlier punishment i.e. lower punishment still continues, then the same may be implemented for the balance period.

7. Promotion while Penalty imposed/Inquiry pending

7.1 The promotion of the employee, who is already undergoing a penalty, if selected for promotion, shall not be given effect to during the currency of the penalty. In a case where sealed cover procedure has been followed pending departmental/judicial proceedings resulting in imposition of any penalty, promotion, if selected, shall not be given effect to but will be considered by the next DPC in the normal way after taking into account the totality of the circumstances.

8. Grant of Advance Increments during the penalty

8.1 If advance increments accrue to an employee during the currency of penalty, these will be allowed but the normal increments will be regulated in accordance with the order of penalty.

9. Reduction to lower stage in a time-scale.

9.1 (a) Every order passed by a competent authority under **FR 29(1)** shall indicate:

- (i) The period for which it will be effective and the date from which the penalty takes effect.
- (ii) The stage in the time-scale to which the Govt. servant is reduced (but in no case below the minimum)

(b) There may be three forms of this penalty:

- (i) Reduction with normal increment during the penalty and no postponement of future increment
- (ii) Reduction with no increment during the penalty and no postponement of future increment
- (iii) No increment during the penalty and effect of postponement of future increment

9.2 From the above, it may, be noted that reduction to a lower stage in a time-scale can't be on a permanent basis i.e. unspecified or indefinite period. It is also required to state in the penalty order whether the employee will/will not earn increment during the period of reduction. If the direction is that he will earn increment during the period of reduction, then the period of reduction will not postpone increment, on restoration. In the other case where the direction is not to allow increment during period of reduction, period of penalty may operate as cumulative or non-cumulative on restoration.

Illustration

The pay of a Govt. servant, drawing a basic pay of Rs. 64,100/- in the scale of pay of Level - 7 from 1-7-2016 was reduced as a measure of penalty by four stages w.e.f. 1-9-2016 for a period of 2 years. It was ordered that the reduction would not have the effect of postponing his future increments.

Period	Level - 7	Level - 7	
	(Without Penalty)	(Reduced Pay)	
1-7-16 to 31-8-16	64,100	Without Increment	With Increment
1-9-16 to 30-6-17	64,100	56,900	56,900
1-7-17 to 30-6-18	66,000	56,900	58,900
1-7-18 to 31-8-18	68,000	56,900	60,400
1-9-18 to 30-6-19	68,000	Penalty ceases	Penalty ceases
1-7-19	70,000		

9.3 Pay on restoration:

- (a) If the period of reduction is not to operate to postpone future increment or the order is silent about it. Pay will be allowed which he would have drawn in the normal course but for reduction.
- (b) If period of reduction is to operate to postpone increment, for any specified period. Pay will be fixed after treating the period for which the increments were to be postponed as not counting for increment.

Illustration :

Mr. A, Section Officer in the Central Secretariat Service is drawing pay of Rs. 73,200 in the Level 10, since 01.07.2016. On 1.2.2017, it was decided to reduce his pay to the stage of Rs. 65,000 for a period of 2 years. How his pay will be regulated:

- i. In case he is allowed to draw his normal increment during the period of penalty
- ii. In case he is not allowed to draw his normal increment but the penalty period will not postpone future increment.
- iii. In case he is not allowed to draw his normal increment, but period of penalty will postpone future increment:

Period	Pay Without Penalty	Pay with Penalty		
		Non - Cumulative		Cumulative
		With Increment	Without Increment	
01.07.16 – 31.01.17	73200	---	---	---
01.02.17 - 30.06.17	73200	65000	65000	65000
01.07.17 – 30.06.18	75400	67000	65000	65000
01.07.18 – 31.01.19	77700	69000	65000	65000
01.02.19	77700	77700	77700	73200
01.07.19	80000	80000	80000	75400

Note : If the employee who is already undergoing this penalty is selected for promotion, promotion will not be given effect to during the period of penalty. In case of sealed cover procedure, pending disciplinary proceedings/prosecution, resulting in imposition of this penalty, the recommendation will not be implemented but the case will be decided by the next DPC meeting in the normal way.

10. Reduction to a Lower Service, Grade, Post or to Lower Time Scale

10.1 Every order passed under FR 29(2) shall indicate:-

(i) The date from which it will take effect and the period for which the penalty shall be operative. It should be noted that the reduction must be for specified and in no case the penalty is for an unspecified period.

(ii) Whether or not the period of reduction shall operate to postpone future increments on restoration after the specified period.

(iii) Whether or not the Govt. servant shall regain his original seniority in the higher scale, grade post or service.

There will be automatic restoration to the old post after the expiry of specified period. The vacancy caused by reduction cannot be filled substantively.

10.2 Pay on restoration to old post:

- (a) Period of reduction not to postpone future increment. On restoration to old post he will draw the pay which he would have drawn in the normal course but for his reduction to the lower post. In other words, he will draw the pay which he would have drawn had penalty not been imposed.
- (b) Period of reduction to postpone future increment. Pay to be fixed after treating the period of penalty as not counting for increment.

Illustration :

A Section Officer is drawing Rs. 69000/- w.e.f. 01.07.2016 in Level 10. He was promoted to the grade of Under Secretary w.e.f. 20.10.2016 in Level 11. A penalty of reduction to the post of Section Officer was imposed on him on 19.12.2018 for a period of two years. There was further direction that that reduction shall not postpone his future increments and he would regain his original seniority. Find his pay from time to time. Also, find his pay if the penalty stipulates that reduction shall postpone his future increments.

Dates	Pay in Level 10	Pay in Level 11	Pay in Level 11 after Penalty	
			Non-cumulative	Cumulative
01.07.2016	69000			
20.10.2016	69000	71800		
01.07.2017	(71100)	74000		
01.07.2018	(73200)	76200		
19.12.2018	73200	(76200)		
01.07.2019	75400	(78500)		
01.07.2020	77700	(80900)		
19.12.2020	(77700)		80900	76200
01.07.2021			83300	78500

10.3 Important Court Ruling : The Department of personnel and Training vide OM No. 11012/2/88-E&L(A) dated 2.2.89 have directed the Disciplinary Authorities to keep in mind the Supreme Court Judgement in which they have held that a person appointed directly to a higher post, service, grade or time scale of pay cannot be reduced by way of punishment to a post in lower time scale, grade, or to a post which he never held, as such reduction virtually amounts to his removal from the higher post and the substitutions of his recruitment to lower post affecting the policy of recruitment itself.

10.4 Procedure followed when order of reduction is set aside or modified : When an order of withholding of increment under FR-24 or order of reduction under FR 29 (1) and FR 29 (2) is set aside on appeal or review, the Govt. servant should be paid the difference between the pay which he would have been entitled to put for the order of penalty and the pay actually drawn and the period shall count for increment or for other purposes in the post held immediately before the imposition of penalty, provided he would have continued to hold that post but for the order of penalty. The leave salary and allowances (other than TA) shall also be revised on the basis of revised pay.

Illustration:

A Govt. servant drawing pay of Rs. 55200/- in the in the Level-I7 w.e.f. 01.07.2016 was reduced to the stage of Rs. 47600/-w.e.f 01.11.2016 for a period of 2 years. Appellate Authority held it void on 01.12.2017. He would be entitled to Rs. 55200 till 30.06.2017 and Rs. 56900/- from 01.07.2017. He would be paid the difference for the duty period and also the leave period.

10.5 The order is modified on appeal or review : Modified order would come into force ab-initio and pay and allowances & leave salary (except TA) already drawn will be regulated according to modified order. The period of service from the date of original order to the modified order will count for increment or for other post, which would have been held, but for the original penalty order, to the extent the modified order permits of much counting.

11. Compulsory retirement

11.1 The Govt. servant ceases to draw pay & allowances from the date of compulsory retirement. He gets the compulsory retirement pension from the date of retirement, which is not less than 2/3rd of compensation pension/gratuity or both and not more than full compensation pension/gratuity or both on the basis of services rendered by him, but in no case less than the Rs. 9000/-. In other words a cut up to maximum limit of 1/3rd of the pensionary entitlement may be imposed. The Govt. servant is also entitled to commutation upto 40% of pension after undertaking the medical examination. There is no bar to his re-employment under the Government. Right to LPR is however forfeited under SR 234.

Encashment of leave is also admissible. Compulsory retirement as a penalty has to be distinguished from an order of retirement on superannuation or an order of pre-mature retirement in terms of FR 56(j) or rule 4 (a) 8 of CCS(Pension) rules 1972. Premature retirement/Superannuation retirement is an administrative action and no reduction can be made from the retirement benefits admissible.

12. Dismissal and Removal

12.1 A Government servant ceases to draw pay and allowances from the date of dismissal or removal. The dismissal or removal entails forfeiture of past service and deprivation of retirement benefits. A dismissal from service is ordinarily a disqualification for future employment under the Govt., whereas the removal is not. In rare cases, deserving special consideration disciplinary authority may grant a compassionate allowance, which shall not be more than $\frac{2}{3}$ rd of compensation pension or gratuity or both, if he had retired on compensation pension. A compassionate allowance, which is one of the kinds of pension, shall not be less than Rs. 9000/- per month & is also eligible for commutation upto $\frac{1}{3}$ rd after the medical examination.

12.2 As dismissal/removal results in termination of employment, such order, by its very nature cannot have retrospective effect. There is no objection in giving prospective effect.

Fixation of Pay on Deputation and Foreign Service

1. Deputation and Foreign Service

1.1 The term deputation/Foreign Service covers all those appointments, which are made in public interest by temporary transfer of a Government servant outside the normal field of deployment, in accordance with the Recruitment Rules of the new post.

1.2 Deputation: When such appointment is within Government i.e., within same organization or other Ministry/Department or with State Government of Union Territory, it is termed as deputation and the Government servant continues to draw pay and allowances from the consolidated fund.

1.3 Foreign Service: When such appointment is outside Government to a post in Public Sector Undertaking/Autonomous Body (when temporary transfer is permitted in relaxation of provision for appointment on immediate absorption basis), or to Local Bodies etc., where the Government servant draws pay and allowances from a source other than Consolidated Fund of India/a state or a Union Territory, it is termed as Foreign Service.

1.4 The only difference in deputation and Foreign Service terms is that in case of Foreign Service Terms Leave Salary and Pension Contributions are required to be paid by the foreign employer to the Government in respect of the Government servant for the

period of Foreign Service. Other terms and conditions for deputation and Foreign Service are the same.

2. Terms of Deputation/Foreign Service

2.1 Pay: The Government servant has to exercise option within one month from the date of joining, either to:

- (a) Draw pay in the Level of deputation post, or
- (b) His basic pay in the parent cadre plus deputation (duty) allowance thereon. In addition, he will draw personal pay, if any.

2.2 Option: as above, once exercised shall be final except that the same may be revised in the event of

- (a) Govt. servant receiving proforma promotion or on appointment to non-functional selection grade in his parent-cadre.
- (b) Reversion to a lower grade in his parent cadre.
- (c) Revision of scale of pay of parent post or ex-cadre post held in borrowing organisation.

2.3 Pay under option (1) will be fixed under normal rules, [subject to benefit of proviso to FR 22 I] w.r.t. basic pay in a post held on regular basis, in parent office. In case the pay structure or DA pattern post on Foreign Service is dissimilar to that in parent organisation, pay may be fixed at such a stage -pay plus one increment in the scale of his regular parent post plus DA. If there is no such stage, pay may be fixed at next higher stage. .

2.4 Deputation (duty) Allowance (w.e.f. 01.07.2017):-

- a) In case of deputation within - 5% of basic pay, subject to maximum of same station Rs. 4500/- p.m.
- b) In case of deputation is to - 10% of Basic Pay subject to maximum of outstation Rs. 9000/- p.m

2.5 Other benefits:

- (a) Project allowance will be admissible in a project area in the borrowing organisation in addition.

- (b) Special pay attached to the pay scale of ex-cadre post will be admissible, if the Govt. servant has opted to draw pay in the pay scale of deputation post. Special pay drawn in parent office will not be admissible.
- (c) Dearness allowance will be admissible at the rates prevailing in borrowing organisation in case the Govt. servant has opted for pay in the pay scale of deputation post. In case he opts for his own grade pay plus deputation (duty) allowance, D.A. at the rates prevalent in parent organisation will be admissible.
- (d) Such allowances as are not admissible to regular employees of corresponding status in the borrowing organisation shall not be admissible to office on deputation/Foreign Service, even if they were admissible in the parent organisation.

Fixation of Pay of Re-employed Pensioners

1. For the purpose of pay fixation, re-employed pensioners can be categorised into the following categories: -

1.1 First Category

1.1.1 Those retired, before attaining the age of 55 years, from a Group B, C or D civil service Post or an Ex-serviceman retired from a non-commissioned officer rank and reemployed in a civil service post

1.1.2 In this category, the benefit of ignoring full pension is provided and the pay on re-employment is fixed at the minimum of the Level corresponding to the post on which he is re-employed. He will be allowed to draw D.R. on his pension.

Illustration: -

A Govt. Servant retired from a Group C post at the age of 50 years. At the time of retirement, he was drawing pay of Rs. 36400 in the Level 4. The pension granted at the time of retirement was Rs.18200/- p.m. He is re-employed in a civil post in the Level 6. Fix his Pay

In the reemployed post his pay will be fixed at the minimum of the corresponding Level 6 i.e. at Rs. 35400/-. The pension drawn by him will be fully ignored at the time fixation of pay on re-employment. He will draw D.R. on his pension

1.2 Second Category

1.2.1 Those who retire before attaining the age of 55 years from a Group A Civil service Post or as a commissioned Officer rank in Military services and reemployed in a civil service post :

1.2.2 In these cases where the entire pension and pensionary benefits are not ignored for pay fixation and the initial basic pay on re-employment shall be fixed at the same stage as the last basic pay drawn before retirement. If there is no such stage in the Level of re-employed post, the pay will be fixed at the next above stage. In all these cases, the non-ignorable part of the pension shall be reduced from the pay so fixed. However, in these cases, the first Rs.15000/ of the pension drawn is ignored and the remaining amount of the pension is taken into account for fixing the actual pay of the reemployed pensioner, in the reemployed post.

Illustration:-

A Colonel retired with basic pay of Rs. 1,60,600 in the Level 13 with a pension of Rs.80,300/. He is re-employed as a Deputy Secretary in an organization in the Level 12. In this case, on re-employment, his basic pay will be fixed at the Rs. 1,65,100 in Level 12. Thereafter, the non-ignorable part of the pension (i.e. $80,300 - 15,000 = 65,300$ /) will be reduced from the pay so fixed.

Third Category

1.3.1 Those who retired, after attaining the age of 55 years, from any post-civil or Military and reemployed in a civil service post

1.3.2 In this case, the pay fixation will be done in the same manner as above. The only difference is that in this case the entire pension will be taken into account and no portion of the pension will be ignored, unlike the case above. Let us see how :

Illustration:-

A govt. servant, after attaining the age of 55 years, retired from a group B post. At the time of retirement, he was drawing a band pay of Rs. 53600 in Level-8. Pension granted on retirement was Rs. 26800/-. After retirement he was reemployed in a civil service post in the in Level 9. How will you fix his pay?

On re-employment his pay in the pay in the Level 9 will be Rs.54700/-. From this the entire amount of pension i.e.Rs.26800 shall be deducted. However, the reemployed pensioner is allowed to draw all allowances with reference to the pay fixed before such adjustment i.e. Rs 53700- and would also draw increment at the usual rate on the reemployed post. He will not draw D.R. on the pension

CHAPTER - 8

CENTRAL GOVERNMENT HEALTH SCHEME

Introduction.

Central Govt. employees are entitled to medical facilities for which comprehensive provisions are contained in Central Services (Medical Attendance) **Rules 1944**. The CGHS was introduced in Delhi on **1st July 1954** as a social service-cum-welfare measure. In view of the successful implementation of the scheme in Delhi, it has grown over the years both in coverage & scope. Currently, there are approximate 37 lakh beneficiaries across 440 wellness centres spread all over India.

Applicable to:-

- All Central Govt. employees paid from Civil Estimates and their families
- Central Govt. pensioners and those retiring with CPF benefits and their families (cashless treatment)
- Widows/Child getting family pension including minor brothers & sisters of such child
- Delhi Police personnel and their families in Delhi only
- Railway Board employees
- Sitting and Ex-Members of Parliament (cashless treatment)
- Ex-Governors & Lt. Governors (cashless treatment)
- Freedom Fighters (cashless treatment)
- Ex-Vice Presidents (cashless treatment)
- Former Prime Ministers (cashless treatment)
- Serving employees of Ministry of Health & Family Welfare (including its attached/subordinate offices) (cashless treatment)
- Sitting and Ex-Judges of Supreme Court & High Courts
- Journalists (In Delhi) accredited with Press Information Bureau (RML Hospital)

- Civilians paid from Defence Services Estimates and their families
- PSU absorbees who had commuted 100% of their pension and have been restored 1/3rd portion of their pension after 15 years
- Central Government employees who got absorbed in Statutory Bodies/Autonomous Bodies and who are in receipt of Central Civil Pension are eligible to avail CGHS facility on their retirement
- The Employees of Indian Pharmacopeia Commission and their family members
- The employees of Supreme Court Legal Services Committee
- Central Government employees who are on deemed deputation to Statutory Bodies/Autonomous Bodies of Central Government and retiring while on such deemed deputation, provided they are receiving Central Civil Pension and are not availing the medical facility provided by Statutory Bodies/Autonomous Bodies
- Central Government employees on short-term deputation to Statutory Bodies/Autonomous Bodies will be allowed to avail CGHS facilities during their tenure of deputation. They can opt for medical facilities provided by CGHS or by the organization
- Serving employees /pensioners of d/o posts & d/o telecom residing or settled at Ahmedabad, Bhopal, Bhubaneswar, Dehradun, Guwahati, Jaipur, Jammu, Jabalpur, Lucknow, Pune, Ranchi & Shillong + beneficiaries of postal dispensaries (merged with CGHS dispensaries – Serving & Retired employees of Indian Council for Cultural Relations (ICCR) only in Delhi & NCR

Not Applicable to:-

- Railways Services, Defence & Delhi Admin employees
- Persons retired from Railways & Armed Forces.

The Govt. servant should reside in CGHS area for the facility and pensioners can get their names registered with any of the dispensaries whether they were residing in that area or not. However, subsequent to computerization, CGHS facilities can be availed from any Wellness Centre/dispensaries in India.

2. Family. Besides the Govt. servant, members of his family, wholly dependent are also entitled to the facilities. The word “family” means: -

- ▶ Husband/Wife including more than one wife and also judicially separated wife.
- ▶ Parents/Adoptive parents (not both), not step parents (only mother), in case of adoptive father, only first wife

- ▶ Female employee has a choice to include either her parents or parents-in-law. Option once exercised can be changed once
- ▶ Children including legally adopted ones, stepchildren and children taken as wards subject to following;

Son – Till he starts earning, becomes 25 years of age or gets Married, whichever is earliest

Daughter – Till she starts earning or gets married, whichever is earlier, irrespective of age.

Disabled Son – Irrespective of age, both permanently disabled sons (Physical, mental/schizophrenia illness), who are financially dependent on CGHS beneficiary and residing with CGHS beneficiary and suffering from 40% or more of disabilities are eligible. After every 5 years, CGHS beneficiary should furnish a disability certificate issued by appropriate authority to CGHS

- ▶ Widowed divorced and separated daughters – Till they get re-Married or start earning, whichever is earlier. Sisters including widowed sisters- Till they get married or start Earning, whichever is earlier. Minor children of Widowed divorced and separated daughters, who are residing with CGHS beneficiary are also eligible upto the age of 18 years (major).
- ▶ Minor brothers & dependent brothers

Disabled brother: permanently disabled brothers, who are financially dependent on CGHS beneficiary and residing with CGHS beneficiary and suffering from 40% or more of disabilities are eligible subject to fulfilment of other conditions

The residential condition for members of families of a Government servant having been waived, family members may have medical attendance and treatment even if they do not stay with the Government Servant.

However, parents, sisters, widowed sisters, widowed daughters, minor brothers and minor sister, children and step-children should be normally residing with the Government Servant.

Dependency ; - Members of the family (other than spouse) whose income does not exceed Rs.9000/- plus the amount of Dearness Relief admissible on the date of consideration of the claim, are treated as dependents.

(As per Ministry of Health & Family Welfare's OM No. S-11012/2/2016-CGHS-P dated 8.11.2016)

When both husband and wife are working

- (a) The spouse employed in a state Govt/Railways or Corporation/Bodies financed partly/wholly by the Central/State Govt, local bodies and private organisations, which provide medical facilities, may choose either the facilities under the Central Govt Health Scheme or those provided by the organization concerned.

- (b) Where husband and wife both are govt. servants, one of them can choose to avail the facilities for the spouse and members of family according to his/her status. The wife can also choose to avail the concession separately for herself and her dependents.
- (c) In both the cases, option/joint declaration to be furnished and kept by the respective Deptts. The declaration can be changed as and when circumstances change e.g., promotion, transfer, resignation etc.
- (d) If spouse is working in an organisation which provides medical facility, the Govt servant residing in CGHS area may opt out of CGHS. This option is available twice in entire service. However, if opted out of CGHS and the spouse dies/ resigns/ dismissed/ removed, he still has the option to avail CGHS facility.
- (e) If both husband and wife contribute to CGHS, eligible parents of both may avail benefits

Female officials can include their parents or parents- in- law: - Female Govt servants can choose to include either her parents or her parents in law. The option can be changed once during the service

3. Subscription. A compulsory monthly contribution is levied on all entitled classes as under :-

Monthly contribution for availing CGHS facility

S No.	Levels of pay in pay matrix	Contribution (Rs. Per month)
	Level 1 to 5	250
	Level 6	450
	Level 7 to 11	650
	Level 12 & above	1000

(As per Ministry of Health & Family Welfare's OM No. S-11011/11/2016-CGHS/EHS dated 9.01.2017)

Contribution is effected through salary bills. It is recoverable during the period of duty, suspension and leave (other than EOL) not exceeding four months. Beyond four months, it is optional. When both husband and wife are working, either of the two with higher pay has to subscribe for CGHS and avail CGHS facility. Where husband and wife both are govt. servant and want to include their respective parents who are otherwise eligible, name of parents of each can be included provided both are contributing to the CGHS and the parents fulfil the income criteria. Female family pensioners can avail medical facilities only for the dependents of the deceased CGHS beneficiary.

Pensioners/Family Pensioners- The rate of contribution for pensioners will be with reference to the Grade Pay they were drawing on the post from which they retired. They have to deposit contribution for one year in advance for the period ending December of the year, with concerned PAO. Life-time CGHS card will be issued to a pensioner who pays in lump sum amount equal to 10 years' (120 months) contribution in advance. Pensioners while on re-employment shall pay normal contribution like other serving employees. Entitlement of pensioners/ family pensioners, who have already deposited their contribution for life time CGHS facility, will not be changed. pensioners'/ family pensioners, who are entitled to CGHS facility, but not so far got CGHS card made, the contribution will be with reference to level of pay (would have) drawn in the post held at the time of retirement had the pensioner/family pensioner continued to be in the service.

(As per Ministry of Health & Family Welfare's OM No. S-11011/11/2016-CGHS-P dated 8.01.2017)

4. CGHS Plastic Card.

The card –The Government has introduced a system of individual CGHS Plastic Cards to all CGHS beneficiaries in place of Family Cards. Data of the beneficiary is available on the Data base of servers located at NIC Headquarters. The individual Plastic Cards are only Identity cards bearing a unique number for each beneficiary. This is an identity card for assessing the Data from computer Data Base. The beneficiaries/Empanelled Hospitals / Diagnostic Centres can verify Data at **cghs.nic.in/ welcome.jsp**. At the time of submission of medical claim, the Ben ID number of the serving employee or pensioner shall be entered on Modified Medical 2004 Form as he/she shall be the claimant. Copy of the Plastic card of the patient shall be enclosed along with the medical re-imbursement claim

CGHS Plastic cards have the following colour at the top:

- | | |
|---|--------|
| i. Serving Government employees | Blue |
| ii. Pensioners, ex-MPs, Freedom Fighters, etc., | Green |
| iii. Member of Parliament | Red |
| iv. Beneficiaries of Autonomous Bodies / Journalist | Yellow |

Change of Residential Address/Dispensary

In case of change in residential address and shifting from one dispensary to another, CMO I/C of Dispensary shall make modifications in Data base and transfer the card to new dispensary. CMO I/C of new dispensary shall accept transfer of card and Data shall be transferred to the new dispensary It is compulsory to bring original Plastic Card every time for availing CGHS benefits.

G.I., M.H., O.M. No. F. No. 11-1/2004-C&P/Pt-XII dated 15-5-2009

TRANSFER

In case the Central Govt. Employees is transferred to uncovered city leaving behind his family, the Government Employee is not entitled for the medical benefits either for himself or for his family under the Scheme but will be governed under CS(MA) Rule. In the event of the posting of the Central Govt. Employee to North Eastern Region Andaman and Nicobar Is-lands & Lakshadweep and his family members continue to stay in an area covered by the Scheme temporary family permit for availing CGHS benefits will be issued to the family members by depositing advance usual contribution. But in such cases the Central Govt. Employee himself will be governed under CS(MA) Rule.

TEMPORARY VISIT IN COVERED CITY

Central Govt. employees and dependent family members who are beneficiaries of the CGHS and who may be visiting other cities where the scheme is operating and stay in the areas covered by the Scheme are entitled for free medical attendance / treatment under the said scheme. (Necessary authority/ temporary cards for medical treatment in any of those cities, should be issued by the respective departments in case of serving employees.) Medical facilities should be restricted to period not exceeding six months after which fresh authorities may be issued, if necessary. Similar facilities are also available to pensioners and the dependent family members if holding. CGHS Cards and permission shall be granted by CGHS of the city visiting.

PRODUCTION OF CGHS CARD

The production of CGHS Card is obligatory at every visit to enable correct identification of the patient and to prevent misuse of card. The misuse of card is a cognizable offence. However, in view of humanitarian service, essential and immediate treatment should not be denied to the patient but the beneficiary should be advised to bring the CGHS Card at the time of subsequent Visits and if considered necessary, a note may be made in OPD ticket of the patient.

SURRENDER OF CGHS CARD

The CGHS Identity Card held by the beneficiary other than Pensioner, General Public, Ex-MPs etc. must be surrendered to the issuing authority in the following events:-

- (a) Retirement /Resignation
- (b) Death of Government Servant.

Pensioners, EX-M. Ps., Member of General Public etc. are also required to surrender their Identity Cards to the issuing authority on its expiry in case they no longer desire to avail CGHS facilities.

MISUSE OF CGHS CARD

If the Medical Officer detects a case of misuse of CGHS Token Card by unauthorized person, he will bring to the notice of Chief Medical Officer In-charge and / or the matter reported to the Zonal HQ/ etc. for further necessary action.

LOSS OF IDENTITY CARD

As a lost card is likely to be misused the card holder must inform immediately to the Police and inform the following with a copy of F.I.R. Application is to be submitted to Additional Director of the city (Additional Director, CGHS Headquarters in case of Delhi) along with two photographs and a IPO for Rs. 50/- for issue of duplicate card. Copy of FIR for the lost cards is also to be submitted with the application. Indian Postal Order payable to "P.A.O. CGHS Delhi" if in Delhi or "Additional Director of the CGHS City " in respect of other cities.

5. Procedure for Referral to Recognised hospitals. The beneficiaries will have the option of availing specialized treatment/diagnostic tests at CGHS recognised hospitals/Diagnostic centres his/her choice after the specialist of CGHS/Govt. Hospital/CMO-in-Charge of CGHS dispensary recommends the procedure/test. A certificate regarding non-availability of beds in Government hospital would not be required. The terms "Government hospital" would include any hospital of a State Government/Govt. Departments such as Railways, Atomic Energy Commission etc. as also hospitals of PSUs.

Simplification of procedure for treatment at private hospitals empanelled under CGHS/CS(MA) Rules 1944 (as per Ministry of H&FW's OM No. Z 15025/105/2017/DIR/CGHS/EHS dated 9.11.2017

CGHS beneficiaries are allowed to undergo treatment at private hospitals empanelled under CGHS of specific treatment procedures listed under CGHS rate list as advised by a Specialist in a CG/SG Specialist Hospital or a CGHS Medical Officer without any requirement of any other referral (permission) letter.

Private empanelled hospitals shall perform the treatment on cashless basis in respect of pensioners, ex-MPs, Freedom Fighters, Regular employees (both CGHS and CS(MA) beneficiaries) Ministry of Health & Family Welfare & other categories of CGHS beneficiaries, who are presently eligible for credit facility and shall enclose the prescription issued by Government Specialist or a CGHS Medical Officer, in original (or a self-attested photocopy) alongwith the hospital bill submitted to the competent authorities.

Serving Government employees shall enclose the prescription issued by a Government Specialist or a CGHS Medical Officer in original (or a self-attested photocopy), while submitting the medical claim for reimbursement.

CGHS MO/Govt Specialist shall not refer the beneficiaries to any particular empanelled hospital by name but, shall specify the treatment procedure and mentioned 'referred to any CGHS empanelled centre'.

The above orders are applicable only in respect of treatment procedures for which CGHS rates are available.

IVF treatment is approved under CGHS. The details may be seen as per Office Memorandum Z.15025/5/2011/CGHS III/CGHS(P) dated 22.11.2011

6. Medical Advance.

Same as given the case in CS(Medical Attendance) Rules 1944

7. Reimbursement of Medical Claims. The CGHS beneficiaries and their families are supplied medicines prescribed by CGHS Dispensaries. For beneficiaries taking treatment at hospitals (Govt/Private Recognised) as outdoor patient, medicines prescribed by doctor are supplied by their respective dispensaries. However, the expenditure incurred during hospitalisation as indoor patient and diagnostic tests are reimbursable.

8. In terms of **Ministry of H&FW OM No. S/12020/4/97- CGHS(P) dt. 27-12-2006**, Heads of Departments may decide the cases of reimbursement of medical claims in respect of treatment taken at a private hospital subject to item-wise ceiling as per rates prescribed for CGHS beneficiaries without financial limit on the total amount to be reimbursed. This is subject to the condition the cases involving payment exceeding Rs. Two lakhs will be settled in consultation with the **Internal Finance Division**. Only in those cases where the settled scheme/rules are required to be relaxed, should the case be referred to the Ministry of Health & Family Welfare.

9. The concerned Govt. servant is to submit the claim within **Six months** from the date of discharge on the prescribed format to the Administrative authorities. In case advance was taken, claims should be submitted in **one month**. In case of Pensioners, the claims are to be cleared within 45 days. However, Head of Department may condone delay in submission of claims within prescribed time limit in terms **Ministry of Health & Family Welfare OM No.S/4025/22/78-MS dt 13 Aug 1983**. The medical claims should be submitted with the following documents: -

- ☐ Xerox copy of **CGHS Card**.
- ☐ **Prescription** by Doctor with line of treatment.
- ☐ **Form Med-2004**.
- ☐ **Discharge Summary**.
- ☐ **Cash vouchers**
- ☐ **Emergency Certificate** (in case of 'Emergency Treatment').

10. Reimbursement will be limited to the **package rates** defined as lump sum cost of indoor treatment or diagnostic procedure for which a patient has been referred by competent authority or CGHS to hospital or diagnostic centre. This includes all charges pertaining to a particular treatment/ procedure including admission charges, accommodation charges, ICU/CCU charges, monitoring charges, operation charges, anaesthesia charges, O.T. charges, procedural charges/ Surgeon fee, cost of disposables, surgical charges, diet and cost of medicines used during hospitalisation, related routine investigations & physiotherapy charges. The package rate does not include, telephone charges, T.V. charges and cost of cosmetics toiletry, tonics and medicines advertised in mass media. The **package rates fixed** by CGHS are for **semi-private ward**. For private ward these will be increased of **15%** and for general ward these will be decreased of **10%**.

11. In the case of pensioners, the recognised hospitals/ diagnostic centres, on production of permission letter, shall provide credit facility. The hospital shall submit claim directly to Addl. Dir, CGHS.

12. Reimbursement is generally allowed at approved rates for the treatment/tests. However, reimbursement in full, in excess may be allowed by the Secretary, Ministry of Health & Family Welfare on recommendation of the Technical Standing Committee, if treatment is taken in a private none-panelled hospital under emergency.

13. CASHLESS TREATMENT

Private empanelled hospitals (also called Health Care Organizations or HCOs) shall provide credit facility to the following categories of CGHS beneficiaries (including their dependant family members):

- i. Members of Parliament;
- ii. Pensioners of Central Government drawing pension from central estimates;
- iii. Former Vice-presidents, Former Governors and former Prime Ministers; Ex-Members of Parliament;
- iv. Freedom Fighters;
- v. Serving CGHS employees;
- vi. Serving employees of Ministry of Health & Family Welfare (including attached / subordinate offices under the Ministry of Health & Family Welfare)

14. The entitlement for indoor treatment: -

Basic pay in 7th CPC	Pvt Recognised Hospital	AIIMS
Upto Rs. 47600	General Ward	General Ward
Rs. 47601 to 63100	Semi Private Ward	
Rs. 63101 to 80900	Private Ward	Private Ward
Rs. 80901 and above		Deluxe Ward

(As per Ministry of Health & Family Welfare's OM No. S-11011/11/2016-CGHS/EHS dated 9.01.2017)

The maximum Room charges

Type	Rate
General	Rs. 1000 per day
Semi Private	Rs. 2000 per day
Private	Rs. 3000 per day

(As per Ministry of Health & Family Welfare's OM No. 2-1/2012/CGHS/VC/CGHS(P) dt. 1st August 2013)

CHAPTER - 9

MEDICAL ATTENDANCE RULES 1944

Applicability: These Rules apply to –

- (i) All central Govt servants
- (ii) Re-employed Govt pensioners
- (iii) Civilians paid from Defence estimates
- (iv) A probationer
- (v) Police personnel
- (vi) All state Govt servants on deputation to Central Govt
- (vii) Defence Accounts Department employees

2. The concession granted under these rules to Govt servants are applicable to their family members as well subject to their dependency.

These rules do not apply to –

- (i) Railway personnel
- (ii) Defence services personnel
- (iii) Retired Govt officials
- (iv) Govt servants governed by CGHS
- (v) Officers of All India Services
- (vi) Central Govt servants who are on leave or on deputation abroad

Family. Besides the Govt servant, members of his family are also entitled to the facilities. The word “family” means: -

- ▶ Husband/Wife including more than one wife and also judicially separated wife.
- ▶ Parents/Adoptive parents (not both), not step parents (only mother), in case of adoptive father, only the first wife.
- ▶ Female employee has a choice to include either her parents or parents-in-law. Option once exercised can be changed only once during service.

► Children including legally adopted, stepchildren and children taken as wards subject to the following;

Son – Till he starts earning, becomes 25 years of age or gets Married, whichever is earliest.

Daughter – Till she starts earning or gets married, irrespective of age.

Disabled Son or Brother – No age limit.(Disability not less than 40% mental or physical)

- Widowed divorced and separated daughters – irrespective of age limit, Till they get re-Married or start earning, whichever is earlier. Sisters including widowed/ Divorced/ Separated sisters- Till they get married or start earning, whichever is earlier.
- Minor brothers & dependent brothers
- Parents residing with either the Government servant or the rest of the family members in a station other than the employee's headquarters are eligible for reimbursement.

Dependency :- Members of the family (other than spouse) whose income does not exceed Rs. 9000/- plus the amount of Dearness Relief admissible on the date of consideration of the claim, are treated as dependents.

When both husband and wife are working

- (a) The spouse employed in a state Govt/Railways or Corporation/Bodies financed partly/wholly by the Central/State Govt, local bodies and private organisations, which provide medical facilities, may choose either the facilities under the Central Govt Rules or those provided by the organisation concerned.
- (b) Where husband and wife both are govt. servants, one of them can choose to avail the facilities for the spouse and members of family according to his/her status. The wife can also choose to avail the concession separately for her and her dependents.
- (c) In both the cases, option/joint declaration to be furnished and kept by the respective Deptts. The declaration can be changed as and when circumstances change e.g., promotion, transfer, resignation etc.

Female officials can include their parents or parents- in- law: - Female Govt. servants can choose to include either her parents or her parents in law. The option can be changed once during the service

Authorised Medical Attendant :-

Medical officers under the employment of the Central Government, State Governments and Union Territories, as also Medical Officer not in Govt. employee, i.e. private registered medical practitioners may be appointed as Authorised Medical Attendants. If no such officer is appointed the following are AMAs :-

- ▶ *For Gr. 'A' officers and other drawing pay not less than Rs. 8000 p.m. - Principal Medical Officer of the District.
- ▶ *For officers drawing pay less than Rs. 8000 but above Rs. 4000 p.m. – Assistant Surgeon Grade-I in the station
- ▶ For the rest Assistant Surgeon Grade-II. (* in pre-2006 scales)

Private Medical Practitioners are appointed as AMAs where adequate number of Govt Doctors in various systems are not available or when their services are not available within a radius of **5 kms.** or because of the remoteness of the area.

The AMA of a Govt servant is determined with reference to the place at which he falls ill, irrespective of whether it is the permanent/temporary residence or a place of casual stay. In places where AMAs have been appointed, they should be consulted. If no AMA has been appointed in the sub-urban area, treatment may be had from AMA employed in a Govt hospital in the adjoining city but not from private medical practitioner appointed as AMA outside the area.

Referral to Specialist/other Medical Officer.

If the condition of the patient so requires, the AMA can

- (i) Refer the patient to the nearest specialist or other medical officer; or
- (ii) Summon the specialist/Medical Officer to attend on his patient who is too ill to travel

The specialist should be from a Govt or recognised hospital not a private one. AMA can refer the case to any of the State govt/Central govt and CGHS recognised hospital.

Medical Attendance

Medical attendance by AMA can be had in his **consulting room or in Government hospital or at the residence of the patient.** Attendance is limited to **4** consultations during a period of **10 days.** Even if no medicines are prescribed during a repeat consultation, it is taken as a consultation for applying the limit of **4** consultations. Cost of medicines prescribed during this period will be reimbursed. Consultation fees at the prescribed rates for the first consultation and subsequent consultations will be admissible. In the case of private medical practitioners appointed as AMAs reimbursement will be as per the schedule of rates approved by the state Government/UT administrations. There should be a reasonable gap between the closing of the first spell of illness from one

disease and recurrence of the same disease. If the second spell is entirely for a fresh disease it will be allowed as a fresh treatment.

Treatment

Medical treatment from AMA is limited to administration of injection only. A maximum of **10** injections are allowed in a period of **10 days**, and in exceptional cases up to **15** injections during a period of **10-15 days**. Cases involving more than **4** consultations or **15** injections (depending on patient's ailment) are considered as 'prolonged treatment' and should be referred to OPD of the hospital. Cost of injections prescribed and the fees charged by the AMA for administering injections are reimbursable at the rates approved by the State Governments/UT Administrations concerned.

If at the time of consultation, the Medical Officer consulted also administers injections, he will be entitled to charge fees both for the consultation and for the injection at the prescribed rates. However, if at a later stage the Medical Officer administers injections prescribed at the previous consultation, fees should be charged for injections only.

The claim for reimbursement should be received within 6 months. However, subject to certain conditions, the Departments/ Ministries may condone the delay beyond 6 months. Delegation of Powers to HoD for settling permission cases and for approval: -

- i) HoD may grant permission for indoor treatment in a private hospital on the prescription of concerned AMA.
- ii) HoD may decide cases of reimbursement of treatment obtained in emergency at private hospital/ nursing home/ clinic, subject to item-wise ceiling as per rated prescribed, up to the limit of Rs. 2 lakhs.
- iii) Reimbursement exceeding Rs. 2 lakhs to be settled in consultation with IFD. Only cases for relaxation may be referred to the Ministry.

Consultation/Visiting/Injection fees

(i) Where the schedule of rates approved :-

(a) Medical Officers under the employ of the Government appointed as AMAs

As per the schedule of rates approved by the State Governments/UT Administrations in force from time to time in the concerned States/UTs.

(b) Private medical practitioners appointed as AMAs

As per the schedule of rates approved by the concerned State Governments/UT Administrations in respect of Assistant Surgeon. Grade I/II or equivalent.

(ii) Where the rates are not prescribed: Fees for consultation/injection for private medical practitioners where no fees for their Medical Officers appointed as AMAs have been prescribed:

		MEDICAL POST GRADUATES/ SPECIALIST	MEDICAL LICENTIATES AND MEDICAL GRADUATES(MBBS)
CONSULTATION FEES	FIRST CONSULTATION	RS. 100	RS. 70
	SUBSEQUENT CONSULTATION	RS. 60	RS. 40
VISITING FEES	DAY	RS. 100	RS. 80
	NIGHT	RS. 120	RS. 100
INJECTION FEES	INTRA-MUSCULAR SUBCUTANEOUS	RS. 20	RS. 20
	INTRAVENOUS	RS. 40	RS. 40

Note :- Rates revised vide OM No.14025/10/2010-MS dated 17.03.2011

Diagnostic Tests: All Pathological, Bacteriological, Radiological or other tests prescribed by the AMA can be had only at the Government/recognised hospitals/laboratories.

TREATMENT IN THE HOSPITAL

Government Hospitals:

Besides Central/State Govt hospitals, all hospitals recognised by the State Govt for medical attendance/treatment of their employees and families are included in the term Govt Hospitals.

Recognised Hospitals

Cantonment Hospitals, Railway Hospitals, Maternity and Child Welfare Centres recognised by State Govts, Police Hospitals and Dispensaries, Hospitals maintained by local bodies/PSUs/Projects and Port Trust Hospitals and CGHS recognised hospitals have been recognised for the purpose of treatment of Central Govt employees.

OPD Treatment

Either AMA can send the patient to OPD of the nearby Govt /recognised hospital if prolonged treatment is required, or the patient can directly receive treatment without consulting AMA. Medical Officer in charge of OPD will be AMA for all categories. Medicines prescribed can be purchased from outside, cost is reimbursable. The requirement of Essentiality certificate to be signed by MO and countersigning of cash vouchers has been done away with vide Min of H & FW O.M. dated 20.02.2009.

In-patient Treatment

Either AMA can send the patient for treatment at nearby Govt/recognized hospital as in-patient or the patient can go directly without consulting the AMA. For infectious diseases, treatment should be in a Govt Infectious Diseases Hospital. In no case AMA can send the patient to Private nursing home/clinic. Permission of HOD required if wants to go to recognised hospital without being referred to by the AMA (O.M. No. 14025/7/2000-MS dated 28.03.2000)

Package Rates

Treatment at a Govt hospital is free of cost. Charges by recognised hospitals for treatment/tests are made as per the package rates. "Package Rate" shall mean and include lump sum cost of inpatient treatment /day care / diagnostic procedure for which a CGHS beneficiary has been permitted by the competent authority or for treatment under emergency from the time of admission to the time of discharge including (but not limited to) – (i) Registration charges, (ii) Admission charges, (iii) Accommodation charges including patients diet, (iv) Operation charges, (v) Injection charges, (vi) Dressing charges, (vii) Doctor /consultant visit charges, (viii) ICU / ICCU charges, (ix) Monitoring charges, (x) Transfusion charges, (xi) Anaesthesia charges, (xii) Operation theatre charges, (xiii) Procedural charges / surgeon's fee, (xiv) Cost of surgical disposables and all sundries used during hospitalization, (xv) Cost of medicines, (xvi) Related routine and essential investigations, (xvii) Physiotherapy charges etc. (xviii) Nursing care and charges for its services.

Package rate does not include telephone charges, toiletries, sanitary napkins, talcum powder & mouth fresheners. Cost of these, if offered on the request of patient will be realized from the individual patient and are not to be included in package charges. The recognised hospitals/diagnostic centres will not charge more than the package rate from the beneficiary.

Package rates envisage upto a maximum duration of indoor treatment as follows:

12 days for Specialised (Super Specialties) treatment;

7 days for other Major Surgeries;

3 days for Laparoscopic surgeries / normal deliveries; and

1 day for day care / Minor (OPD) surgeries.

The maximum Room charges

Type	Rate
General	Rs. 1000 per day
Semi Private	Rs. 2000 per day
Private	Rs. 3000 per day

(As per Ministry of Health & Family Welfare's OM No. 2-1/2012/CGHS/VC/CGHS(P) dt. 1st August 2013)

The entitlement for indoor treatment :-

	Pvt Recognised Hospital	AIIMS
Upto Rs. 47600	General Ward	General Ward
Rs. 47601 to 63100	Semi Private Ward	
Rs. 63101 to 80900	Private Ward	Private Ward
Rs. 80901 and above		Deluxe Ward

(As per Ministry of Health & Family Welfare's OM No. S-11011/11/2016-CGHS/EHS dated 9.01.2017)

Special Nursing:

If during in-patient treatment special nursing or Ayah / Attendant is considered necessary and certified by the Medical Officer in charge, the charges incurred shall be reimbursable at the following rates:

Special Nurse	-	Rs. 150/- per shift of 12 hours
Ayah / Attendant	-	Rs. 75/- per shift of 12 hours

as per **O.M. No. S. 14025/8/2010-MS dated 18.01.2010**

Physiotherapeutic/Occupational therapeutic treatment: -

Expenses reimbursable for treatment at Government/recognized hospitals, if obtained to recoup certain physical weakness/defect due to some diseases, but not for the purpose of improving figure etc.

Treatment outside District/State : -

Where facilities for a particular treatment are not available, treatment outside the district is allowed. Treatment outside State is allowed if recommended by the AMA.

Treatment at Residence: -

Permissible if AMA is of the opinion that hospital treatment cannot be provided due to absence or remoteness of suitable hospital or due to the severity of the illness. Reimbursement is limited to the cost of such treatment at the hospital.

ADVANCE

An advance may be paid for in-patient treatment in a recognized hospital. All central Govt employees are entitled for medical advance irrespective of pay limit Head of Office can grant for--

- (i) In-patient treatment in hospital
- (ii) outpatient for TB/Cancer
- (iii) For purchase, repair, replacement or adjustment of artificial appliances

AMOUNT :

(i)	Indoor treatment/out patient treatment for diseases like, TV, cancer etc	Rs 10000
(ii)	For major illness like bypass surgery, kidney transplant etc	90% of the package deal or estimated cost whichever is less
(iii)	Treatment of TB where duration is more than 3 month	Rs 36000 or estimated cost or 80% of the estimated cost whichever is less

PAYMENT OF ADVANCE AND ADJUSTMENT

Advance will be paid directly to the hospital concerned on receipt of the estimate from the treating Physician. Once the treatment is over, final claim must be submitted by the employee within a month of discharge from the hospital. If the entire amount of advance has not been utilized the head of office will obtain refund from hospital. The advance may be paid in one or more instalments for the same illness. There is no limit on the number of advances payable to an official.

In the case of serious illness or accidents where the Govt servant is not able to apply himself, the advance may be sanctioned on an application in writing made on his behalf by his family members.

TREATMENT TAKEN IN EMERGENCY

In emergent cases involving accidents, serious nature of diseases, etc., the person/persons on the spot may use their discretion for taking the patient for treatment in a private hospital/clinic/nursing home, **in case no Govt hospital is available nearer than the private hospital** and subsequently claim for reimbursement may be submitted.

Heads of Departments may decide the cases of reimbursement of medical claims in respect of treatment taken in emergency at a private hospital subject to item-wise ceiling as per rates prescribed for CGHS beneficiaries without financial limit on the total amount to be reimbursed. If the amount is above two lakhs, approval of Internal Finance is required

In cases of emergency the recognised private hospital shall not refuse admission or demand advance from the beneficiary and should provide credit facility to the patient.

CLAIM FOR REIMBURSEMENT

The expenditure incurred on medicines, injections and the fees paid to the AMA, the expenditure incurred by beneficiaries for taking treatment at hospitals (Govt/Private Recognised) as outdoor patient, the expenditure incurred during hospitalisation as indoor patient and diagnostic tests are reimbursable. The concerned Govt. servant is to submit the claim within **six months** from the date of discharge on the prescribed format to the Administrative authorities. In case advance was taken, claims should be submitted within **one month**. However, Head of Department may condone delay in submission of claims not within prescribed time. The medical claims should be submitted with the following documents: -

- Prescriptions by AMA/Specialist/Treating Physician.
- Med-2004 Form. Duly filled and signed by beneficiary
- Discharge Summary (in case of indoor treatment).
- Cash vouchers
- Emergency Certificate (in case of 'Emergency Treatment').

Reimbursement will be limited to the package rates defined as lump sum cost of indoor treatment or diagnostic procedure for which a patient has been referred to hospital or diagnostic centre. **The package rates fixed are for semi-private ward.** For private ward there will be an increase of **15%** and for general ward there will be a decrease of **10%**. There are certain procedures for which there are no prescribed package rates under CGHS. The admissible amount in such cases is calculated item wise, room rent, procedures and investigation etc. **OM No. 110011/23/2009/CGHS D.II/Hospital Cell (Part I) dated 16.11.2010.**

FIXED MEDICAL ALLOWANCE

Fixed Medical Allowance is granted to the Central Government pensioners/family pensioners residing in areas not covered under Central Government Health Scheme administered by the Ministry of Health & Family Welfare and corresponding health schemes administered by other Ministries/Departments for their retired employees for meeting expenditure on their day-to-day medical expenses that do not require hospitalization. Payable at the rate of ₹500 pm till June 2017, it has since been revised to Rs. 1000 per month.

(Ministry of Finance Resolution No. 11-1/2016-IC dated 6th July 2017)

OTHER MEDICAL FACILITIES

The other facilities available to the beneficiaries are as under –

Dental Treatment: - Dental treatment allowed at Govt hospitals and recognized hospitals. Surgical operations needed for removal of odontomes and impacted wisdom-tooth, treatment of gum boils, extraction, scaling and gum treatment including pyorrhoea and gingivitis, filling of teeth, Root canal treatment and cost of denture are reimbursable (cost of single jaw-Rs1000 and both Rs. 2000).

Testing of Eyesight: - Admissible for Govt servant only, not for family, once in three years. Only fees paid is reimbursable and not the cost of spectacles.

Confinement: - Includes pre-natal and post-natal treatment.

Intra-Ocular Lens Implantation: Reimbursement admissible in full if treatment taken at a Govt hospital. Reimbursement limited to Rs. 6500 if undertaken at private recognized hospital.

Cost of spectacles for correction of distant/near vision reimbursable upto Rs.200 in the case of conventional operation for cataract.

Treatment for certain diseases: -- Reimbursement allowed for the following –

- I. Venereal diseases and Delirium Tremens.
- II. Correction of squint.
- III. Diseases causing general debility and secondary anaemia.
- IV. Medical Termination of Pregnancy at Govt hospital/recognized hospital
- V. Blood and blood transfusion charges
- VI. Sterilization operation even if it is for adopting small family norms.
- VII. Anti-rabies treatment.
- VIII. Avitaminosis and Hypovitaminosis

Reimbursement allowed for:

- I. Cost of Heart Pace Maker.
- II. Cost of replacement of diseased Heart Valves.
- III. Cost of artificial appliances.
- IV. Expenses on purchase/repair/replacement of hearing aids. Cost ceiling as fixed-

Rs. 10000 for one sided hearing aid

Rs. 20000 for bilateral hearing aid

Rs 60000 for digital hearing aid
- V. Surgical/treatment charges and T.A. of the donor of kidney to a Govt Servant and family member.

Treatment outside India: - In exceptional cases, reimbursement allowed for treatment outside India, for certain ailments for which facilities are not available in India, when authorised by the DGHS or other specified authorities.

TRAVELLING ALLOWANCE FOR MEDICAL ATTENDANCE/TREATMENT

Employees and members of their families are entitled for T.A. for their journey to obtain appropriate treatment if it is certified by AMA/Specialist/Medical Officer that the journey was unavoidably necessary.

Journey by Rail/Road/Sea/Air: -

T.A for the journey admissible for obtaining treatment. Fare for the entitled class or the class actually travelled, whichever is lower, admissible.

Refund of air fare paid in individual cases will be considered on merits if Governments is satisfied that air travel was absolutely essential and that travel by any other means would have definitely endangered the life of the patient/ involved a risk of serious aggravation of his condition. Patients from Imphal and other similarly placed stations and Tripura referred for treatment to Kolkata and back are eligible for air travel facility.

Conveyance charges: -

For journeys within the city/Municipal area, etc., but exceeding 8 Kms. each way, actual conveyance charges will be limited to road mileage for Govt servants and actual charges limited to 50% of road mileage for family members reimbursable.

Ambulance charges: -

Admissible if certified by AMA/Specialist/Medical Officer the journey by other conveyance would endanger the life of the patient or aggravate the condition. Ambulance should belong to Govt/local fund/social service organisation and to be used within the city.

Attendant/ Escorts: TA as for family member for journeys both ways, if it is certified that it is unsafe for the patient to travel unattended and that an attendant/ escorts is necessary to accompany him to place of treatment.

T.A. for kidney donor: --

If the donor is a private person, T.A. admissible at the rates applicable to the Govt servant and if the donor is a Govt servant it is admissible at the rates applicable to the donor Govt servant

GUIDELINES FOR DDOs /CONTROLLING OFFICERS

The controlling officers and DDOs should keep the following points in view while processing the claim for reimbursement :-

Scrutiny of the claims :-

Applications/Essentiality certificates, Cash bills, etc. to be scrutinised to ensure that conditions/limits etc. prescribed are fulfilled in each case. Cost of medicines prescribed but not consumed within the period of treatment to be disallowed.

Medicines :--

Cost of preparations which are not medicines but are primarily foods, tonics, toilet preparations or disinfectants not reimbursable. List of inadmissible medicines to be referred to.

Time limit :--

Claims to be preferred by the Govt servants within three months from the date of completion of treatment as per Essentiality certificate and one month in case advance was taken. Ministries/Depts are empowered to condone delay in individual cases.

Rejection of claims :-

Controlling officers are empowered to reject claims if they are not satisfied with genuineness of the same after giving an opportunity to the claimant of being heard in the matter.

Maintenance of control register:--

Control register in the form prescribed to be maintained and reviewed. Careful scrutiny of claims to be made thoroughly.

Benefit of doubt :--

Controlling officers have discretionary powers to give benefit of doubt in cases of minor discrepancies in the bona fide claims.

MEDICAL CLAIMS – SOME USEFUL TIPS

- (1) Your pay and place of illness will determine who your AMA is.
- (1) Consult your AMA first and proceed according to his advice.

- (2) Ensure that you purchase only the reimbursable medicines from the approved pharmacy in case of treatment under Ayurveda, Siddha and Unani systems. List of medicines-admissible and inadmissible is issued by Govt. from time to time.
- (3) Support your claims with all the prescribed certificates.
- (4) Ensure that you get cash vouchers correctly and properly
- (6) Ensure that the AMA's designation, qualification and Registration No. are correctly given.
- (7) If you go to a hospital for treatment as in-patient either for yourself or a family member, inform the Medical Officer-in-charge of your pay so that he may allot accommodation according to your status.
- (8) Once you are admitted as in-patient, follow the rules and procedure of the hospital. Rules vary from hospital to hospital.
- (9) Before, leaving the hospital after treatment, get the hospital bills, receipts, vouchers as the case may be, for claiming refund.
- (10) You need not consult your AMA for getting in-patient treatment for yourself or family members from a hospital where you are normally entitled to the treatment. Female members may, however, be admitted in any recognised women's hospital.
- (11) Ensure that the claim is preferred within 6 months of completion of treatment if no advance was taken and within one month if advance was taken.

CHAPTER – 10

GENERAL PROVIDENT FUND

General Provident Fund Rules (1960)

1. Short Title and Commencement: (Rule 1)

- i. These Rules may be called the General Provident Fund (Central Services) Rules 1960.
- ii. They shall be deemed to have come into force on 1st April, 1960.

2. Definitions: (Rule 2)

- i. “Emoluments” means basic pay, dearness pays, leave salary and any remuneration of the nature of pay received in foreign service.
- ii. “Family” means - the subscriber’s spouse, parents, children, minor brothers, unmarried sisters, deceased son’s widow and children and where no parents of the subscriber are alive, a paternal grandparent; but the female subscriber by notice in writing to the Accounts Officer can exclude her husband from the definition of family.
- iii. “Years” means financial year.

1. Conditions of eligibility: (Rule 4)

- i. All Temporary Government Servants after completing one-year service.
- ii. All re-employed pensioners (other than those eligible for C.P.F.)
- iii. All permanent Government Servants.

Note:

1. Temporary Government Servants may subscribe to GPF any *time* before he completion of one-year service.
2. Apprentices and Probationers shall be treated as temporary Government Servants.

4. Nominations: (Rule 5)

- i) Submission of the nomination form by subscriber
- ii) A subscriber shall, at the time of joining the fund, submit to the Accounts Officer, through the Head of Office, a nomination conferring on one or more persons the right to receive the amount, that may stand to his credit in the fund, in the event of his death.
- iii) Must be in favour of family if he has family
- iv) If a subscriber who has family at the time of making the nomination shall make such nomination only in favour of a member or members of his family.
- v) Share should be specific:
- vi) If a subscriber nominates more than one person, he shall specify the amount or share payable to each of the nominees in such a manner as to cover the whole of the amount.
- vii) Nomination in prescribed form
- viii) Every nomination shall be made in the form set forth in First Schedule.
- ix) Nomination can be changed at any time.
- x) A subscriber may at any time cancel a nomination by sending a notice in writing. The subscriber shall, along with such notice or separately, send a fresh nomination.
- xi) Nomination cancellation of nomination take effect from the date it is received by Accounts Officer.
- xii) Every nomination made and cancellation given by subscriber shall take effect on the date on which it is received by the Accounts Officer. But nomination/cancellation of nomination of a subscriber held valid even if he dies before it reaches the Accounts Officer.
- xiii) Nomination can be changed after retirement.

- xiv) Nomination made while in service can be changed after retirement before the payment of the amount.
- xv) Nominee facing trial may be denied payment. Nominee facing trial for the murder of the government servant may be denied payment till the court's decision.
- xvi) Provident fund assets not to be paid to nominee when the matter is subjudice.

5. Subscriber's Account: (Rule 6)

An account shall be opened in the name of each subscriber in which shall be shown.

- i) His subscriptions.
- ii) Interest, as admissible under Rule 11, on subscriptions.
- iii) Advances and withdrawals from the fund.

Note: Provident Fund Account Number to be entered at the right hand top of page 1 of the Service Book.

6. Conditions & Rates of Subscriptions: (Rule 7 & 8)

1. A subscriber shall subscribe monthly to the fund except during the period when he is under suspension. (But on his reinstatement he has to pay in one lump-sum or in instalments the amount of arrears subscription payable for suspension period).
2. A subscriber may, at his option, not subscribe during E.O.L. or H.P.L.
3. A subscriber need not subscribe during dies non.
4. Subscription to be compulsorily discontinued during the last 3 months of service on superannuation.
5. The subscription shall be expressed in whole rupees.
6. Not less than 6% and not more than total emoluments: Subscription may be any sum, so expressed not less than 6% of his emoluments and not more than his total emoluments (Emoluments means basic pay drawn in pay matrix).
7. For the purpose of 6% of the emoluments of 31st March:

- In the case of subscriber who was in government service on the 31st March of the preceding year, the emoluments to which he was entitled on that date.
- In the case of subscriber who was not in government service on the 31st March of the preceding year, the emoluments to which he was entitled on the day he joins the fund.

8. No change of subscription due to retrospective change of pay: Rate of subscription once fixed not to be varied during the year on account of retrospective increase or decrease in rate of pay ordered subsequently.

Reduced once enhanced twice: The amount of subscription so fixed may be –

- i) Reduced once at any time during the course of the year.
- ii) Enhanced twice during the course of the year; or
- iii) Reduced and enhanced as aforesaid.

1. Short/Excess recovery: Short or excess recovery of subscription may be regularized by adjustment in subsequent months or by actual cash payment.

2. Subscription may become less than 6% due to rounding off.

7. Interest (Rule 11)

A. Interest, at the prescribed rates, shall be credited with effect from the last day in each year in the following manner: -

- i) On the amount to the credit of a subscriber on the last day of the preceding year, less any sums withdrawn during the current year- Interest for twelve months.
- ii) On the sums withdrawn during the current year – Interest from the beginning of the current year upto the last day of the month preceding the month of withdrawal.
- iii) On all the sums credited to the subscriber's account after the last day of the preceding year – interest from the date of deposit upto the end of the current year.
- iv) The total amount of interest shall be rounded to the nearest whole rupee (fifty paise counting as the next higher rupee).

B. If delay in the drawl of pay or leave salary: The interest on such delayed recoveries shall be payable from the month in which the pay or leave salary was due, irrespective of the month in which it was actually drawn.

C. Interest payable after the date of retirement, death etc. Interest to the end of the month preceding that in which the payment is made or upto the end of the sixth month after the month in which such amount, became payable whichever of these periods be less, shall be payable to the person to whom such amount is to be paid.

NOTE: Payment of interest on the fund balance beyond a period of 6 months may be authorized by -

- i) The head of accounts office up to a period one year; and
- ii) The immediate superior to the head of accounts officer up to any period after he has personally satisfied himself that the delay in payment was not part of subscriber or the nominee and in every such case the administrative delay involved shall be fully investigated and action, if any required, taken.

D. Excess drawn from the Fund: In case a subscriber is found to have drawn from the fund an amount in excess of the amount standing to his credit on the date of the drawl, the overdrawn amount shall be repaid with interest @2.5% over and above the normal rate of interest on the provident fund in one lumpsum, if possible, or otherwise in instalments.

8 Advances from G.P.F. (Rule 12)

Purposes:

- (i) Illness: Illness of self, family members or dependents.
- (ii) Education: Education of family members or dependent of the subscriber, Education will include primary, secondary and higher education, covering all streams and educational Institutions.
- (iii) Obligatory expenses: Obligatory expenses in connection with betrothals marriages, funerals or other ceremonies.
- (iv) Cost of legal proceedings: Instituted by or against the subscriber, any member of his family or any person actually dependent upon him (in addition to any advance admissible for the same purpose from any other Government source).

- (v) Cost of defence: When he engages a legal practitioner to defend himself in an inquiry in respect of any alleged official misconduct on his part - [Rule 12(1)]
- (vi) Consumer Durables: Purchase of consumer durables.
- (vii) For Pilgrimage and visiting places of eminence. This include any travel and tourism related activities.

9. Amount of Advance Permissible

1. Normal: 12 months' pay or three fourth of amount at credit, whichever is less, and recoverable in not more than 60 equal monthly instalments. - Rule 12(1) & 13(1).
2. Consolidation of advances: When an advance is granted before complete repayment of any earlier advance, the outstanding balance will be added to the new advance and instalments for recovery re-fixed with reference to the consolidated amount. – Rule 12(3).

10. Sanctioning Authority

1. Normal advances: Authority competent to sanction advance of pay on transfer. If the applicant himself is the authority, then the next higher administrative authority – Fifth Schedule. No documentary proof is required to be furnished by the subscriber. Simple declaration by the subscriber explaining the reasons for advance would be sufficient.
2. Special advances: As in Fifth Schedule to GPF(CS) Rules.

11. Recovery

1. Recovery should commence with issue of pay for the month following the one in which the advance was drawn, e.g. for advance drawn in April, recovery should commence from pay for May payable on 31st May. - Rule 12(2).
2. When balance of the previous advance is consolidated with the amount of new advance, the recovery of previous advance will continue till the recovery of the consolidated amount commences. - GID (10), Rule 12.

12. Withdrawals from G.P.F. (Rule 15)

Purposes

1. Education: This will include primary, secondary and higher education covering all streams and institutions.
2. Obligatory expenses: Obligatory expenses in connection with betrothal, funerals or other ceremonies of self or family member's and dependents.
3. Illness: Illness of self, family members or dependents, illness including the traveling expenses. Rule 15(1)(A).
4. Purchase of Consumer Durables: [Rule 15(1)(A)].
5. Housing: Building or acquiring a suitable house or ready-built flat for his residence.
6. Repayment of outstanding housing loan: Expressly taken for building or acquiring a house or ready-built flat.
7. Purchasing a house site: For building a house.
8. Constructing: A house on a site purchase under item 6 above.
9. Reconstructing: Or making additions/alternations to a house/flat already owned.
10. Renovating ancestral house: Renovating, additions or alternations or upkeep of an ancestral house at a place other than place of duty or to a house built with the Government loan at place other than place of duty. - Rule 15(1)(B).

If the ancestral house has not been transferred in the name of the government servant, he/she should produce proof that he/she is one of the inheritors/nominees to receive the share of the property. - GID(5), Rule 16.

11. Purchase of motor car/motor cycle/scooter, etc. – GID(1), Rule 15.
12. Extensive repairs/overhauling of his motor car – GID(2), Rule 15.
13. Making deposit to book a motor car/motor cycle/scooter/moped, etc. - GID(3), Rule

14. Within two year of retirement without assigning any reason.

Limits

1. In respect of items 1 to 4 –

(a) 12 months' pay or three fourth of balance, whichever is less. For illness, withdrawal may be allowed upto 90%.

2. In respect of items 5 to 10 –

a) Up to 90% of balance at credit.

b) For item 11 to 13 three fourth of balance or cost of vehicle, whichever is less.

c) For item 14, 90% of balance.

13. Eligibility

i) For items 1 to 4: After completion of 10 years of service. - Rule 15(1)(A).

ii) For items 5 to 10: Any time during the service - Rule 15(1)(B)

iii) For item 11 to 13: After completion of 10 years of service. - GIO(2), Rule 15.

iv) For item 14 – Within 24 months of retirement

Note: Only one withdrawal can be allowed for the same purpose. Marriage or education of different children or illness on different occasions or a further addition/alternation to a house/flat covered by a fresh plan- these are treated as for different purposes. – Note 5, Rule 15(1).

2. Betrothal and marriage are treated as separate purposes. –
GID (2), Rule 16(1).

3. Both advance and withdrawal should not be sanctioned for one and the same purpose. - Note 6, Rule 15(1).

Withdrawals from The GPF

Reason	Eligibility	Limit
Cost of Education	10 Years' Service	12 months' Pay or three fourth of balance whichever is less
Consumer Durables	-do-	-do-
Obligatory Expenses	-do-	-do-
Illness	-do-	Upto 90% of balance
Building/Acquiring House/Flat A	Any Time During Service	Upto 90% of Balance
Repayment of Housing Loan	-do-	-do-
Purchasing a House Site	-do-	-do-
Reconstruction of House	-do-	-do-
Construction of House	-do-	-do-
Without Any Reason	Within 24 Months of Superannuation	Upto 90%
Purchase of Conveyance	10 Yrs from joining	Three Fourth of Balance or Actual Charges, whichever is less
Extensive Repair/Overhauling of Motor Car	10 Yrs of Joining	
Booking of Conveyance	10 Yrs of Service	

14. Deposit Linked Insurance Scheme

1. When a GPF subscriber dies while in service after completing five year of service the eligible family members receiving the Fund balance will be paid an additional amount if the balance at credit had not fallen below the undermentioned limits at any time during the 3 years preceding the month of death:

GPF (VI Pay Commission scale)	
If the subscriber was drawing	Minimum monthly balance during the period
Grade Pay of Rs.4,800 p.m. or more	Rs. 25,000
Grade Pay of Rs.4,200 p.m. or more but less than Rs.4,800 p.m.	Rs. 15,000
Grade Pay of Rs.1,400 p.m. or more but less than Rs.4.200 p.m.	Rs. 10,000
Grade Pay less than Rs.1,400 p.m.	Rs. 06,000

Revised rates based on Seventh Pay Commission awaited.

Rule 33-B, GPF Rules

2. The additional amount will be equal to the average balance in the account during the period of 36 months preceding the month of death, subject to a maximum of Rs.60,000/- in the case of GPF subscribers. The maximum limit is to be applied after arriving at the average of 36 months and not at every stage.
3. The balance for March every year and for the last month of the three-year period will be inclusive of interest.
4. Payments will be made by Accounts Officer (Head of Office in the case of Group 'D') without formal sanction and in whole rupees, fraction being rounded to the nearest rupee.
5. In the case of persons appointed on tenure basis / re-employed pensioners, service rendered from the date of appointment / re-employment, as the case may be, only will count.
6. This scheme does not apply to persons appointed on contract basis.
7. Admissible on death after the working hours of the last working day but before 12 midnights as this will be treated as "death while in service".
8. In the case of missing employees, payment can be made to the nominee / legal heirs after expiry of a period of seven years following the month of disappearance of the subscriber on production of a proper proof of death or a Decree of the Court that the employee shall be presumed to be dead as laid down in Section 108 of the Indian Evidence Act – Rules 33-B (GPF), 35-B (CPF), GID(I) and Notes there under.

CHAPTER – 11

CENTRAL GOVERNMENT EMPLOYEES' GROUP INSURANCE SCHEME (CGEGIS)

I. GENERAL

1. **Date of effect:** Scheme was notified on 1st November, 1980 and effective from 1st January 1982.

2. **Objective:** To provide the following twin benefits at a low cost on wholly contributory and self-financing basis:

- a) An insurance cover to help their families in the event of death in service.
- b) A lump-sum payment to augment their resources on retirement.

3. Insurance and Savings Fund

The employees have to pay a regular monthly subscription under this Scheme. The Scheme has got two funds, namely, Insurance Fund and Savings Fund. The subscription to the scheme is apportioned between the Insurance Fund and the Savings Fund at the rate of 31.25% and 68.75% respectively up to 31-12-1987; with effect from 1-1-1988, the apportionment is at the rate of 30% to Insurance Fund and 70% to Savings Fund. Both these funds are held in the Public Account of the Central Government.

The balance in the Savings Fund with accumulated interest thereon will be paid back to the employees who retire, resign from service, etc. In the case of death, this will be paid to the families of the deceased Government servants in addition to the payment of insurance amount stated above.

Interest on the balance in the Savings Fund is compounded quarterly at the rates fixed from time to time. From 01.04.2020 to 31.03.2021 the interest rates 7.10 %.

4. **Application:** To all Central Government servants including those in the Railways, Posts & Telegraphs and Defence except members of Armed and Para Military Forces who have already separate schemes of their own.

5. **Membership:** The scheme is compulsory for all the employees who entered service after 1.11.80. Those who were already in service on or before 1.11.80 had an option to opt out of the scheme by 31.1.81 and those who did not exercise an option to opt out of scheme by that date were deemed to have members of scheme.

From 1.1.1982 one Unit was Rs.10. However, w.e.f. 1.1.1990 the Unit was enhanced to Rs.15. Those who were in service as on 31.1.1989 could opt for continuing in old rates of Rs.10/-. For all others i.e. (who submitted no option or those entering Service w.e.f. 1.2.1989, they are deemed to have opted for enhanced rates i.e. 1 unit = Rs.15 w.e.f. 1.1.1990.

Employees will be **enrolled as member of the scheme only from the 1st January every year**. However, from the actual date of entry into service till the end of that year, he/she will be entitled to an insurance cover.

Note: A member of CGEGIS 1980 cannot simultaneously be a member of any other Group Insurance Scheme.

II. SUBSCRIPTION:

1. Recovery of Subscription:

a) **At reduced rates:** If a Government Servant joins service after 1st January the subscription from the date of joining till 31st December of that year, will be recovered at the reduced rate.

b) **At full rates:** After the enrolment as member from 1st January the subscription at full rates will be recovered as under.

2. RECOVERY OF SUBSCRIPTION

The initial subscription for a month falls due on the date of joining of a person in Central Government service and thereafter, on the 1st every month. The subscription shall be recovered by deduction from the salary/wage of the employee for that month, e.g., subscription for the month of January will be recovered from the salary/wage for January payable on the last working day of that month or on the date of actual payment of salary/wage for that month.

3. Rates of monthly subscription and amount Insurance cover

Group to which the employee belongs	Monthly rate of subscription		Amount of Insurance cover
	Before enrolment As a member (at reduced rate)	After enrolment As a member (at the full rate)	
(A) Up to December, 1989 Group 'A'	Rs.	Rs.	Rs.
	24	80	80,000

Group 'B'	12	40	40,000
Group 'C'	6	20	20,000
Group 'D'	3	10	10,000
(B) From January, 1990			
Group 'A'	40	120	1,20,000
Group 'B'	20	60	60,000
Group 'C'	10	30	30,000
Group 'D'	5	15	10,000

4. **Recovery of Subscription on Foreign Service:**

Borrowing authority/Foreign Service employer shall affect the recovery of subscription and credit to relevant Head of Account.

NOTE: The transactions relating to this Scheme are being accounted for in the Public Account of India under the Minor Head "103", Central Government Employees' Group Insurance Scheme' below the Major Head "8011, Insurance and Pension Funds".

5. **Recovery to be made till end of Service:** It is recoverable till the end of service including the month in which the employee retires, dies, resigns or is removed from service etc., irrespective of their being on duty, leave or under suspension.

6. **Interest of arrears of Subscription:** If an employee is on E.O.L., the arrears of subscription will be recovered together with the interest calculated at the compound rate of interest admissible under the scheme in not more than three instalments. However, no interest shall be levied on arrears of subscriptions if the non-recovery is due to delayed payment of salary.

7. **Enhancement of Subscription on Promotion:** On regular promotion of an employee from one group to another group after 1st January in any year, his subscription will be raised only from 1st January of the next year.

Note: Subscription once enhanced will not be reduced, even if the employee is subsequently reverted.

8. **Determination of 'Group' of employees on deputation:**

- If the deputation is on regular basis, the Group will be determined with reference to the post to which he/she has been appointed on deputation.
- If the deputation is on ad-hoc basis, the group will be determined with reference to the post held by him/her on a regular basis in his/her parent department.

9. Financing from GPF/CPF: This is not permissible except in extreme financial hardship of the employee, he/she may be permitted to a non-refundable withdrawal from GPF/CPF Account, of an amount equivalent to a year's subscription.

Note: If an employee dies before recovery of the subscription, the same will be recovered from the amounts payable to his/her family.

III. BENEFITS PAYABLE:

1. On retirement, resignation etc: He/she will be entitled to the payment of the lump-sum amount of accumulation in the Saving Fund alone as per Table for the relevant year.

Calculation of amount payable from Savings Fund where an employee had subscribed to more than one Group:

- a) The amount due to him/her out of the Savings Fund for the entire period of his/her membership in the lowest Group; plus
- b) The amount or amounts due to him/her for the additional units by which his subscription was raised on each occasion for the period from which, the rate of subscription was raised, to the month of cessation of membership.

2. Death while in Service: His/her family/nominee(s) will be entitled to the payment of the lump-sum amount in the Saving Fund and in addition, the amount of appropriate insurance cover to which he/she was entitled at the time of death.

Note: **This is admissible in case of SUICIDE also.**

IMPORTANT: If an employee dies while in service before becoming a member of the scheme, his/her family/nominee(s) will be entitled to the payment of appropriate insurance cover only and no benefit will be payable from Saving Fund.

3. Income Tax Rebate: Income Tax Rebate is admissible for the amount of subscriptions paid under the scheme as in the case of GPF Contribution, LIC Premia etc.

4. Assignment of Insurance Cover and accumulation in the Savings Fund to a recognized financial institution for the purpose of obtaining housing loan is permissible.

The employees can also assign the Insurance cover/ accumulations in the Savings Fund in favor of recognized Financial Institutions as stated above even if the plot of land stands in the name of the spouse or any other member of the family of the employee; similarly, the assignment can be permitted if the employee desires to acquire a ready-built house in the name of his/her spouse or any other member of the family.

5. No withdrawals/loans/advances permissible from the Funds of the Scheme.
6. Recovery of Government dues is not permissible.

IV. NOMINATIONS:

Nominations received from the members will be countersigned by the Head of Office and pasted in Service Book with necessary entries therein.

1. **Definition of Family:** 'Family' means husband, wife or wives, parents, children including adopted ones, minor brothers, unmarried sisters, deceased son's widow & children and where no parent of the subscriber is alive, a paternal grandparent.

If an employee has a family at the time of making the nomination, he/she shall make such nomination only in favour of a member(s) of his/her family, and any nomination made before marriage of the employee becomes invalid after marriage.

However, a female subscriber, by notice in writing to the head of office, can exclude her husband from her family.

If a nominated member of the family subsequently ceases to be the member of the family, e.g., if a minor brother attains the age of majority or an unmarried sister gets married, the nomination made in favour of such member would become invalid and his/her share of insurance amounts, etc. due under the Scheme would become payable to other nominated members of the family in equal shares.

A member can, at any time, cancel the previous nomination by giving notice and exercising a fresh nomination in accordance with the provisions on the subject.

1. **Payment in absence of valid nomination:** The nomination, if any, made under GPF/CPF Rules, may be accepted. If there is no nomination even for GPF/CPF, Head of Office may make payment of entire amount in equal shares to the widow/widows, minor sons and unmarried daughters. If there is no nomination under GPF/CPF Rules and also there does not exist any family, the payment will be made to other legal heir on the basis of Succession Certificate issued by a competent authority.

2. **Payment, when an employee is missing:** In case an employee is missing and his/her whereabouts are not known despite efforts by police on due complaint to them, the accumulations in the Savings Fund may be paid to the nominees/heirs after a period of one year following the month of disappearance.

An Indemnity bond is taken from the nominees / dependents of the employee that all payment shall be adjusted against the payment due to the employee in case he /she appears on the scene and makes a claim.

The insurance cover may be paid to the nominee/heirs after a period of seven years. The Insurance cover may be paid to the nominees or heirs of the missing employee after a period of seven years following the month of disappearance of the employee. For this purpose, the claimants have to produce a proper and indisputable proof of death or a Decree of the Court that the employee concerned should be presumed to be dead as laid down in Section 108 of the Indian Evidence Act.

4. **Debarring an eligible person from receiving insurance amounts:** If a person who, in the event of death of a Government servant while in service, is eligible to receive the insurance amounts, is charged with the offence of murdering the Government servant or for abetting in the commission of such an offence, his/her claim to receive insurance amount shall be suspended till the conclusion of the criminal proceedings instituted against him/her. On the conclusion of the criminal proceedings, the person, if convicted, shall be debarred from receiving the share of insurance amounts, which shall be paid in equal shares to other eligible persons. If acquitted, his/her share be paid without any interest.

5. **Individual Record of Membership.**

Form No.13 will be included in the Service Books of all the members of the Scheme as individual record. Every year, in the month of January and at the time of transfer of the members, the Head of Office shall record the following certificate in the remarks column over his dated signature: -

“Subscription at the rate of Rs.....appropriate to Groupof the Scheme recovered from Pay and Allowances or the period from Januaryto December.....”

All other events such as promotion transfer on deputation / Foreign Service, absorption in Public Sector Undertakings / Autonomous Bodies, retirement, etc. occurring during the service career of the members shall also be recorded in Col. 6 duly attested.

{O.M. dated 26.2.1990}.

CHAPTER - 12

LEAVE RULES

LEAVE AT A GLANCE

GENESIS

1. The Central Civil Services(Leave) Rules, 1972 came into force with effect from June 01, 1972. These are statutory rules governing grant of leave applicable to all Government servants, except those who are governed by a separate set of rules, e.g. Railway employees, members of All India Services etc. The details of the exceptions are available at Rule(2) of these rules.

KINDS OF LEAVE

2. There are different kinds of leave, which are described below, provided in the CCS (Leave) Rules, 1972. As per the policy of the Government, **leave is credited in advance to the “Leave Account” of a Government servant in a half-year(on 1st January and 1st July respectively)** and debited as and when leave is taken by him/her. However, there are some “Special Kinds of Leave” which are not debited to the leave account. The table given below indicates different kinds of leave and whether it is debited or not debited to the individual leave account:

Sl. No	Kinds of Leave	Whether Debited to Leave Account or not
1.	Earned Leave (EL)	Debited
2.	Half-Pay Leave (HPL)	Debited
3.	Commutated Leave	Debited
4.	Leave Not Due (LND)	Debited
5.	Extra Ordinary Leave(EoL)	Debited
6.	Maternity Leave	NOT Debited
7.	Paternity Leave	NOT Debited
8.	Child Care Leave	NOT Debited
9.	Study Leave	NOT Debited
10.	Special Disability Leave	NOT Debited
11.	Seamen’s Sick Leave	NOT Debited
12.	Hospital Leave	NOT Debited
13.	Departmental Leave	NOT Debited

Kinds of Leave at Sl. No(s) 6-13 are known as “Special Kinds of Leave”.

3. CASUAL LEAVE(CL)/ RESTRICTED HOLIDAYS(RH) / COMPENSATORY OFF / SPECIAL CASUAL LEAVE

3.1 These are not any regular kind of leave and as such is not covered in the CCS(Leave) Rules, 1972. The absence in these categories may be either anticipated or not anticipated. It is always advisable to obtain sanction of leave, unless it is sudden and completely not anticipated.

3.2 Casual Leave/Restricted Holidays/Compensatory Off/Special Casual Leave is governed by executive instructions issued by the Government from time to time. Main features of these absences are discussed below:

- ❖ The entitlement in a particular year in respect of **Casual Leave is eight (8)** at present for a normal person and **12 in respect of a differently-abled person**. It is the only form of absence that can be availed of for a half-day.
- ❖ A maximum of two **Restricted Holidays(RH)** can be availed of by any Government Servant in a particular calendar year from the list of RH circulated by the Government, with prior approval of the competent authority.
- ❖ **Compensatory Off** can be availed of by a Government servant in lieu of his/her working in a holiday, provided no other financial incentives are granted(OTA/Honorarium) for that day. Normally, it should be availed of within a month and in that case there is no limit to the number of Compensatory Off. In case it could not be taken within a month, a Government servant in the subsequent calendar month could avail of a maximum of two compensatory off, with special permission from the Joint Secretary in-charge of Administration/Head of Department.
- ❖ **Special Casual Leave** is granted for participation of a Government servant in some National sports/cultural events, Family Planning, Natural Calamities, Bandh etc.

4. GENERAL CONDITIONS

- (i) **Leave cannot be claimed as a matter of right [Rule 7 (1)].**
- (ii) Leave may be refused, curtailed or revoked, in the public interest.
- (iii) **Kind of leave due and applied for cannot be altered** by the organisation, except at the written request of the Government Servant **[Rule 7(2)]**.

- (iv) **Any claim to leave at credit ceases from the date of dismissal or removal or resignation from Government service.** However, technical resignation to take up appointment against any outside post under the Government of India with prior permission does not entail any such lapse [**Rule 9 (2)**].
- (v) The past service of a re-employed pensioner, retired on compensation pension or invalid pension/gratuity would also be counted towards leave, if such past service were counted for pension purposes.
- (vi) **Leave may be commuted retrospectively into leave of a different kind, which was due and admissible at the time the leave was sanctioned.** There are some prescribed conditions for availing of such conversions. **However, such commutation cannot be claimed as a matter of right.** The commutation would entail adjustment of leave salary on the basis of leave finally granted to Government Servant [**Rule 10 (1)**].
- (vii) Any leave may be combined with any other kind of leave. Special Casual Leave and RH may also be combined with regular leave or casual leave but not with both. Casual leave cannot be combined with regular leave under normal circumstances. **However, in a special case, ½ day C.L. applied for the second half may be allowed to be prefixed to regular leave, if he/she doesn't have any further CL at his credit and he/she is unable to resume duty on the next working day due to sickness or other compelling grounds and has to avail of regular leave.**
- (viii) **A Government servant cannot be granted leave of any kind for a continuous period exceeding five years** except with the approval of the President in special cases [**Rule 12 (2)**].
- (ix) Leave shall not be granted to a Government Servant whom a competent punishing authority has decided to dismiss, remove or compulsorily retire from Government service. **Also leave shall not be granted to a Government Servant who has been placed under suspension.**

5. GRANT OF AND RETURN FROM LEAVE

(i) LEAVE ON MEDICAL CERTIFICATE [Rule 19].

- a) To be granted only on production of medical certificate granted by the CGHS Doctor (if CGHS beneficiary) or from the AMA/Government Hospitals

- b) In case of doubt second medical opinion from a civil surgeon/staff surgeon may be obtained.
- c) Production of MC may be waived at the discretion of competent authority for leave not exceeding three days.
- d) On expiry of leave on MC Government servant should be allowed to resume duty only on production of fitness certificate.

(ii) COMBINATION OF HOLIDAYS WITH LEAVE [Rule 22].

- a) Holidays, Restricted holidays and compensatory off may be prefixed/ suffixed to any kind of leave including commuted leave.
- b) Holidays prefixed/suffixed to leave are to be treated as duty for the purpose of drawl of pay and allowances.

(iii) RECALL TO DUTY BEFORE EXPIRY OF LEAVE [Rule 23].

From leave in India

- a) Government servant shall be treated as on duty from the date on which he starts for the station to which he is ordered to join.
- b) Travelling allowance for journey from leave-address to the place of posting on recall.
- c) Leave salary at same rate until he joins his post.

From leave outside India

- a) Time spent on the voyage to India shall count as duty for purpose of calculating leave.
- b) Leave salary at same rate until he joins his post.
- c) A free passage to India
- d) Travelling allowance from the place of landing in India to the place of duty.
- e) Refund of his passage from India if he has not completed half of the period of leave or three months whichever is shorter.

(iv) OVERSTAYAL OF SANCTIONED LEAVE [Rule 25(1)].

- a) A Government servant who remains absent after the end of leave is entitled to no leave salary for the period of absence not regularized by grant of leave.
- b) Such a period of absence is debited against HPL due and excess if any treated as E.O.L.
- c) Wilful absence renders Government servant liable to disciplinary action.
- d) Such a period of absence does not count as qualifying service for pension and as duty for increment.
- e) Such a period of absence, however, does not entail loss of lien.
- f) Period of absence without any sanctioned leave may be treated as *Unauthorised Absence* and attracts disciplinary action. Competent authority may declare the unauthorised leave as dies non, which may cause break in service and therefore loss in pensions, etc.

6. RETROSPECTIVE CONVERSION OF ONE KIND OF LEAVE TO THE OTHER : [Rule 10 (1)].

Leave of any kind availed of by a Government Servant could be subsequently converted to any other kind of leave on the following conditions:

- a) The kind of leave for which conversion is applied for should be due and admissible to a Government servant at the time of original sanction of the leave.
- b) The Government Servant has to apply within 30 days of his/her joining to the office after availing of such leave, for which application of conversion is submitted.

7. EARNED LEAVE [Rule 26].

Entitlement: 15 days advance credit on 1st January and 1st July of each year. Fraction should be rounded off.

Deduction: Credit of earned Leave is subject to deduction at the rate of 1/10th of the period of EOL/period of absence treated as “dies non” in the subsequent half-year, subject to the maximum of 15 days.

Credit of EL during relevant half year on:

- | | |
|---------------------------|---|
| (a) Appointment | 2 ½ days per completed calendar month (PCCM) |
| (b) Retirement | 2 ½ days PCCM upto the date of retirement |
| (c) Resignation/death | 2 ½ days PCCM upto the date of resignation/death |
| (d) Dismissal/
Removal | 2 ½ days PCCM upto the end of previous calendar month |

Maximum Accumulation of EL: 300 days + 15 days

Maximum Carry-Forward to next Half-year: 300 days

Sanction at any one time: 180 days. However, for Group `A` and `B` officers Earned Leave up to 300 days may be sanctioned at any one time if at least the period over 180 days is spent outside India, Bangladesh, Pakistan, Sri Lanka, Nepal, Bhutan and Burma (Myanmar).

Leave Salary: Pay drawn immediately before proceeding on E.L

Account: Balance worked out at the end of each half-year should be carried forward to the next half-year. Nevertheless, the number of days of unavailed joining time wherever it so qualifies should be added to the balance and total limited to 300 days.

8. HALF PAY LEAVE [Rule 29]

Entitlement: 10 days' advance credit on 1st January and 1st July each year. The credit of HPL should be calculated at the rate of 5/3 days per completed calendar month.

Deduction: The credit of HPL is subject to deduction at the rate of 1/18th of the period of absence treated as 'dies-non' during the half year limited to 10 days.

Credit of HPL during half year on:

- | | |
|-----------------|--|
| (a) Appointment | 5/3 days per completed calendar month (PCCM) |
| (b) Retirement | 5/3 days PCCM upto the date of retirement |

(c) Resignation/death 5/3 days PCCM upto the date of resignation/death

(d) Dismissal/ Removal 5/3 days PCCM upto the end of previous calendar month

Leave Salary: Half of pay drawn immediately before proceeding on HPL and appropriate DA thereon but HRA and CCA at full rates.

Account: Balance should be worked out at the end of each half year by debiting the following:

- ❖ HPL taken
- ❖ Twice the amount of commuted leave taken
- ❖ LND taken

9. COMMUTED LEAVE [Rule 30]

Entitlement: Not exceeding half the amount of HPL due.

Leave Salary: Same as admissible during E.L.

Account: Twice the amount of commuted leave taken should be debited against the balance of HPL at credit.

Conditions:

- ❖ It is granted normally on production of M.C.
- ❖ **Commutated leave may be granted without production of MC up to a maximum of 90(i.e. 180 HPL) days during the entire service for prosecuting an approved course of study certified to be in the public interest and 60 days to a female Government servant in continuation of maternity leave for child birth and after adoption of a child.**
- ❖ There should be reasonable prospect of the Government servant returning to duty on its expiry.
- ❖ There is no bar to grant commuted leave at the request of the Government servant even when EL is due.

Action on non-return to duty on expiry of leave: If the Government servant resigns or is permitted to retire voluntarily without returning to duty, the commuted leave shall be

treated as half pay leave and the excess of leave salary drawn shall be recovered. **No recovery shall be effected in case of incapacitation or death.**

10. LEAVE NOT DUE [Rule 31].

Eligibility: (a) Permanent Government Servants
(b) Temporary Government servants with minimum one year service and suffering from TB, Leprosy, Cancer or Mental illness

Condition: Can be granted strictly on production of a Medical Certificate. However, **no medical certificate** is required in continuation of Maternity Leave for child birth/adoption

Maximum Period: 360 days during entire service career

Action on resignation/retirement on expiry of LND:

Without returning to duty

- ❖ Resignation or permission to retire voluntarily shall be effective from the date of commencement of LND.
- ❖ LND shall be cancelled.
- ❖ Leave salary paid shall be recovered.

Returns to duty but resigns/retires subsequently

- ❖ In case he could not earn the required leave to cover the period of LND, balance of the leave salary to be refunded

No recovery of leave salary shall be made in case of LND, when:

- ❖ If retirement is on account of ill-health incapacitating further service
- ❖ In the event of death.
- ❖ If compulsorily retired prematurely by Government under Rule 48(1)(b) of CCS(Pension) Rules or retired under FR 56 (j)

11. EXTRA ORDINARY LEAVE [Rule 32]

Eligibility: Special circumstances

- ❖ No other leave is admissible; or
- ❖ Other leave is admissible but the Government servant applies in writing for the grant of EOL.

Entitlement:

- ❖ Permanent Government servants - **No limit;**
(Maximum period of continuous absence is 5 years)

- ❖ Temporary Government servants – **3 months** on one occasion
- ❖ Temporary Government servants with one year's continuous service – **6 months**, on production of a Medical Certificate. Provided, all other leave is consumed, including three months of EOL.
- ❖ Temporary Government servants with one year's continuous service – **18 months**, on production of a Medical Certificate and undergoing treatment in a recognised sanatorium for pulmonary TB, pleurisy of tubercular origin, leprosy, cancer and mental illness.
- ❖ Government servant with three years continuous service can be granted **24 months** EOL for prosecuting studies certified to be in public interest and has already consumed three months EOL for such purpose

Other Conditions:

- ❖ Head of Department may relax the limits mentioned above for Government servants belonging to SC/ST for the purpose of attending pre-examination training course at the centres notified by the Government from time to time.
- ❖ However, two spells of EOL intervened by any other kind of leave shall be treated as one continuous spell of EOL for the purpose of these limits.

Retrospective Commutation:

- ❖ Period of absence without leave may be commuted retrospectively into EOL.
- ❖ EOL granted on MC or otherwise may be commuted retrospectively into LND subject to admissibility at the relevant time.

Leave Salary: Nil

Notice for voluntary Retirement: Since EOL on MC or otherwise cannot be termed as leave standing to the credit of a Government servant, it cannot run concurrently with the period of notice given by him for seeking voluntary retirement.

12. MATERNITY LEAVE [Rule 43].

Entitlement: A female government servant

Period: 180 days for child birth/adoption (up to one year of age) having less than 2 surviving children. In addition, 45 days available for abortion/miscarriage -on production of MC, after the event has occurred- once in an entire service career.

Leave in continuation: Leave of the kind due and admissible may be granted in continuation of maternity leave for child birth for a maximum period of two years including 60 days commuted leave and Leave Not Due without production of MC. No such facility is admissible in case of maternity leave for abortion or miscarriage.

Leave Salary: Pay drawn immediately before proceeding on maternity leave.

LEAVE ON ADOPTION OF A CHILD [Rule 43-B.].

Granted to a female employee, with less than two surviving children, on valid adoption of a child below the age of one year, for a period of 180 days immediately after the date of valid adoption. In continuation of Child Adoption Leave, leave of the kind due and admissible (including leave not due and commuted leave not exceeding 60 days without production of Medical Certificate) for a period up to one year reduced by the age of the adopted child on the date of legal adoption without taking into account the period of Child Adoption Leave, can be combined.

13. CHILD CARE LEAVE

13.1 On recommendations of the Sixth Central Pay Commission the Government of India has decided to grant Child Care Leave (CCL) to women employees having minor **children below the age of 18 years (in case of children with disability without any age limit)**, for a maximum period of **2 years (i.e. 730 days)** during their entire service, for taking care of up to two children whether for rearing or to look after any of their needs like examination, sickness etc.

13.2 However, **CCL cannot be demanded as a matter of right**. Under no circumstances can any employee proceed on CCL without prior proper approval of the leave by the leave sanctioning authority.

13.3 The leave is to be treated like the Earned Leave and sanctioned as such. Consequently, Saturdays, Sundays, Gazetted holidays etc. falling during the period of leave would also count for CCL, as in the case of Earned Leave.

13.4 CCL shall be admissible for two eldest surviving children only. The leave account for CCL shall be maintained in the prescribed proforma and it shall be kept along with the Service Book of the Government servant concerned. **In a calendar year only 3 such single spells** are allowed. **LTC can be availed during the CCL. Not to be generally granted during Probation period, except in extreme cases.** 6 times in case of single mother LTC can be availed during CCL.

14. PATERNITY LEAVE [43-A].

Eligibility: Male Government servant

Given for:

- 1st. **During the confinement of wife, i.e., upto 15 days before or up to 6 months from the date of delivery of the child**, with less than two surviving children and can be combined with any other kind of leave (as in the case of Maternity Leave). If not availed, it will be treated as lapsed. Normally, this leave is not to be refused.
- 2nd. For adoption of a child less than one year of age and Government Servant having less than two surviving children.

Period of leave: 15 days

Leave Salary: Pay drawn immediately before proceeding on paternity leave

15. STUDY LEAVE [Rule 50].

To whom? Permanent Government Servant who:

- (a) has been declared to have completed probation
- (b) Has put in regular and continuous service for 5 years including probation period
- (c) Has executed a bond in the Prescribed form to serve the Government for a period of three years on expiry of the study leave and
- (d) Would not reach the age of superannuation within 3 years of the expiry of the study leave.

Admissibility? Study leave is admissible for employees pursuing –

- i. higher studies or specialised training in a professional or technical subject having a direct and close connection with the sphere of duties

- ii. studies connected with the framework or background of public administration
- iii. studies which are capable of widening his mind and improving his abilities as a civil servant
- iv. a Ph. D. course by an officer of IES or ISS
- v. a postgraduate course by a specialist or a technical person.
- vi. a postgraduate course in Medical Sciences by a Medical Officer.

When Study Leave is not admissible?

- i. For prosecution of studies out of India, if adequate facilities exist in India
- ii. For prosecution of studies in subjects other than academic or literary subject
- iii. For any course, with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave.

Sanctioning authority? Ministries/ Departments of the Central Government/ Comptroller and Auditor – General of India in the case of staff working in IAAD – First Schedule of the C.C.S. (Leave) Rules.

Period of study leave admissible?

1.

- Ordinarily 12 months at any one time and
- During his entire service, 24 month in all (inclusive of similar kind of leave for study or training granted under any other rules).

2. ***Maximum 36 months in all during entire career*** for central Health Service Officers for acquiring post graduation qualification provided they execute a bond ***to serve for a period of five years in Government*** after completing the study course.

3. ***For the Award of Jawahar Lal Nehru Fellowship***– for the entire period of fellowship.

Study leave may be combined with? Other kind of leave and including the period of vacation provided the total period of absence – excluding E.O.L., ***shall not exceed 28 months*** generally and 36 months in case of Ph.D. course. This leave shall not be debited to leave account.

Regulation of study leave extending beyond course of study? – If the course of study falls short of the study leave granted to an employee, he shall resume duty on the conclusion of the course of study. The employee may obtain prior sanction of the leave sanctioning authority to treat the period of shortfall as ordinary leave.

On what conditions can study leave be granted?

- a) To be certified by the competent authority that the study shall be of definite advantage from the point of view of public interest.

For study leave outside India-

- b) the facilities for study/research should not be available in India.
- c) Government Servant shall submit completion/pass certificate in respect of the course of study/examination.
- d) Study leave should not be granted with such frequency as to remove the Government servant from contact with his regular work or to cause cadre difficulties owing to his absence on leave.
- e) Study leave shall not be granted unless it is for prosecution of studies in subjects other than academic or literary subject; except in the following cases:
 - (i) To an IES/ISS officer for doing Ph.D. if chief Economic Advisor/Director, central Statistical organization approves the subject of research and the institution at which the research is to be undertaken and certifies that the study will be valuable in the matter of increasing the efficiency of the officer.
 - (ii) To a Medical officer for prosecuting a course of postgraduate study in Medical Sciences if the DGHS certifies that the study will be valuable in the matter of increasing the efficiency of the officer.
 - (iii) To a specialist or a technical person for prosecuting postgraduate course of study directly related to sphere of duty in case the Head of the Department or the Secretary of the Ministry/Department certifies that the course of study shall:-
 - ✓ enable him to keep abreast with modern developments in the field of his duty
 - ✓ improve his technical standards and competence; and
 - ✓ thus substantially benefit the Department.

Who will bear TA and cost of fees? Ordinarily Government servant himself. But in exceptional cases, the President may sanction payment of such allowance or fees.

What if bond obligation is violated or the condition enunciated in the bond is not met if the Government servant-

- (i) fails to complete the course of study: or
- (ii) resigns/takes voluntary retirement without return to duty; or
- (iii) returns to duty but resigns/takes voluntary retirement before serving for 3 years on expiry of study leave.

Consequences of such violation:

- (i) Study leave is converted into leave due and admissible and extraordinary leave. Excess payment of leave salary is recovered.
- (ii) Before the resignation is accepted or the Government servant is permitted to retire voluntarily the actual amount together with interest comprising-
- (iii) Leave salary, study allowance, cost of fees, travelling and other expenses, if any, incurred by the Government of India and
- (iv) The cost incurred by other agencies such as foreign governments foundations and Trusts in connection with the course of study shall be recovered.

However, no such recovery will be made if the Government servant is permitted to retire on medical grounds or to resign for his permanent absorption in the public interest in an autonomous or statutory body or institution to which he was deputed to serve by Government on return from study leave.

Leave Salary

Study leave in India:

Pay drawn on duty immediately before proceeding on leave and DA and HRA thereon. This amount shall be reduced by the amount, if any received by the Government servant as stipend, scholarship or remuneration for any part-time employment. However, the net leave salary shall not be less than the leave salary admissible on HPL.

Study leave outside India:

Pay drawn on duty immediately before proceeding on leave, DA and HRA thereon and study allowance at prescribed rates. Any amount of stipend, scholarship or remuneration for part-time employment if received by Government servant after deducting the cost of

fees, if any paid by him, shall be adjusted against the study allowance. If the net amount of stipend etc. is less, the balance shall be paid as study allowance and if it is more no study allowance shall be paid as study allowance.

Note: Allowances, like HRA etc. in the Leave Salary will be admissible at the prescribed rates, fixed by the Ministry of Finance from time to time.

16. LEAVE ENCASHMENT [Rule 39].

EARNED LEAVE

16.1 The authority competent to grant leave shall suo-motto issue an order granting cash equivalent of leave salary for Earned Leave, if any, at the credit of Government servant concerned, on the last day of his service subject to a **maximum of 300 days** in respect of the following categories:

- i. retirement on attaining the age of superannuation;
- ii. cases where the service has been extended, in the interest of public service beyond the date of retirement on superannuation;
- iii. voluntary/pre-mature retirement;
- iv. where the services are terminated by notice or by payment of pay and allowances in lieu of notice, or otherwise in accordance with terms and conditions of appointment;
- v. termination of re-employment after retirement
- vi. to the family of the deceased Government servant died while in service;
- vii. invalidation on Medical ground;
- viii. compulsory retirement as a measure of punishment without reduction in pension;
- ix. absorption in a Public Sector Undertaking/autonomous body wholly or substantially owned or controlled by the Central/State Government;
- x. transfer to an industrial establishment;

16.2 Encashment of Earned Leave will be allowed to retired officers appointed on Contract basis after retirement even within the first two years, subject to the condition that the total number of days for which encashment is allowed on

termination of contract together with the number of days of Earned Leave or Full Pay Leave for which encashment had already been allowed in previous appointments under the Government shall not exceed 300 days.

16.3 Half of the leave at credit on the date of cessation of service, subject to a maximum of 150 days is to be encashed in case when a Government servant resign or quits service, of his own accord.

16.4 Encashment not exceeding 10 days of Earned Leave at a time is permissible for availing LTC subject to the condition that:

- (a) The total leaves so encashed during the entire career does not exceed 60 days in the aggregate.
- (b) A balance of at least 30 days of EL is still available to the credit after taking into account the period of encashment as well as leave; and
- (c) The period of leave encashed shall **not** be deducted from the quantum of leave that can be normally encashed at the time of superannuation.
- (d) Encashment of Leave on LTC of family is permissible [DoPT FAQ dtd 25.3.2013].

16.5 Cash equivalent of leave salary consist of pay plus appropriate Dearness Allowance thereon.

Formula for calculation:

$$\frac{(\text{Pay} + \text{D.A}) \text{ admissible on the date of availing LTC} \times \text{No. of days of EL (max. 10 days at one time)}}{30}$$

Limitations: No HRA shall be payable. Special Pay is counted for leave encashment, but DA on Special Pay is not counted. Personal pay for Family Planning and Hindi Teaching Scheme are not counted for this purpose.

HALF PAY LEAVE

16.7 Both Earned Leave and Half Pay Leave shall be considered for encashment of leave subject to overall limit of 300 days. The cash equivalent payable for Earned Leave shall continue unchanged. However, cash equivalent payable for Half Pay Leave shall be equal to leave salary as admissible for Half Pay Leave plus Dearness Allowance admissible on the leave salary without any reduction being made on account of pension and pension equivalent of other retirement benefits payable. To make up the shortfall in

Earned Leave, no commutation of Half Pay Leave shall be permissible. The Cash equivalent for half pay leave component shall, henceforth, be calculated in the manner indicated below:-

[This restriction is not applicable if encashment of EL alone is due and granted subject to maximum of 300 days.]

16.7 Formula for calculation:-

$$\begin{array}{lcl} \text{Cash payment} & \text{HPL salary admissible on} & \text{Number of days of} \\ \text{in lieu of HPL} & \text{the date of retirement + DA} & \text{HPL at credit subject} \\ \text{Component} & \text{admissible on that date} & \text{to the total of EL +} \\ & \hline & 30 & \text{HPL not exceeding} \\ & & & 300 \text{ days} \end{array} \quad \times$$

No HRA is admissible for HPL encashment.

[Amendment to Central Civil Service (Leave) Rules, 1972 – **Persons with Disabilities (Equal Opportunities, Protection of justifys and Full Participation) Act, 1995 (PWD Act 1995)**]:

G.I., Dep. of Per. & Trg., O.M.No.18017/1/2014-Estt(L), dated 25.2.2015

Para5: Leave applied on medical certificate in connection with disability should not be refused or revoked without reference to a Medical Authority, whose advice shall be binding. **The ceiling on maximum permissible leave laid down in Rule 12 may not be applied** to leave on medical certificate applied in connection with the disability. **Any leave debited for the period after a Government servant is declared incapacitated shall be remitted back into his/her leave account.**

CHAPTER - 13

TRAVELLING ALLOWANCE RULES – AT A GLANCE

1. Meaning of TA

T.A. is a compensatory allowance granted to a Government servant to cover the expenditure in travelling in the interest of public service.

2. Applicability

These rules apply to those government servants who are subject to FRs and whose pay is debitable to Central Revenues including work charged staff.

3. Grading for TA

The Government servants have been divided into five grades for the purpose of T.A. w.e.f. 01-01-2016 as indicated below: -

Grade	Pay
I	Level 14 of Pay Matrix and above
II	Level 12, 13 and 13A of Pay Matrix
III	Level 9, 10 and 11 of Pay Matrix
IV	Level 6, 7 and 8 of Pay Matrix
V	Below Level 6 of Pay Matrix

4. Pay

Pay for the purpose of TA means: The 'Pay Level' for determining the TA/DA is to be taken as per CCS(RP) Rules 2016. The term 'Pay in the Level' means the basic pay drawn in the Level of Pay Matrix and does not include NPA, MSP, Special Pay etc.

After Seventh CPC, pay of an official for the purpose of TA means pay as per pay matrix in respective levels.

5. Regulation of TA

- (a)** TA is regulated with reference to the pay (as per pay matrix) drawn in the post actually held at the time of journey.
- (b)** Supplementary TA claim is regulated in case of late authorization / drawl of normal increment withheld.
- (c)** TA claim already settled in respect of the period intervening between the date of promotion or reversion or grant of an increased pay and the date on which the orders are issued or notified should not be revised, unless there has been an actual change of duties. Retrospective promotion may, however, be recognized provided the bill has not already presented or audited.
- (d)** In case of pensioners, TA is regulated on the basis of grade pay which is determined as follows:
 - (i)** Where pension is held in abeyance the grade depends on the pay actually received from time to time.
 - (ii)** When pension is drawn in addition to pay, grade to be determined on pay + pension subject to the condition that total does not exceed maximum of the scale of post.
 - (iii)** In the case of re-employed military pensioners and civil pensioners, whose pension is fully ignored in pay fixation, the grade is determined on the basis of pay alone.
 - (iv)** A competent authority may, for reasons to be recorded, place a government servant in a grade higher or lower than that prescribed.
 - (v)** The revised orders on TA are effective from 01.07.2017. However, if the Travelling Allowance entitlements in terms of the revised entitlements now prescribed result in a lowering of the existing

entitlement in the case of any individual, groups or classes of employees, the entitlements particularly in respect of mode of travel, class of accommodation etc. shall not be lowered. They will instead continue to be governed by the earlier orders on the subject till such time as they become eligible, in the normal course, for the higher entitlements.

6. Different kinds of TA

There are five types of TA-

- (a) Permanent T.A.
- (b) Conveyance or Horse allowance
- (c) Mileage allowance
- (d) Daily allowance
- (e) Actual cost of travelling

(a) Permanent T.A.

Permanent T.A. is granted to a government servant whose duties require him to travel extensively and is in lieu of all other forms of TA for journeys within his sphere of duty and is drawn all the year round whether he travels or not. However, PTA is not drawn during leave, temporary transfer or joining time.

b) Conveyance or Horse Allowance

Conveyance or Horse Allowance is granted to a government servant whose duties require extensive travelling at or within a short distance from his Headquarter under conditions which do not render him eligible for D.A. It is drawn all the year round. But unlike permanent T.A., this may be drawn in addition to other kinds of T.A.

Rates of allowance

Average monthly travel on official duty	Rates per month for Journey by (Rs. per month)	
	Own Motor Car	Other Conveyance
(1)	(2)	(3)
201-300 kilometers	1,680	556

301-450 kilometers	2,520	720
451-600 kilometers	2,980	960
601-800 kilometers	3,646	1126
Above 800 kilometers	4,500	1276

The rate of this Allowance will be increased by 25% whenever the Dearness Allowance payable on the revised pay scale goes up by 50%.

(c) Mileage Allowance

Mileage Allowance is an allowance to meet the cost of a particular journey and is calculated on the basis of distance travelled.

The various provisions regarding mileage allowance are as follows:

- a) It is to be calculated on the basis of shortest practicable route. However, Heads of Departments are competent to sanction the mileage allowance other than the shortest route for special reasons to be recorded under SR 31.
- b) A government servant, if travels by a route which is not shortest but cheapest, the mileage allowance should be calculated on the route actually used.
- c) Non-availability of reserved accommodation is not acceptable ground for travel by longer route.
- d) Journey, if done by lower than entitled class, the claim will be admissible for the lower class.
- e) Between places connected by rail, a government servant may travel by any type of bus, he will be entitled to actual bus fare or rail fare of the entitled class whichever is less.
- f) Between places not connected by rail, a government servant can travel by entitled class bus.
- g) When road mileage is claimed for a journey performed by a motor car between places connected by railway, the competent authority should decide whether full rate of mileage allowance should be paid or whether it should be limited to rail fare, the criteria should be, whether any public interest was served in-route.

- h) Road Mileage allowance for tour will be admissible from duty point/residence at HQs to railway station/airport/bus stand and vice versa depending upon the points between which the journey is claimed to have been performed.

7. Entitlements

The following provisions will be applicable with effect from 01.07.2017;

Entitlements for Journeys on Tour or Training

A.(i) Travel Entitlements within the Country

Pay Level in Pay Matrix	Travel entitlement
14 and above	Business / club class by air or AC –I by train
12 and 13	Economy class by air or AC- 1 by train
6 to 11	Economy class by air or AC-II by train
5 and below	First Class / AC-III / AC Chair car by train

(ii) It has also been decided to allow the Government officials to travel by Premium Trains / Premium Tatkal Trains / Suvidha Trains, the reimbursement to Premium Tatkaal Charges for booking of tickets and the reimbursement of Dynamic / Flexi – fare in Shatabdi / Rajdhani / Duronto Trains while on official tour / training. Reimbursement of Tatkal Seva Charges which has fixed fare, will remain continue to be allowed. Travel entitlement for the journey in Premium/Premium Tatkal/ Suvidha/ Shatabdi/ Rajdhani/ Duronto Trains will be as under:-

Pay Level in Pay matrix	Travel Entitlements in Premium/Premium Tatkal/ Suvidha/Shatabdi/Rajdhani/Duronto Trains
12 and above	Executive / AC 1 st Class (In case of Premium / Premium)
6 to 11	AC 2 nd Class / Chair Car (In Shatabdi Trains)
5 & below	AC 3 rd Class / Chair Car

- (iii) The revised Travel entitlements are subject to following:
- (a) In case of places not connected by rail, travel by AC bus for all those entitled to travel by AC II Tier and above by train and by Deluxe/ordinary bus for others is allowed.
 - (b) In case of road travel between places connected by rail, travel by any means of public transport is allowed provided the total fare does not exceed the train by the entitled class.
 - (c) All mileage points earned by Government employees on tickets purchased for official travel shall be utilized by the concerned department for other official travel by their officers. Any usage of these mileage points for purposes of private travel by an officer will attract departmental action. This is to ensure that the benefits out of official travel, which is funded by the Government, should accrue to the Government.
 - (d) In case of non-availability of seats in entitled class, Govt. servants may travel in the class below their entitled class.

B. International Travel Entitlement

Pay Level in Pay Matrix	Travel entitlement
17 and above	First class
14 to 16	Business / Club class
13 and below	Economy class

C. Entitlement for journey by Sea or by River Steamer

- (i) For places other than A&N Group of Islands and Lakshadweep Group of Island:-

Pay Level in Pay Matrix	Travel entitlement
9 and above	Highest class
6 to 8	Lower class if there be two classes only on the steamer
4 and 5	If two classes only, the lower class. If three classes, the middle or second class. If there be four classes, the third class
3 and below	Lowest class

(ii) For travel between the mainland and the A&N Group of Islands and Lakshadweep Group of Island by ships operated by the shipping Corporation of India Limited: -

Pay Level in Pay Matrix	Travel entitlement
9 and above	Deluxe class
6 to 8	First / 'A' Cabin class
4 and 5	Second / 'B' Cabin class
3 and below	Bunk class

D. Mileage Allowance for Journeys by Road:

(i) At places where specific rates have been prescribed: -

Pay Level in Pay Matrix	Entitlements
14 or above	Actual fare by any type of public bus including AC bus. OR At prescribed rates for of AC Taxi for journey is actually performed by AC taxi OR At prescribed rates for auto rickshaw for journeys by auto rickshaw, own car, scooter, motor cycle, moped etc.
6 to 13	Same as above with the exception that journeys by AC taxi will not be permissible.
4 and 5	Actual fare by any type of public bus other than AC bus OR At prescribed rates for auto rickshaw for journeys by auto rickshaw, own car, scooter, motor cycle, moped etc.
3 and below	Actual fare by ordinary public bus only OR At prescribed rates for auto rickshaw for journeys by auto rickshaw, own scooter, motor cycle, moped, etc.

(ii) At places where no specific rates have been prescribed either by the Directorate of Transport of the concerned State or of the neighbouring States:

For journeys performed in own car / taxi	Rs. 24/- per km
For journeys performed by auto rickshaw, own scooter, etc	Rs. 12/- per km

At places where no specific rates have been prescribed, the rate per km will further rise by 25 percent whenever DA increases by 50 percent.

E(i) Daily Allowance on Tour

Pay level in pay matrix	Entitlement
14 and above	Reimbursement for hotel accommodation guest house of up to Rs. 7,500/- per day. Reimbursement of AC taxi charges as per actual expenditure commensurate with official engagements for travel within the city and Reimbursement of food bills not exceeding Rs. 1200/- per day
12 and 13	Reimbursement for hotel accommodation / guest house of up to Rs. 4,500/- per day. Reimbursement of AC taxi charges of up to 50 km per day for travel within the city. Reimbursement of food bills not exceeding Rs. 1000/- per day
9 to 11	Reimbursement for hotel accommodation guest house of up to Rs. 2250/- per day. Reimbursement of non AC taxi charges of up to Rs. 338/- per day for travel within the city, Reimbursement of food bills not exceeding Rs. 900/- per day.
6 to 8	Reimbursement for hotel accommodation / guest house of up to Rs. 750 per day. Reimbursement of non AC taxi charges of up to Rs. 225/- per day for travel within the city, Reimbursement of food bills not exceeding Rs. 800/- per day
5 and below	Reimbursement for hotel accommodation / guest house of up to Rs. 450 per day. Reimbursement of non AC taxi charges of up to Rs. 113/- per day for travel within the city, Reimbursement of food bills not exceeding Rs. 500/- per day

(ii) Reimbursement of Hotel Charges: - For levels 8 and below the amount of claim (up to the ceiling) may be paid without production of vouchers against self-certified claim only the self-certified claim should clearly indicate the period of stay name of dwelling etc. Additionally, for stay in Class X Cities, the ceiling for all employees up to Level 8 would be Rs, 1,000 per day, but it will only be in the form of reimbursement upon production of

relevant vouchers. The ceiling of reimbursement of hotel charges will further rise by 25 percent whenever DA increases by 50 percent.

(iii) Reimbursement of Travelling charges:- Similar to Reimbursement of staying accommodation charges for levels 8 and below, the claim (up to the ceiling) may be paid without production of vouchers against self-certified claim only. The self-certified claim should clearly indicate the period of travel vehicle number etc. The ceiling for levels 11 and below will further rise by 25% whenever DA increases by 50%. For journeys on foot an allowance of Rs.12/- per kilometer travelled on foot shall be payable additionally. The rate will further increase by 25% whenever DA increase by 50%.

(iv) Reimbursement of Food charges: - There will be no separate reimbursement of food bills, instead the lump sum amount payable will be as per Table E(I) above and depending on the length of absence from headquarters, would be regulated as per Table (V) below. Since the concept of reimbursement has been done away with no vouchers will be required. This methodology is in line with that followed by Indian Railways at present (with suitable enhancement of rates) i.e. Lump sum amount payable. the lumpsum amount will increase by 25% whenever DA increase by 50%.

(v) Timing restrictions

Length of absence	Amount Payable
If absence from headquarters is < 6 hours	30% of Lump sum amount
If absence from headquarters is between 6-12hours	70% of Lump sum amount
If absence from headquarters is > 12 hours	100% of Lump sum amount

Absence from Headquarter will be reckoned from midnight to midnight and will be calculated on a per day basis.

(vi) In case of stay/journey on Government ships, boats etc. or journey to remote places on foot/mules etc for scientific/data collection purposes in organization like FSI, Survey of India, GSI etc. daily allowances will be paid at rate equivalent to that provided for reimbursement of food bill. However, in this case, the amount will be sanctioned irrespective of the actual expenditure incurred on this account with the approval of the Head of Department/ Controlling Officer.

(vii) DA rates for foreign travel will be regulated as prescribed by Ministry of External Affairs.

8. Free Boarding & lodging : Daily Allowance is given to the Govt. employees as a reimbursement of the expenditure incurred by him on tour for his stay, food and travel at that station. In case of free boarding and lodging, the Govt. employee, if incurring any expenditure on local travel, can claim the same as per para 2 E (i) and (iii) of the Annexure to O.M. of even No. dated 13.07.2017. The earlier system of giving 25% of DA is being discontinued. (DoE OM No. 19030/1/2017-E.IV dt. 1.2.2018)

9. T.A. for training at Headquarters : In the case of Government servants deputed for training at centres / institutions located at their headquarters station that such centres / institutions should be deemed to be their temporary headquarters during the period of training. No travelling / daily allowances is admissible in such case whatever be the distance between their normal duty point and the institutions/ School to which they are deputed for training.

Where, however, on any day the Government Servant under training required, under proper orders to attend two or more places at the headquarters station in connection with their training, the actual conveyance expenses by public conveyance between one local place of training and the other such place(s) may be reimbursed to them. They will be entitled to conveyance expense by Rickshaw/Tonga or other cheapest mode of conveyance at the rate fixed by local authorities at that place, where public conveyance like Bus/Tram/Train are not in operation. Wherever possible, two Government servant may hire a rickshaw or four Government servants may hire a tonga and claim the proportionate charges.

10. Travelling Allowance (TA) and other expenditure incurred while on training by the Government servants on probation: The following rules govern the claims of **TA** while on Foundation Training by Probationers as prescribed in GOI (2) below SR 164:

- (i) No TA is allowed for onward journey to Training Institute.
- (ii) No TA is allowed for probationers who are taken to outstation for training activity.
- (iii) They have to pay boarding / lodging / transport charges from their pocket
- (iv) No daily allowance is admissible
- (v) One side TA only is allowed on completion of training to report for duty.

DOPT OM No. T-25014/1/2016-TRG(ISTM Section) dt. 21.1.2016)

11. TA on Transfer- TA on transfer includes 4 components: - (i) Travel entitlement for self and family (ii) Composite Transfer and packing grant (CTG) (iii) Reimbursement of Charges on transportation of personal effects (iv) Reimbursement of charges on transportation of conveyance.

(i) Travel Entitlements

- (a) Travel entitlements as prescribed for tour in Para 7 above, except for international Travel, will be applicable in case of journey on transfer. The general conditions of admissibility prescribed in SR 114 will however, continue to be applicable.

- (b) The provision relating to small family norms as contained in para 4(A) of Annexure to Ministry of Finance OM No.10/2/98-IC & F.No. 19030/2/97-EIV dated 17 April 1998 shall continue to be applicable.

(ii) Composite transfer and Packing Grant (CTG)

- (a) The composite Transfer Grant shall be paid at the rate of 80% of the last month's basic pay in case of transfer involving a change of station located at a distance of more than 20 kms from each other. however, for transfer to and from the Island territories of Andaman Nicobar & Lakshadweep, CTG shall be paid at the rate of 100% of last month's basic pay. Further NPA and MSP shall not be included as part of basic pay while determining entitlement of CTG.
- (b) In cases of transfer to stations which are at a distance of less than 20 kms from the old station and of transfer within the same city one third of the composite transfer grant will be admissible provided a change of residence is actually involved.
- (c) In cases where the transfer of husband and wife takes place within six months, but after 60 days of the transfer of the spouse, fifty percent of the transfer grant on transfer shall be allowed to the spouse transferred later. No transfer grant shall be admissible to the spouse transferred later in case both the transfers are ordered within 60 days. The existing provisions shall continue to be applicable in case of transfer after a period of six months or more. Other rules precluding transfer grant in case of transfer at own request or transfer other than in public interest, shall continue to apply unchanged in their case.

(iii) Transportation of Personal Effects

Level	By Train/Steamer	By Road
12 and above	6000 kg goods train/ 4wheelkerwagon/ 1double container	Rs. 50/- per km
6 to 11	6000 kg goods train/4wheelkerwagon/1 single container	Rs. 50/- per km
5	3000kg	Rs. 25/- per km
4	1500kg	Rs. 15/- per km

The rates will further rise by 25 percent whenever DA increases by 50 percent. The rates for transporting the entitled weight by Steamer will be equal to the prevailing rates prescribed by such transport in ships operated by shipping corporation of India. The claim for reimbursement shall be admissible subject to the production of actual receipts/vouchers by the Government Servant. Production of receipts/vouchers is mandatory in r/s transfer cases of North Eastern Region, Andaman & Nicobar Islands and Lakshadweep also.

Transportation of personal effects by road is as per kilometer basis only. the classification of cities/town for the purpose of transportation of personal effects is done away with

(iv) Transportation of Conveyance.

Level	Reimbursement
6 and above	1 motor car etc. or 1 motor cycle/scooter
5 and below	1 motorcycle/scooter/moped/bicycle

The general conditions of admissibility of TA on Transfer as prescribed in S.R. 116 will continue to be applicable.

12. TA Entitlement of Retiring Employees - TA on Retirement included 4 components:
 - (i) Travel entitlement for self and family (ii) Composite Transfer and packing grant (CTG)
 (iii) Reimbursement of Charges on transportation of personal effects (iv) Reimbursement of charges on transportation of conveyance.

(i) Travel Entitlements - Travel entitlements are prescribed for tour in Para 7 above, except for international Travel, will be applicable in case of journey on retirement. The general conditions of admissibility prescribed in SR 114 will however, continue to be applicable.

(ii) Composite Transfer Grant (CTG)

(a) The composite Transfer Grant shall be paid at the rate of 80% of the last month's basic pay in case of those employees, who on retirement, settled down at places other than last station(s) of their duty located at a distance of or more than 20 km. However, in case of settlement to and from the Island territories of Andaman Nicobar & Lakshadweep, CTG shall be paid at the rate of 100% of last month's basic pay. Further NPA and MSP shall not be included as part of basic pay while determining entitlement of CTG. The transfer incidentals and road mileage for journeys between the residence and the railway stations/bus stand etc. at the old and new station are already subsumed in the composite transfer grant and will not be separately admissible.

(b) As in the case of serving employees, Government Servants who, on retirement, settle at the last station of duty itself or within a distance of less than 20 kms may be paid one third of the CTG subject to the condition that a change of residence is actually involved

(iii) Transportation of personal effects – Same as Para 11 (iii) above

(iv) Transportations of conveyance: - Same as Para 11 (iv) above

The general conditions of admissibility of TA on Retirement as perceived in SR 147 will however continue, to be applicable

13. Time limit for submission of claims Consequent upon the issuance of General Financial Rule (GFR)-2017, vide Rule 290 of GFR-20'17, Department of Expenditure has changed the time-limit for submission of claim for Travelling Allowance (TA) from one year to **sixty days** succeeding the date of completion of the journey. The claim of a Govt. servant to Travelling Allowance/Daily Allowance on Tour/Transfer/Training/Journey on Retirement, is forfeited or deemed to have been relinquished if the claim for it is not preferred within sixty days succeeding the date of completion of the journey.

In respect of claim for Travelling Allowance for journey performed separately by the officer and members of his family, the dates should be reckoned separately for each journey and the claim shall be submitted within sixty days succeeding the date of completion of each individual journey. Similarly, TA claims in r/o transportation of personal effects and conveyance shall be submitted within sixty days succeeding the date on which these are actually delivered to the Govt. servant at the new station. – Effective from 13.3.2018.

(DoE OM No. 19030/1/2017-E.IV dt. 13.3.2018)

G.A.R. 14— A

Sub Bill No. _____

TRAVELLING ALLOWANCE BILL FOR TOUR

Note: - This bill should be prepared in duplicate – one for payment and the other as office copy

PART – A (To be filled up by Government Servant)

1.	Name of the Government Servant							
2.	Designation							
3.	PAY + SI + NPA							
4.	Headquarters							
5.	Details and purpose of journey (s) performed.							
Departure		Arrival		Mode of Travel & class of accommodation used	Fair paid	Distance in Kms for road mileage	Duration of Halt	Purpose of Journey
Date & Time	From	Date & Time	To					
1	2	3	4	5	6	7	8	9

6. Mode of journey:**(i) Air**

Yes / No

(a) Exchange voucher arranged by office

(b) Ticket / Exchange voucher arranged by

(ii) Rail

Yes / No

(a) Whether travelled by mail / express / ordinary train?

(b) Whether return tickets available?

(c) If available, whether return tickets purchased? If not, state reasons

(iii) Road

Mode of conveyance used, i.e. by Government transport /by taking a taxi, a single seat in a bus or other public conveyance / by sharing with another Government servant in a car belonging to him or to a third per to be specified.

7.	Dates of absence from place of halt on account of R.H. and C.L. Not being actually in camp on Sundays and holidays.						
8.	Dates on which free board and / or lodging provided by the State or any organization Financed by State funds: (a) Board Only (b) Lodging only (c) Board and lodging						
9.	Particulars to be furnished along with hotel receipts, etc., in cases where higher rate of D.A. is claimed for stay in hotel / other establishments providing board and / or lodging at scheduled tariffs.						
S.No	Period of Stay		Name of the hotel	Daily rate of lodging charged in Rs.	Total amount Paid Rs.		
	From	To					
1.							
2.							
10.	Particulars of journey(s) for which higher class of accommodation than he one to which the Government servant is entitled was used.						
S.No.	Date	Name of places		Mode of conveyance used	Class to which entitled	Class by which travelled	Fare of the entitled class Rs. P.
1	2	From 3	To 4	5	6	7	8
1.							
2.							
If the journey (s) by higher class of accommodation has been performed with the approval of competent authority, No and date of the sanction may be quoted.							
11.	Detail of journey(s) Performed by road between places connected by rail.						
S.No.	Date	Nature of Place			Rail fare		
		From	To		Rs. P.		
1	2	3	4		5		

12	Amount of T.A.		Rs.	

Certified that the information, as given above, is true to the best of my knowledge and belief.

()
Signature of the Government Servant



Part – B (to be filled in the Bill Section)

1 The net entitlement of account of Travelling Allowance works out to Rs. _____
as detailed below:-

(a) Railway / Air / Bus / Steamer Fare _____ Rs.

(b) Road Mileage for _____ Kms.
@ _____ per/kms

(c) Daily allowance
(i) _____ days @ Rs. _____ per day.
(ii) _____ days @ Rs. _____ per day.
(iii) _____ days @ Rs. _____ per day.
_____ Rs.

(d) Actual expenses

Rs. _____

Gross amount Rs. _____

(e) Less amount of T.A. advance, if any, drawn vide
Voucher No _____ dated _____

Rs. _____

Net Amount _____ Rs. _____

2. The expenditure is debitable to

Initial of Bill Clerk

of Drawing & Disbursing Officer

Signature

Counter signed

Signature of the Controlling Officer

CHAPTER – 14

LEAVE TRAVEL CONCESSION

CCS (LTC) RULES, 1988

LEAVE TRAVEL CONCESSION (LTC) is a facility (concession) provided by the Government for travel of Government servants during leave. This facility is also extended to the dependent family members of the Government servant.

2. The scheme of reimbursement of travel expenses by train in designated class for the Government servants was first introduced in October 11, 1956. Its main objective is to enable a Government servant to give a break from his place of work for change and recuperation. The LTC also aims at the objective that Government servant will be able to have an interface with the concept of unity in the vast diversity of our rich cultural heritage in various parts of the country.

3. **‘LEAVE’** implies that this concession can be availed during regular/casual/special casual leave or vacation; **BUT IT CANNOT BE AVAILED DURING THE WEEK-END OR ANY OTHER PERIOD OF HOLIDAYS ALONE.** The concession can also be availed during –

- ❖ Maternity leave;
- ❖ Study leave;
- ❖ Leave Preparatory to Retirement (LPR) provided the return journey is completed before the expiry of leave; and
- ❖ Child Care Leave

4. **‘TRAVEL’** means that the Government servant and his entitled family members must physically visit the place declared. Place means ‘Hometown’ i.e. town, village or any place declared as such by the government servant and accepted by the controlling Officer or, ‘Any place in India’, which means any place in the mainland or overseas, i.e. A&N Islands, Lakshadweep, including the hometown of the Government servant.

5. **‘CONCESSION’** means Government’s assistance will be limited to the **fare by the shortest and direct route calculated on a through ticket basis` irrespective of the fact whether the journey was performed by the shortest or any other route.** For reimbursement, both in respect of journeys to ‘Hometown’ and ‘Any place in India’ the Government will reimburse 100% of the to and fro fare by air/rail/road/steamer, as per the entitlements of the Government servant.

6. The Central Civil Services (Leave Travel Concession) Rules, 1988 came into force with effect from May 3rd, 1988.

A. These rules apply to all persons-

- ❖ Who are appointed to civil services and posts including civilian Government servants in the Defence Services in connection with the affairs of the Union including members of the All India Services.
- ❖ Who are employed under a State Government and who are on deputation with the Central Government.
- ❖ Who are appointed on contract basis;
- ❖ Who are re-employed after their retirement.

B. These rules shall not apply to all persons-

1. Government servants not in whole-time employment;
2. Persons in casual and daily rated employment;
3. Persons paid from contingencies;
4. **Railway servants;** However, they are entitled for All India LTC (once in four years) by surrendering Railway Pass for that calendar year w.e.f. 27.03.2018.
5. Members of the Armed Forces;
6. Local recruits in Indian Mission abroad; and
7. Persons eligible to any other form of travel concession available during leave or otherwise.

7. The 'Hometown' concession is once in a period of two calendar years, while, the 'Anywhere in India' concession is once in a period of four calendar years. If not utilized, the block gets automatically extended to the third/fifth year. For example, the current Block-Year is 2018-2021. These four Calendar Years are divided into 2 segments, 2018-2019 and 2020-2021. The LTC period in 2018-2019 starts from 01/01/2018 and is normally valid till 31/12/2019. However, it extends till 31/12/2020. Hence, the LTC, either for Hometown or for Anywhere in India for the segment 2018-2019 can be availed of during

01/01/2018 to 31/12/2020. But it cannot be availed after 31/12/2020 (i.e. on 01/01/2021) and it will lapse.

8. Special provisions regarding certain categories of employees:

- (1) In the case of persons appointed as direct recruit or in temporary capacity, the LTC shall be admissible on completion of one year's continuous service under the Central Government. However, it is to be certified by the appropriate administrative authority that the employee concerned is likely to continue to serve under the Central government for a period of at least two years in the case of LTC to hometown and at least four years in the case of LTC to any place in India to be reckoned from the date of his joining the post under the Central Government.
- (2) In the case of officers appointed on contract basis, where the initial contract is for one year but is extended, the total duration of the contract will be taken into account for the purpose of leave travel concession.
- (3) In the case of persons re-employed, immediately after retirement without any break, the period of re-employed service will be treated as continuous with the previous service for the purpose of leave travel concession and the concession allowed for the re-employed period, provided that the leave travel concession would have been admissible to the re-employed officer had he not retired but had continued as serving officer.

9. **Minimum Service:** The LTC facility is admissible to all Government Servants who have completed one year of continuous service on the date of journey. A period of unauthorized absence due to participation in strike, etc., shall be deemed to cause break in service, unless condoned by the appointing authority, while calculating the minimum period of continuous service.

10. **Hometown:** Normally, the place of usual residence, i.e., permanent ancestral home in respect of a Government servant. **It can be a town, village or any place** declared as such by the Government servant and accepted by the Controlling Officer. The declaration for hometown is to be made to the Controlling officer in respect of the Government servant for T.A. claims, *before expiry of six months from the date of entry into service*. No particular form of declaration has been prescribed. The initial declaration may be accepted without any elaborate check. The declaration shall be kept on the service book.

11. **Change of Hometown:** The declaration of hometown once made shall ordinarily be treated as final. In exceptional circumstances, the Head of the Department, or if the Government servant himself is the head of the Department, the Administrative Ministry, may authorize a change in such declaration provided that such a **change shall not be**

made more than once during the service of a Government servant. The following detailed check may be applied when a Government servant seeks a change of hometown:-

- ❖ Whether the place declared by the Government servant is the one which requires his physical presence at intervals for discharging various domestic and social obligations, and if so, whether after his entry into service, the Government servant had been visiting that place frequently.
- ❖ Whether the Government servant owns residential property in that place or whether he is a member of a joint family having such property there.
- ❖ Whether his near relations are permanently residing in that place.
- ❖ Whether prior to this entry into Government service, the Government servant had been living there for some years.

12. The criterion as indicated at para (11) above shall be applied one after the other only in case where the immediately preceding criterion is not satisfied.

- (a) Where the **property is owned in more than one place**, the Government servant may choose any one place, giving reasons for the choice, but the decision of the controlling officer whether or not to accept such a place as the hometown of the Government servant shall be final.
- (b) Where the **presence of near relations at a particular place** is to be the determining criterion for the acceptance of the declaration of 'hometown', the presence of near relations should be a more or less of permanent nature.
- (c) When **HOMETOWN IS OUTSIDE INDIA**- admissibility shall be up to and from Railway Station or Port nearest to Government servants' hometown.
- (d) When **BOTH HUSBAND AND WIFE ARE GOVERNMENT SERVANTS**, they can **declare separate hometown independently**.

13. **Family:** 'Family' has the same meaning as given in SR2 (8) for purposes of T.A. on transfer and may include as under:

- i. Wife or husband;
- ii. Legitimate children (including children taken as wards by the Government servant under the "Guardians and wards Act, 1890" provided such a ward is treated as a member of the family and the Government servant, through a special will, has given such a ward the same status as a natural-born child. Adopted child is legitimate if under personal law of the Government servant adoption is legally recognized as conferring it the status of a natural child.

- iii. Not more than TWO surviving children. However, those who already have more than two children prior to 20.10.97 and children born within one year of 20.10.1997 and where number of children exceeds two as a result of second child resulting in multiple births will be allowed.
- iv. Step children
- v. Parents/Step parents
- vi. Un-married minor brothers/sisters residing with and wholly dependent on Government servant, provided their parents are either not alive or are themselves wholly dependent on the Government servant.
- vii. ONLY ONE WIFE. However, if a Government servant has two legally wedded wives and the second marriage is with specific permission of the Government, the second wife shall also be included in the definition of the "Family".
- viii. Major sons and married daughters (including widowed daughters), so long as residing with and wholly dependent upon the Government servant.
- ix. Children of divorces, abandoned, separated from their husbands or widowed sisters are not included in the term "Family"
- x. Widowed sisters so long as residing with and wholly dependent on the Government servant provided either father not alive or is himself wholly dependent on the Government servant concerned.
- xi. Married daughter only if she is dependant as divorced, abandoned or separated from the husband. In this case she should be residing with the Government servant. FINANCIAL STATUS OF THE HUSBAND OF THE MARRIED DAUGHTER, THEREFORE, IS NOT AND SHOULD NOT BE CRITERION TO DECIDE DEPENDENCY ON PARENTS.

Note: **Wholly dependent means whose income** from all sources including Basic Pension does **not exceed Rs. 9000/- per month.**

14. When husband and wife both are Government servants

- ❖ They can declare separate hometowns independently

- ❖ They can claim LTC for their respective families, viz., while the husband can claim for his parents/minor brothers/sisters, the wife can avail for her parents/minor brothers/sisters;
- ❖ The children can claim the concession as members of family of any one of the parents in a particular block;
- ❖ The husband or wife who avails LTC as a member of the family of the spouse, cannot claim independently for self.

15. Government Servant and Family as independent units

- ❖ Travel together or separately
- ❖ Travel in different calendar years
- ❖ Travel to different places
- ❖ Return journey may be completed within six months from the date of commencement of the journey. Can be relaxed by HOD.

16. Concession for one-way journey

The concession is admissible to the members of a Government servant's family with reference to the facts existing at the time of forward and return journeys independently.

A. Entitlement to re-imbursement in respect of the outward journey only

- ❖ The dependent son/daughter getting employment or getting married after going to hometown or remaining there for prosecution of studies.
- ❖ The family having performed the journey to hometown have no intention of completing the return journey from hometown, provided the Government servant foregoes in writing the concession in respect of the return journey if performed by the family members at a subsequent date.

B. Entitled to reimbursement in respect of the RETURN journey only

- ❖ A newly married husband/wife coming from hometown to headquarters station or a husband/wife who has been living long at hometown and did not avail of the leave travel concession in respect of the outward journey.
- ❖ A dependent son/daughter returning with parents or coming alone from hometown where he/she has been prosecuting studies or living with grandparents, etc.,

- ❖ A child who was previously below five years of age but has completed five at the time of the return journey.
- ❖ A child legally adopted by a Government servant while staying in the hometown.

17. Block-Years: First Block to hometown –1956-57 (11-10-56). First Block to anywhere in India – 1974-1977

18. Change of declared place of visit

Declared place of visit can be changed-

- ❖ Before commencement of the journey with the approval of competent authority.
- ❖ Not after commencement of journey.
- ❖ If established that change can be made before commencement of journey, Ministry/Department or HOD can relax. Normally relaxed when circumstances go beyond the control of the Government servant.

19. ENTITLEMENTS

Pay Level (as per 7th CPC)/Grade Pay (as per 6th CPC) of the Officer	Entitlements
Level 14 of pay matrix (earlier Grade Pay Rs.10,000/-) and above and those in the pay band of HAG+ and above	Business/Club Class by Air or AC-I Class by Train at their option
Level 12, 13 & 13 A of pay matrix (earlier Grade Pay Rs.7600/-, Rs.8700/- and Rs.8900/-)	Economy Class by Air or AC-I Class by Train at their option
Level 9, 10 & 11 of pay matrix (earlier Grade Pay Rs.5400/- and Rs.6600/-)	Economy Class by Air or Second AC Class by Train at their option
Level 6, 7 & 8 of pay matrix (earlier Grade Pay of Rs.4200/-Rs.4600/- and Rs.4800/-)	Second AC Class by Train
Below Level 6 of pay matrix (earlier Grade Pay of Rs.4200/-)	First Class/AC III Tier/AC Chair Car by Train

20. ENTITLEMENTS OF TRAVEL BY SEA OR BY RIVER STEAMER

Pay Level (as per 7 th CPC)/Grade Pay (as per 6 th CPC) of the Officer	Entitlements
Level 9 and above of pay matrix (earlier Grade Pay Rs.5400/-) and above	Highest Class Deluxe Class for A&N Islands/Lakshadweep Islands
Level 6 , 7 & 8 of pay matrix (earlier Grade Pay of Rs.4200, 4600 and 4800/-)	If there are two classes only, the lowest class 1 st Class/'A' Cabin A&N Islands/Lakshadweep Islands
Level 4 & 5 of pay matrix (earlier Grade Pay of Rs.2400/- and Rs.2800/-)	If there are two classes only, the lowest class. If there are three classes, the middle or second class. If there are four classes, the third class. Bunk Class for A&N Islands/Lakshadweep Islands

21. Special provisions

Government servants who are deputed to **N.E. Region, Lakshadweep and A. & N. Islands** and who leave their family behind at the old duty station or another selected place of residence and who have not availed transfer T.A for the family will have the following options: -

- ❖ Avail L.T.C to hometown once in two years as per normal rules;
- ❖ Avail LTC for himself once a year from his Headquarters to hometown or the place where his family resides and in addition the family (limited to spouse and two dependent children) may avail LTC to visit the Government servant at the station of his posting once a year from the place where they reside.
- ❖ Officers and their families, i.e., spouse and two dependent children (upto 18 years for boys and 24 years for girls) can perform the LTC journey by air as below:

OFFICERS POSTED IN	BETWEEN STATIONS
(i) N.E. Region	Imphal/Silchar/Agartala/Aizwal/Lilabari and Calcutta
(ii) A&N Islands, Lakshadweep	Port Blair and Calcutta; Madras, Kavaratti and Cochin

22. ENTITLEMENTS FOR JOURNEY BY ROAD

Pay Level (as per 7th CPC)/Grade Pay (as per 6th CPC) of the Officer	Entitlements
Level 6 of Pay Matrix (earlier Grade Pay Rs. 4200/-) and above	Actual fare by air-conditioned bus
Below Level 6 of Pay Matrix earlier below grade pay Rs. 4200/-	Actual fare by Deluxe/Ordinary bus

23. LTC facility for an escort accompanying single disabled Government Servant will be admissible, subject to the following conditions:

- ❖ Prior approval of the Head of the Department concerned is obtained on each occasion.
- ❖ The nature of physical disability of the Government servant is such as to necessitate an escort for the journey. In case of doubt, the decision of the Head of the Department will be final.
- ❖ The physically disabled Government servant does not have adult family members.
- ❖ The government servant and the escort avail of the concession if any, in the rail/bus fare as might be extended by Railways/State Roadways authorities in such cases.
- ❖ Any other person who is entitled to LTC does not accompany the disabled Government servant on the journey.

24. Every year LTC to hometown admissible to un-married Government servants also, subject to the conditions that :

- ❖ Family wholly dependent living in hometown.
- ❖ This concession will be in lieu of all other LTC facilities admissible to the Government servant himself and the parents, sisters, minor brothers.

**25. LTC facilities for FRESH RECRUITS w.e.f. 23.09.2008:
FOR FIRST 2 BLOCKS AFTER JOINING FOR THE FIRST TIME:**

- (a) can travel to Hometown along with families on 3 occasions in a Block of 4 years

- (b) can travel to Anywhere in India on the 4th occasion.
- (c) can avail LTC facilities even if he changed job within Government during the first eight years.

26. LTC by air in winter only - Government servants posted in Ladakh Region

- ❖ This facility is allowed due to remoteness, snowfall and road blocks between 15th November to 15th March.
- ❖ Between Leh – Srinagar/Jammu/Chandigarh (remaining journey from and to Srinagar/Jammu/Chandigarh shall be performed by the entitled class.
- ❖ Restricted to spouse and boy- 18 years and girl – 24 years.

27. LTC can be combined with tour or transfer as well as during training/study leave.

- (a) If headquarter is changed during period of training
Self and family: Station of training and the hometown
- (b) If headquarter is not changed during period of training
Self: Station of training to hometown and back either to the same Station or headquarters for the journeys actually performed.
Family: Headquarter and hometown only.
- (c) For Training Abroad
Self: If the Government servant had undertaken journey from headquarter (from which he proceeded for training abroad) or headquarter declared under SR-59 to the Home town and back.
Family: Headquarter from which Government servant proceeded on training will be treated as the starting point for the onward journey

28. Advance

Up to 90 per cent of the probable amount of reimbursement can be granted:

- ❖ If family travels separately – advance may be drawn separately for them.
- ❖ Advance may be drawn for both onward and return journeys provided leave does not exceed 90 days as also anticipated stay of family.
- ❖ If this limit exceeds – advance for forward journey only.

- ❖ If the limit (90 days) exceeds AFTER THE ADVANCE HAD ALREADY BEEN DRAWN – one half of the advance should be refunded to Government forthwith.
- ❖ For advance to temporary Government servants- surety of a permanent Government servant may be obtained.
- ❖ Advance may be sanctioned by the Head of office.
- ❖ Advance may be refunded IN FULL AND NOT IN INSTALMENTS if journey is not commenced within 90 days.
- ❖ Advance can be drawn in advance, but in all cases tickets must be shown within 10 days.
- ❖ If conditions of advance are not complied with – Head of Office may charge penal interest, at the rate of two per cent above the rate of interest for GPF.

29. Income Tax Act- LTC: In computing the total income of a previous year of any person, any income falling within LTC shall not be included.

30. CLAIM:

- ❖ When Government servant and family performed journeys separately- can present separate claims- claims should be for both outward and inward journeys.
- ❖ For entitlement, family must do return journey within six months from the date of commencement of outward journey. This can be relaxed by HOD.
- ❖ Special supplementary charge levied by the Railways for super-fast express trains in reserved accommodation is reimbursable.
- ❖ Extra cost on account of reservation charges through Internet shall be borne by the Government.

31. FORFEITURE OF CLAIM

- ❖ In case no advance is drawn, claim must be submitted within three months of the date of completion of return journey.
- ❖ In case advance is drawn, the bill must be submitted within one month of the date of completion of return journey.
- ❖ If that is not done- entire advance recorded in lump sum as if no advance was drawn.

32. DISCIPLINARY ACTION FOR FRAUDULENT CLAIMS

A. If disciplinary authority decides to initiate disciplinary proceedings; such officials cannot claim LTC till finalization of the disciplinary proceedings. If inflicted with penalty under CCS (CCA) rules 1965:

- (a) Such official shall not be allowed next two sets in addition to the sets withheld during pendency of proceedings.
- (b) Controlling authority can disallow even more than two sets – reasons to be recorded in writing.

B. *If exonerated*, Government Servant will be allowed the withheld sets. However, he must avail of all sets before superannuation.

C. **LTC Not admissible to a Government servant under suspension; however, his family can avail the concession.** LTC is also not admissible to a Government servant who proceeds on leave but resigns his post without returning to duty.

33. ENCASHMENT OF LEAVE ON LTC:

- ❖ Encashment of 10 days EL is permissible in each occasion while taking LTC
- ❖ No effect on encashment of EL on retirement
- ❖ Maximum number of EL could be encashed for LTC is restricted to 60 in the entire service
- ❖ At least 30 days EL is to remain with the Government Servant, after encashment.
- ❖ Leave Encashment of EL can be availed, even if LTC is proposed to be taken on any other kinds of Leave other than EL.
- ❖ Both husband and wife are entitled for encashment of EL from their respective employers.
- ❖ Leave encashment is permissible even if the family is travelling alone and the Govt. servant not travelling with them.

CHAPTER -15

PENSION RULES

1. Introduction

As a model employer, the Government of India looks after the welfare of its functionaries not only during service but also after retirement. The interests of the families of Govt. servants who die during service or after retirement are also looked after. All this is achieved by invoking the provisions of the Central Civil Services (Pension) Rules, 1972, as amended from time to time.

Pension interests not only those who are nearing retirement; it is also of vital importance to Establishment Officers who have to administer cases relating to retirement benefits with utmost care, sympathy, imagination and expedition. It hardly needs to be emphasize that even early events in one's service, if not properly taken care of, may lead to difficulties in the settlement of pension cases. The problems areas mainly pertain to improper maintenance of service documents resulting in loss of qualifying service. In order that there are no delays in settling pension cases, it is imperative that all concerned are properly educated, trained and motivated about their roles so that the shortcomings can be minimized and all the retirement benefits can be paid as and when they become due.

2. The Normal Retirement Benefits

- i. **Pension:** - A recurring monthly payment for life determined on the basis of pay drawn at the time of retirement and subject to a minimum qualifying service of 10 years.
- ii. **Retirement Gratuity:** A lump sum amount, not exceeding Rs.20 lakhs w.e.f.1-1-2016, which is to be increased by 25%, whenever the dearness allowance increases by 50% determined on the basis of length of service and last pay drawn or average emoluments, (In 6th CPC it was Rs.10 lakhs) whichever is higher.
- iii. **Service Gratuity:** Amount payable in lieu of pension in case net qualifying service is less than 10 years. Service Gratuity is in addition to Retirement Gratuity.
- iv. **Commutation of Pension:** A lump sum payment in lieu of portion of pension, not exceeding 40% of the basic pension, surrendered by the pensioner.

- v. **Encashment of Earned Leave:** Cash equivalent of leave salary admissible for the EL/HPL available in the leave account of the pensioner subject to a maximum of 300 days.
- vi. **Group Insurance Scheme (CGEGIS):** Accumulations in the Savings Fund under Central Government Employees' Group Insurance Scheme, **1980**.
- vii. **General Provident Fund:** Accumulations in the fund inclusive of interest thereon.
- viii. **Travelling Allowance:** At par as admissible on transfer, to the intended place of residence.
- ix. **Medical Facility available after retirement.**

3. **Benefits admissible on Death**

- (i) **Death Gratuity:** A lump sum amount, not exceeding Rs.20 lakhs w.e.f.1-1-2016, which is to be increased by 25%, whenever the dearness allowance increases by 50% determined on the basis of length of service and last pay drawn or average emoluments, (In 6th CPC it was Rs.10 lakhs) whichever is higher.
- (ii) **Family Pension/Enhanced Family Pension**
- (iii) Amount of Insurance plus accumulations in Savings Fund under **CGEGIS** along with interest thereon.
- (iv) **TA** to family to intended place of residence.
- (v) Benefits under **Deposit Linked Insurance** Scheme available in GPF Rules (Maximum upto Rs.60,000).

4. **Applicability of CCS (Pension) Rules, 1972**

These rules apply to all Central Govt. servants joining service **on or before 31.12.2003**, including civilians paid from Defence Services Estimates, **appointed substantively** to civil services and posts which are borne on pensionable establishments. These rules, however, do not apply to the staff paid from contingencies or on daily wages, and persons employed on contracts, etc.

5. Eligibility for Pension

A Govt. servant is entitled to get pension benefits if he is confirmed before retirement. As per rule, a temporary employee who has completed 10 years of qualifying service before retirement on superannuation/invalidation is entitled to pension admissible to him if he retires voluntarily under Rule 48-A of CCS (Pension) Rules, 1972. However, since the confirmation has been delinked from the availability of the permanent vacancy in the grade, an officer who has successfully completed the probation is considered for confirmation. It may thus be seen that since all the persons who completed probation in the first appointment will be declared as permanent, the present distinction between permanent and temporary employees for grant of pension and other pensionary benefits will cease to exist.

Families of temporary employees who die in harness are also allowed the same death benefits as admissible to families of permanent employees under these rules. In a nutshell as on date for a Govt. Servant to be eligible for pensionary benefits as a matter of right, two conditions must be fulfilled: -

- (i) The Govt. Servant must have retired or deemed to have been retired,
- (ii) The Govt. Servant must have entered service on or before 31-12-2003

II. Classes of Pension

1. Superannuation Pension

This is granted to a govt. servant who is retired on his attaining the age of superannuation i.e. 60 years in the case of all categories of employees. A govt. servant retires on the afternoon of the last day of the month in which he attains the age of 60. In case his date of birth falls on the 1st of the month, then he will retire on the last date of the previous month in which he attains the prescribed age (Rule 35).

Pension is calculated at 50% of the average emoluments or last emolument whichever is beneficial irrespective of the length of service provided the service becomes pensionable (minimum 10 years of qualifying service). The amount of pension finally calculated is expressed in whole rupees by rounding the fraction to the next higher rupee. Basic pension is subject to a **minimum of Rs. 9000/- p.m. and maximum of 50% of Maximum Basic Pay, i.e. Rs.1,25,000 p.m.** whereas, in 6th CPC the Minimum Pension was Rs.3500/- and maximum of Rs.45,000/- per month. For instance, if a Govt.

servant retires with Rs.60000/- as the higher of the last emolument and average emolument, pension payable will be calculated as under: -

$$\text{Pension} = \frac{60000 \times 50}{100} = \text{Rs. 30,000/- per month +DR}$$

Note: - Minimum service of 10 years for invalidation pension has been dispensed with

- i. The Govt. servant must have retired or deemed to have been retired,
- ii. The Govt. Servant must have entered service on or before 31-12-2003

2. Retiring Pension

It is available to a Govt. servant who retires or is retired in advance of the age of superannuation. Date of retirement is usually on the expiry of notice period which need not necessarily synchronize with the last date of the month. Rule 48 and FR 56 contemplate situations for voluntary retirement as well as for pre-mature retirement, where Govt. can retire its personnel on completion of the age of 50/55 years or on completing 30 years of service.

3. Voluntary Retirement after 20 yrs. of Qualifying Service

A Govt. servant may seek voluntary retirement after completion of 20 years of qualifying service with a notice of minimum three months (Rule 48A). Date of voluntary retirement will be a working day for the Govt. Servant.

4. Invalid Pension

This is granted on the request of the government servant who is permanently incapacitated either physically or mentally. The Govt. servant has to get a medical certificate on the prescribed form (Form 23) from the competent medical authority with full knowledge of the Head of Office (Rule 38).

5. Compensation Pension

This is granted when the permanent post of a Govt. servant is abolished and it is not possible to appoint him in any other post the conditions of which are deemed to be equal to the one held by the govt. servant and he does not opt for another appointment on such pay as may be offered to him (Rule 39).

6. Pension on absorption in Public Sector Undertakings.

This is granted to Govt. servant who is permanently absorbed by the PSUs or Autonomous Bodies. Such a Govt. servant can opt to receive pro-rata retirement benefits

rendered under Central Govt. or those benefits of combined service under the Govt. in the Autonomous Body (Rule 37).

7. Compulsory Retirement Pension

This is admissible to a govt. servant who is retired as a measure of penalty by the competent authority. The amount of this pension or gratuity or both shall not be less than two-thirds and more than full compensation pension that could be sanctioned to a govt. servant on the date of such retirement. Date of retirement is the date on which penalty becomes effective (Rule 40).

8. Compassionate Allowance

This is available to a govt. servant who is dismissed or removed from service and forfeits his pension and gratuity. The authority competent to dismiss or remove him from service may in consideration of deserving cases, sanction a compassionate allowance not exceeding two-thirds of pension or gratuity or both which he would have got had he retired on compensation pension and should not be less than Rs. 9,000/- (Rule 41).

III. Basic Factors Governing Pension/Gratuity

1. The payment of Pensionary Benefits depends on the following: -

- (i) Qualifying Service
- (ii) Emoluments or Average Emoluments, whichever is higher,

2. Qualifying Service (QS)

- (i) QS is service rendered while on duty or otherwise which shall be taken into account for the purpose of determining the amount of pension and gratuity.
- (ii) Service qualifies only when the duties and pay are regulated by GOI and paid from the Consolidated Fund of India administered by GOI.
- (iii) QS commences from the date GS takes charge of the post (i.e. Date of joining) and ends on the date of death or date of retirement.
- (iv) Various types of service and whether it qualifies for pension/gratuity.

<i>Period rendered on/in</i>	<i>Is it reckoned as QS</i>	<i>Conditions(if any)</i>
Probation(R-15)	YES	If followed by confirmation in the same or another post.

Training (R-22) (Immediately before appointment)	YES	There should be no interruption except joining time
(In service)	YES	--
State Govt. Service (R-14)	YES	There should be no interruption except joining time.
Autonomous body (R-14)	Option with GS	Subject to certain conditions
Service on contract (R-17)	Option with GS	Subject to certain conditions.
Military Service before re-employment (R-19).	Option with GS	Subject to certain conditions

(v) Periods spent on leave (R-21)

All leave with leave salary	Counts as QS
Extra-ordinary leave	
a) With medical certificate	Counts as QS
b) Without medical certificate	
i) Due to civil commotion	Counts as QS
ii) For higher scientific or technical studies	Counts as QS
iii) Other grounds (i.e. other than (i) and (ii) above	Does not count as QS

Note: In case (iii) above, a definite entry is to be made in the service book to the effect that the EOL without MC is on grounds other than (i) and (ii) above or that the period of EOL will not count as QS. **All spells of EOL without MC not covered by such definite entry will be deemed as QS.**

(vi) Unauthorized absence (over stayal) in continuance of authorised leave of absence is to be disregarded while computing QS.

(vii) Periods of suspension

If GS under suspension

i)	If fully exonerated	--	Counts as QS
ii)	If suspension is held wholly unjustified	--	Counts as QS
iii)	If proceedings end with minor penalty	--	Counts as QS
iv)	Other cases	--	Does not count as QS

Note: Competent authority must declare whether and to what extent period of suspension will count as QS. In the absence of specific entry, all period of suspension shall count towards QS. [Rule 23]

(viii) Resignation, removal or dismissal entails forfeiture of past service. [Rules 24].

➤ **How to calculate QS?**

To work out the net QS to be reckoned for the purpose of calculating pension and gratuity-

	Years	Months	Days
Gross Service i/c past service, if any	--	--	--
LESS period of Non-QS	--	--	--
Net QS	--	--	--
NET QS in SMPs			

Note: "Month" means "Calendar month" and Year means calendar year.

➤ **Rounding off of Qualifying Service**

QS is expressed in completed six monthly periods (SMPs). It is subject to a maximum of 66 SMPs. Broken periods of years are to be reckoned as follows:

Fraction of a year	Number of SMP
Less than 3 months	Nil
3 months and above but less than 9 months	One
9 months and above	Two

9. Average emoluments/Emolument (R 33 & 34)

Emoluments and Average Emoluments

- (i) **Emoluments.** Emoluments are used for purposes of calculating pension, gratuities and Family Pension and other retirement benefits. The term emoluments is last pay drawn and last pay means the **basic pay as per Pay Matrix** (earlier Band Pay plus Grade Pay) as defined in FR 9(21)(a)(I), which a Govt. servant was receiving immediately before his retirement or on the date of his death. **Non-practising Allowance** also counts towards Emoluments. If a Govt. servant had been on leave with leave salary or been suspended but later reinstated without forfeiture of past service, the emoluments which he would have drawn had he not been absent from duty or suspended, will be reckoned as emoluments. An increment falling due during EL not exceeding 120 days, even though not actually drawn, counts as emoluments. When a govt. servant proceeds on Foreign Service, the pay which he would have drawn under Govt. but for proceeding on Foreign Service will be treated as emoluments.
- (ii) With effect from 1st January 2016, for the purpose of calculation of all kinds of gratuities (retirement, death, service), Last Pay drawn means pay so fixed in Pay

Matrix plus Dearness Allowance as admissible on the date of retirement will be taken as 'Emoluments'. For calculating Encashment of Leave also dearness allowance on the last pay drawn is taken into account.

- (iii) If a Govt. servant dies while under suspension before the disciplinary proceedings are concluded, the period between the date of suspension and his date of death shall be treated as duty for all purposes. Pay in such a case would mean emoluments to which he would have been entitled but for the suspension.
- (iv) **Average Emoluments (A.E).** Average Emoluments (A.E) is used for the purpose of calculation of Pension. A.E means Emoluments drawn by a Govt. servant during the last 10 months of his service. In the event of being on EOL or under suspension during these 10 months, that period will be ignored and equal period before 10 months will be included for calculation of average emoluments. Pension will be calculated on **Average Emoluments** or **Emoluments** whichever is beneficial.
- (v) Any reduction in pay drawn during the last ten months of service otherwise than as a penalty, average emoluments shall be treated as 'Emoluments' for the purpose of determining Retirement Gratuity/Death Gratuity.

Emolument for Pension	Emolument for Gratuity	Emolument for Family Pension
Emolument means Last pay drawn or AE (Total Emolument of Last ten months/10), whichever is beneficial		
Pay Means	Pay Means	Pay Means
Basic Pay as per Pay Matrix +NPA	Basic Pay as per Pay Matrix +NPA Plus DA at the time of retirement/death	Basic Pay as per Pay Matrix +NPA

Note:

1. Dearness Allowance is reckoned in calculation of 'Emolument' only for the purpose of Retirement Gratuity of Death Gratuity and for no other purpose. [Rule 33 read with FR 9(21) (a) (i) and DPPW's OM dated 19-10-93]
2. Do not round off the AE.

10. Pension

How to calculate Pension?

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Formula: Pension = $\frac{\text{Basic Pay} \times \text{AE or LPD, whichever is more}}{100}$

[Rule 49(2)]

subject to minimum of Rs.9000/- per month

[Rule 48(4)]

11. Service Gratuity (In Lieu of Pension)

- i. A lump-sum payment payable in lieu of pension.
- ii. Admissible to GS who retires from service before completion of 10 years QS.
- iii. How calculated: $\frac{1}{2} \times E \times \text{SMPs}$ (Max. 66)
- iv. A GS who has completed 5 years QS and has become eligible for SG on retirement, is eligible for Retirement Gratuity also.

[rule 49(1) & 50(1)]

12 Retirement Gratuity

- i. Payable to GS on retirement with minimum service of 5 years as on date of retirement.
- ii. Admissible in addition to SG or Pension
- iii. How Calculated: $\frac{1}{4} \times E \times \text{SMPs}$ (Max. 66)
- iv. Subject to a maximum of 16 $\frac{1}{2}$ times emoluments provided RG does not exceed Rs. 20 Lakhs only.

[Rule 50(1)(a) & first proviso thereto]

13. Death Gratuity

- i. Payable to the family of the deceased GS
- ii. How calculated:

	Length of QS	Rate of DG
i)	Less than 1 year	2 times E
ii)	One year or more but less than 5 years	6 times E
iii)	5 years or more but less than 11 years	12 times E
iv)	11 years more but 20 years less than	20 times E
v)	20 years of more	$\frac{1}{2} \times E \times \text{SMPs}$ (Max. 66) Provided does not exceed Rs. 20 lakhs only.

14. Residuary Gratuity

- i. Payable to the family of the deceased GS
- ii. Conditions:
 - a. GS should be eligible for SG or pension; and

- b. If Pensioner has died within 5 years from date of retirement.
- c. How calculated: Difference between 12 times emoluments at the time of retirement and the amount(s) actually received by the GS at the time of death (SG or pension plus RG plus commuted value of a portion of pension plus Dearness Relief on pension).

[Rule 50(2)]

SG, DG or Residuary is paid in whole of a rupee. A fraction of a rupee is rounded off to the next higher rupee.

15. Family for gratuity:

For the purpose of Gratuity, family means –

Category I (I to IV) Wife or wives including judicially separated wife or wives in case of male GS,

- i. Husband including judicially separated husband in case of female GS,
- ii. Sons including stepsons and adopted sons,
- iii. Unmarried daughters including steps-daughters and adopted daughters,

Category II (V to XI)

- i) Widowed daughters including step-daughters and adopted daughters,
- ii) Father | including adoptive parents in case,
- iii) Mother | GS's personal law permits adoption,
- iv) Brothers including step-brothers Below 18 Years Age,
- v) Unmarried sisters and Widowed sister including step-sisters,
- vi) Married daughters, and
- vii) Children of a pre-deceased son.

In case of no nomination or if nomination made does not subsist.

- a) Payable to the surviving members of the family as at I to IV in Equal shares.
[Rule 51(b)(1)]
- b) In case of no surviving member as at I to IV above payable to the surviving members of the family as at V to XI in Equal shares.
[Rule 51(b)(ii)]

- c) In case there is no family or surviving member of the family, payable to the person in whose favour a Succession certificate is granted by a Court of Law.
[Proviso to Rule 52]

16. Debarring

A person charged with the offence of murdering or abetting the offence shall be debarred from receiving the gratuity, unless acquitted of the charge.
[Rule 51(a)]

17. Lapse of RG/DG

In the absence of the possibilities given above RG/DG will lapse.

18. Family Pension

Admissible to the family of a deceased GS if he dies:

- i. After completion of not less than one year's continuous service; or
- ii. Before completion of one year's continuous service, provided the deceased GS, immediately prior to his appointment was medically examined and declared fit for Govt. service; or
- iii. After retirement, was in receipt of pension on the date of death.

19. Family for the purpose of family pension:

For the purpose of Family Pension, the 'Family' shall be categorized as under:-

Category-I

- a. Widow or widower, up to the date of death or re-marriage, whichever is earlier; if the widow is issueless and remarries, her pension will not stop, but as soon as her income from any source becomes Rs. 9000/- or more it will stop.
- b. Son/Daughter (including widowed daughter), up to the date of his/her marriage/remarriage or till the date he/she starts earning or till the age of 25 year whichever is the earliest.
[Rule 54(14)(b)]

Category-II

- i. Unmarried/Widowed/Divorced daughter, not covered by Category I above, upto the date of marriage/re-marriage or till the date she starts earning or upto the date death, whichever is earliest.

- ii. Parents who were wholly dependent on the Government servant when he/she was alive provided the deceased employed had left behind neither a widow nor a child. Family pension to dependent parents unmarried/divorced/widowed daughter will continue till the date of death.
- iii. Family pension to unmarried/widowed/divorced daughters in Category II and dependent parents shall be payable only after the other eligible family members in Category I have ceased to be eligible to receive family pension and there is no disabled child to receive the family pension. Grant of family pension to children in respective categories shall be payable in order of their date of birth and younger of them will not be eligible for family pension unless the next above him/her has become ineligible for grant of family pension in that category.

The dependency criteria for the purpose of family pension shall be the minimum family pension along with dearness relief thereon.

20. To whom payable

- i. Family pension is ordinarily payable to only one person at a time in the following order:

i)	Widow/widower	Up to the date of death or re-marriage, whichever is earlier. In the case of childless widow, remarriage is not a bar. She is eligible for FP until her independent income from all sources becomes equal to Rs.9000/- pm or more.
ii)	Sons	Up to the age of 25 years or marriage or till he starts earning Rs. 9000/- or more, whichever is earlier.
iii)	Unmarried/ Widow daughters	For life or marriage/ re- marriage or till she starts earning Rs.9000/- or more, whichever is earlier..
iv)	Mother/Father	Only if the deceased govt. servant/pensioner had neither left behind widow nor children. Available up to death, first to mother.

- ii. Family pension to children shall be payable in the order of their birth and the younger of them will not be eligible unless the elder next above him/her has become ineligible for grant of family pension.
- iii. Mentally or physically disabled children, who are unable to earn their own livelihood, will get family pension for life.
- iv. Life time family pension to disabled children or unmarried/divorced/widowed daughters only after other members have become ineligible.

- v. Family Pension to disabled son admissible ever after his marriage and till he starts earning Rs.9000/- or more.
- vi. If there is unmarried/divorced/widowed daughter above the age of 25 years and a disabled child only to receive the FP then FP shall be payable to the disabled child first and then to the daughter. (DoP &PW OM dated 11-9-2013)

21. Normal rate of family pension - Determined as given below

30% of emoluments subject to minimum Rs.9000 /- and maximum Rs. 75000/- p.m.

22. Enhanced rate of family pension

If the Government Servant dies while in service, the enhanced family pension under Rule 54(3)(a)(i), shall be payable to the eligible member of the family for a period of **ten years**. If any pensioner dies, then the enhanced family pension under Rule 54(3)(a)(i) shall be payable to the eligible member of the family for a period of **seven years after the retirement** or up to the period the pensioner **would have attained the age of 67 years** had he been alive, **whichever is earlier**. The enhanced rate of family pension is 50% of the emoluments or the amount of pension authorized at the time of retirement. After the expiry of the period given above the family pension will be payable at normal rate.

23. Eligibility of family pension to children from a void or voidable marriage.

The share of children from illegally wedded wife in the family pension shall be payable to them in the manner given under sub-rule 7(c) of CCS(Pension) Rule, 1972, along with the legally wedded wife. (O.M. No.1/16/1996-P&PW(E) vol.II dated 27 November 2012.)

24. Revision of Pension:

Pension formulation for the civil employees including CAPF personnel, who retired before 1-1-2016: -

- i) All the civilian personnel including CAPF who retired prior to 1-1-2016 shall first be fixed in the Pay Matrix, on the basis of the Pay Band and Grade Pay at which they retired, at the minimum of the corresponding level in the matrix. This amount shall be raised, to arrive at the notional pay of the retiree, by adding the number of increments he/she had earned in that level while in service, at the rate of three percent. Fifty percent of the total amount so arrived at shall be the revised pension.

- ii) The second calculation to be carried out is as follows. The pension, as had been fixed at the time of implementation of the VI CPC recommendations, shall be multiplied by 2.57 to arrive at an alternate value for the revised pension.
- iii) Pensioners are given the option of choosing whichever formulation is beneficial to them.

Illustration on fixation of pension based on recommendations of the Seventh CPC.

Case I:

Pensioner 'A' retired at last pay drawn of Rs. 79,000 on 31st May, 2015 under the VI CPC regime, having drawn three increments in the scale Rs. 67,000 to 79,000:

		Amount in Rs.
1.	Basic Pension fixed in VI CPC	39,500/-
2.	Initial Pension fixed under Seventh CPC (using a multiple of 2.57)	1,01,515/- Option 1
3.	Minimum of the corresponding pay level in 7 CPC	1,82,200/-
4.	Notional Pay fixation based on 3 increments	1,99,100/-
5.	50 percent of the notional pay so arrived	99,550 /- Option 2
6.	Pension amount admissible (higher of Option 1 and 2)	1,01,515/-

Case II:

Pensioner 'B' retired at last pay drawn of Rs. 4,000 on 31 January, 1989 under the IV CPC regime, having drawn 9 increments in the pay scale of Rs. 3000-100-3500-125-4500:

		Amount in Rs.
1.	Basic Pension fixed in IV CPC	1,940/-
2.	Basic Pension as revised in VI CPC	12,543/-
3.	Initial Pension fixed under Seventh CPC (using a multiple of 2.57)	32,236/- Option 1
4.	Minimum of the corresponding pay level in 7 CPC	67,700/-
5.	Notional Pay fixation based on 9 increments	88,400/-
6.	50 percent of the notional pay so arrived	44,200/- Option 2
7.	Pension amount admissible (higher of Option 1 and 2)	44,200/-

25. Commutation of Pension

Commutation of pension means conversion of a portion of pension into lump sum amount. Govt. servant who surrenders a portion of his monthly pension receives a lump sum payment in lieu of such surrender. Lump sum payment is calculated in accordance with the table of pension values prescribed by the govt. Not more than 40% of Basic pension is allowed for commutation. Commutation is not allowed when judicial/departmental proceedings are instituted against a Govt. servant. The formula for calculation of the commuted value is:

Amount offered for commutation $\times 12 \times$ Commutation factor.

The commutation table is shown at **Annexure 'A'**.

An example of commutation in the case of an employee who retires at the age of 60 years:

Average Emoluments	Rs.60,000
Qualifying Service	33 years
Superannuation pension	$\frac{60000 \times 50}{100} = 30000$
Amount commuted 40%	12000
Residual pension	$30000 - 12000 = \text{Rs.}18000 \text{ p.m.}$ (Plus dearness relief on full basic pension of Rs.30,000, presently 0%, may be 2% from July, 2016)
Amount of commuted Value of P.	$12000 \times 12 \times 8.194 = \text{Rs.} 11,79,936/-$

Committed portion of pension is restored to pensioners on completion of 15 years from the date of commutation.

Note: - Additional Pension/Family Pension is allowed to the pensioners/family pensioners on their attaining the age of 80, 85, 90, 95 and 100 years at the rate of 20%, 30%, 40%, 50% and 100% respectively will be as under. Dearness Relief is also available on the additional pension.

Age of Pensioner / family pensioner	Additional quantum of pension
80 years to less than 85 years	20% of Basic pension
85 years to less than 90 years	30% of Basic pension
90 years to less than 95 years	40% of Basic pension
95 years to less than 100 years	50% of Basic pension
100 years or more	100% of Basic pension

Rule 49(2-A)

This benefit of additional pension will be admissible from the 1st day of the month in which the pensioner reaches the above age.

26. Procedure for authorisation of amounts of pension and gratuity

Departmental Heads have been made accountable for issuing pension payment and gratuity orders on or before the date of an employee's retirement. Every Head of Department prepares a list every three months on 1st of January/ April / July/ October each year of all government servants who are due to retire within the next 12 to 15 months. A copy of such list is to be sent to the Accounts Officer.

27. Preparation of Pension Papers

This job is undertaken two years before the date of retirement. Service Book has to be scrutinised, certificates of verification for entire service are recorded and unverified portion, if any, is required to be verified. For any unverifiable service, the Govt. servant is asked to file a statement on plain paper and the declaration is taken as truth. All omissions, imperfections and deficiencies with regard to qualifying service are also made good at this stage.

For calculation of average emoluments, the Head of Department verifies from the Service Book the correctness of emoluments drawn/to be drawn during the last **10 months** of service. All the actions have to be completed **6 months** before the retirement and pension papers complete in all respects are sent to the Accounts Officer **4 months** before the date of retirement. Pension Process Map and Time Frame for processing Pension cases is shown in a table at the end of this chapter.

28. Authorisation of Pension and Gratuity

The Accounts Officer issues Pension Payment Order **not later than one month** before the date of retirement of a Govt. servant. The amount of gratuity is drawn and disbursed by the Head of Deptt. after adjusting any outstanding dues.

29. Provisional Pension

In case the Accounts Officer is not in a position to issue Pension and Gratuity Order, the Head of Office will, on the basis of information available in his office records, issue **Provisional Pension** Payment Order and Provisional Gratuity. The payment of

provisional pension shall not continue beyond the period of six months from the date of retirement and the provisional pension/gratuity will become final after six months.

A- Rule 64

Provisional Pension is allowed when :

: Head of office could not forward pension papers 6 months prior to Retirement.

: Accounts officer has raised observation which is likely to delay timely processing.

B-Rule 69

: Where Departmental or Judicial Enquiry is pending against Govt. servant.

In case A

:provisional pension is more than final, excess will be recovered from addl. gratuity if due, otherwise by short payment of pension.

:If Provisional Gratuity more than Final Gratuity; no recovery.

In case B

: Only provisional pension will be authorized by Accounts officer

: No gratuity authorized before conclusion of proceedings.

: Service will be taken up to the date of retirement, if not suspended.

: Service will be taken up to date prior to suspension, if suspended.

: After proceedings are over, final pension orders to be issued.

: No recovery on account of excess pension payment.

30. Nominations

The settlement of pensionary benefits is delayed mainly due to non-availability of proper nominations in service records. This adds to the sufferings to the families of the deceased Govt. servant. To claim the dues, in the absence of nominations, a long procedure has to be undergone through by obtaining a Succession Certificate. Government servants are entitled to change our nominations whenever priorities change. Nominations in the case life time arrears of pension are to be filed before retirement along with the application for pension. Subsequent modifications to the nominations can also be

filed by the pensioners with the respective pension disbursing authorities. Existence of this nomination will facilitate payment of arrears of pension to the nominees. Pensioners can also avail of nomination facilities with their bankers.

A bachelor at the time of making a nomination nominates his father to receive the gratuity amount in the event of his death. He may provide that this nomination shall become invalid in the event of his subsequently marrying. If he does not make this contingency provision in the nomination and dies after getting married, the payment of gratuities will be made to the nominee (i.e. his father) and his wife cannot get any share.

31. General

All pensions/gratuities and dearness relief are payable in rupees. Pension / family pension is payable upto and including the date on which its recipient dies. Grant of Pension and its continuance is subject to future good conduct of the pensioners. Pension finally authorised cannot be revised to the disadvantage of the pensioner except to correct a clerical error.

Pension cannot be attached, seized, etc. for any demand against a pensioner; nor can a pensioner make any assignments etc. in anticipation of pension. But, if a pensioner is convicted of a serious crime or is found guilty of grave misconduct or negligence, pension may be withheld or withdrawn fully or partly for a specified or indefinite period after following the prescribed procedure which *inter-alia* requires an opportunity being given to the pensioner to show cause against the action proposed to be taken.

32. Interest on Delayed Payments of RG / DG.

Pensioners are entitled to receive interest on Retirement/Death Gratuity if its payment is delayed due to administrative lapse. Gratuity becomes payable following the date of retirement:

- Interest will be paid if delayed by more than 3 months in case of Superannuation.
- 6 months in case of retirement other than superannuation.
- 6 months from the date of death in service.

If enquiry instituted:

- **Exonerated:** - Gratuity falls due from DOR and interest admissible if payment delayed beyond 3 months period.
- **Death:** Case dropped. Gratuity falls due on date following death. Hence interest will be paid beyond 3 months from date of death.

- **Not exonerated:** If gratuity allowed, falls due on date following the order. Hence interest beyond 3 months from date of order.

33. Check list for settlement of pension cases

- (i) Application Form for Assessing Pension & Gratuity, in triplicate.
- (ii) Head of Office to obtain from the govt. servant – particulars of self, family, joint photographs, in triplicate.
- (iii) Covering letter in the prescribed form.
- (iv) Service Book duly completed including Leave Account portion (Date of retirement to be indicated in Service Book). Certificate of service verification to be recorded.
- (v) Statement of Govt. dues, for recovery, if any.
- (vi) No demand certificate
- (vii) Nomination for Gratuity
- (viii) Three copies of specimen signature duly attested.
- (ix) Three copies of passport size photographs duly attested
- (x) Certificate to the effect that no disciplinary/vigilance case is pending/contemplated against the official.
- (xi) Bank option in triplicate/ Bank detail.
- (xii) Certificates regarding receipt of leave salary/pension contribution in cases where the employee remained on Foreign Service (This may be recorded in the Service Book).
- (xiii) Medical Certificate of incapacity from competent authority (if the claim is for Invalid Pension).
- (xiv) Two slips showing the particulars of height and identification mark, duly attested.
- (xv) Application for Commutation of Pension.
- (xvi) Aadhar card detail/ number.

34. Check list for settlement of Family Pension cases

- i. Application form for Family Pension, duly completed.

- ii. Service Book (date of death to be indicated in Service Book).
- iii. Three specimen signatures of the applicant duly attested.
- iv. Three copies of passport size photographs duly attested.
- v. Two slips bearing left hand thumb and finger impression of the applicant duly attested in case the applicant is not literate enough to sign his/her name, identification, etc.
- vi. Descriptive Roll of the applicant duly attested indicating height, personal marks of identification, etc.
- vii. Death Certificate.
- viii. Nomination for payment of gratuity.
- ix. Bank option in triplicate.
- x. Details of Family in the prescribed Form.
- xi. Aadhar card details / number.

35. Pension paper processing schedule and time frame

s.no.	Process	Authority concerned	Timeframe	Rule
1.	List preparation 12-15 months before retirement	Head of deptt.	1st of Jan./april/july/october	56(1)
2.	Sending list to a.o.	H.o.d.	31st of jan./april/july/october	56(2)
3.	Sending list to Dte. Of estates	Head of office	12 months before retirement	56(4)
4.	Verification and determining q.s. And a.e.	Head of office	12 months before retirement	59(a) & (b)
5.	Communication of facts to the employee	Head of office	8 months before retirement	59(c)
6.	Submission of the papers by employee	Employee	6 months before retirement	59(c)(iii)
7.	presentation of papers to accounts officer	head of office	4 months before retirement	61(4)
8.	checking and by ao and forwarding ppo to pension paying authority	accounts officer	1 month before the retirement	65
9.	despatch of ppo to cpao	accounts officer	on the last working day of month preceding the month of retirement	
10-a	despatch of bank half of the ppo to cppc of authorised bank	cpao	by 20th of the month of retirement	

10-b	handing over of pensioners half of ppo to the retiring employee	head of office	date of retirement	
11.	completion of all formalities and crediting the pension to the pensioner's account	cppc / paying branch	last day of the month.	

COMMUTATION TABLE

Age	Factor	Age	Factor	Age	Factor
20	9.188	41	9.075	62	8.093
21	9.187	42	9.059	63	7.982
22	9.186	43	9.040	64	7.862
23	9.185	44	9.019	65	7.731
24	9.184	45	8.996	66	7.591
25	9.183	46	8.971	66	7.431
26	9.182	47	8.943	68	7.262
27	9.180	48	8.913	69	7.083
28	9.178	49	8.881	70	6.897
29	9.176	50	8.846	71	6.703
30	9.173	51	8.808	72	6.502
31	9.169	52	8.768	73	6.296
32	9.164	53	8.724	74	6.085
33	9.159	54	8.678	75	5.872
34	9.152	55	8.627	76	5.657
35	9.145	56	8.572	77	5.443
36	9.136	57	8.512	78	5.229
37	9.126	58	8.446	79	5.018
38	9.116	59	8.371	80	4.812
39	9.103	60	8.287	81	4.611
40	9.090	61	8.194	-	-

How is the percentage of disability computed? To whom is it applicable?

36. The computing of percentage of disability is application only for the Government servants retiring under CCS (EOP) Rules. The extent of disability or functional incapacity is determined in the following manner for purposes of computing the disability element forming part of benefits: -

Percentage of disability assessed by Medical Board	Percentage to be reckoned for computation of disability pension
Upto 50%	50%
More than 50 and upto 75%	75%
More than 75 and upto 100%	100%

Provided that the above broad banding shall not be applicable to Government servants who are retained in service and are granted lumpsum compensation.

37. How disability pension is different from Invalid Pension?

The invalid pension is granted under Rule 38 of CCS (Pension) Rules when the Government servant seek invalidation from service for any bodily or mental infirmity whereas disability pension is granted under CCS (EOP) Rules. The CCS (COP) rules provided that if a government servant is boarded out of service on account of injury attributable to Government service he shall be granted disability pension which includes service element as well as disability element. Invalid pension and disability pension cannot be combined.

38. What is the revised quantum of ex-gratia lump sum compensation to Civilian employees who die in performance of their bona fide official duties?

In modification of Department of Pension & PW's OM No. 38/37/2016- P&PW(C)(i) dated 04.08.2016, the ex-gratia lump sum compensation to Civilian employees who die in performance of their bona fide official duties has been revised as under:

a.	Death occurring due to accidents in course of performance of duties	Rs.25.00 Lakhs
b.	Death occurring due to accidents in course of performance of duties attributable to acts of violence by terrorists, anti-social elements, etc.	Rs.25.00 Lakhs
c.	Death occurring due to a. Enemy action in international war or border skirmishes and b. Action against militants, terrorists, extremists etc.	Rs.35.00 Lakhs
d.	Death occurring while on duty in specified high altitude, inaccessible border posts, etc. on account of natural disaster, extreme weather condition.	Rs.35.00 Lakhs
e.	Death occurring during to enemy action in war or such war like engagements, which are specifically notified by Ministry of Defence and Death occurring during evacuation of Indian Nationals from a war torn zone in foreign country.	Rs.45.00 Lakhs

39. Issue of Identity Card to Pensioner

The office from which a government servant is retired will issue an identity card to the pensioner. The pensioners' identity card contains the details regarding address,

telephone number, date of birth, post held at the retirement, PPO / PRAN No., Aadhar card No. etc.

The Identity card to pensioners retiring from the Central Govt. offices in Delhi and other Metropolitan cities / big cities may be printed as Plastic Cards with the help of PVC thermal Printer with 600 DPI resolutions. In case such facility for printing of Plastic card is not available in the office from where the employee is retiring, the Pensioners Identity card may be got printed locally from the market.

40. Sanklap

- (i) Department of Pension and Pensioners Welfare Government of India such started an initiative in which a platform is provided for the pensioners to access opportunities available for use interventions in society. It also facilitates the organizations working in these areas to select appropriate skill and expertise from the available pool of volunteer pensioners. Another key element of the initiative is to conduct Pre-retirement Counselling Workshops to help the retiring employees to transit smoothly into their 2nd inning.

Who can be registered under SANKLAP?

- (ii) Pensioners, Pensioner's Association and Non-Government Organizations can be registered under SANKLAP

What is the essential requirement for the registration of pensioners?

- (iii) 12-digit pension payment order (PPO) for central government civil Pensioners and service number, rank and record office for retired defence personnel. In addition, date of birth, date of superannuation, designation, department, PAN number and mobile number are essential for registration of pensioners under SANKLAP.

Method of registration with SANKLAP.

- (iv) Pensioners can submit the pensioner registration form on line website, i.e. <http://pensionersportal.gov.in/Sanklap>. Also, a self-attested copy of the 12 digit PPO is to be sent to the DOP&PW. After verification, they are registered and provided login id and password through which they can log in.

Will a pensioner will get salary / honorarium for his said work?

- (v) DOPPW only provides a platform where pensioners can access opportunities to work / contribute towards on voluntary basis and organizations / Associations can select appropriate skill and expertise from the available pool of human resources.

41. Jeevan Pramaan

- (i) Digital life certificate for pensioner's scheme of the Government of India is known as Jeevan Pramaan. It seeks to address the problem of pensioners by digitizing the whole process of securing the life certificate. Every year in the month of November the pensioners has to provide life certificates to the authorized pension disbursing agencies like the bank, for continuous crediting of pension to their account. In order to get this life certificates the individual drawing the pension is required to either personally present himself / herself before the Pension Disbursing Agency or have a Life Certificate issued by authority where they have served earlier and have it delivered to the disbursing agency. It has been observed that it causes a lot of hardship and unnecessary inconvenience particularly for the aged and infirm pensioners who cannot alas be in a position to present themselves in front of the particular authority to secure their life certificate. In addition to this a number of pensioners decide to choose to move to other countries either to be with their family or other reasons, and getting a life certificate becomes a huge logistical issue.
- (ii) "Jeevan Pramaan" aims to streamline the process of getting this certificate and making it hassle free and much easier life for the pensioners. On introduction of this system the pensioners need not physically present him / herself in front of the disbursing agency or certification authority. He or she may submit life certificate from home on his computer which will also be acceptable to bank.

Procedure for on line submission of Life Certificate through Jeevan Pramaan:

- (iii) Pensioners desirous of using the Jeevan Pramaan Facility has to first enroll their Aadhaar number in their pension account. Once seeding has been completed, pensioner can download the software from <https://jeevanpramaan.gov.in>

Pensioner's information like Pension Aadhaar number, Pensioner Name, PPO Number, Bank Account detail, Address, Mobile number etc. are fed into the system through web based/client interface and finally pensioners personal information are authenticated using the Aadhaar number and pensioner has to put his finger on to the finger print scanner or eye on the Iris scanner.

- (iv) After successful authentication of Pramaan ID, the transaction number is displayed on the screen and same is sent to Pensioner's mobile as SMS

from the portal. The portal generates Electronic Jeevan Pramaan for the successfully authenticated pensioner and it is stored in the central life Certificate Repository Database. The disbursing Bank can access and get the Jeevan Pramaan Certificate from the portal for his pensioners through the electronic data transfer mechanism created between the portal and bank server.

- (v) Pensioner has to inform the Bank that his Jeevan Pramaan has been generated through online registration from Jeevan Pramaan Portal.

42. Medical Facility Available To Pensioners

- (i) In case the pensioners are using the CGHS facility then they are entitled to continue to seek treatment from selected dispensary for treatment by depositing a lump sum amount at the time of retirement according to their pay.
- (ii) Where the pensioner is residing in areas not covered by CGHS, and if they are not using CGHS facility for OPD treatment from a CGHS dispensary in the nearest city, then they are entitled for fixed medical allowance @ Rs.500/- p.m.

प्रवीण्यं च लोकहितम्
EFFICIENCY AND THE PUBLIC GOOD

CHAPTER - 16

NEW PENSION SCHEME

INTRODUCTION

1. The Government of India (GoI), being a model employer has all along provided various welfare schemes to its employees. These schemes have provided a reasonably comfortable and financially independent life to the Govt employees while in service and after retirement and also to their dependent family members even after the death of the Govt. employer.

2. The Pension Scheme as existed prior to 01 Jan 2004 has been a system of '**Defined Benefit Pension Scheme**', which provides a monthly amount as pension and a lumpsum amount as Gratuity to the employee. A portion of the pension could be commuted and drawn as a lumpsum amount at the time of retirement. In the case of death of the employee, family pension would be available to the spouse for life and after the death of the spouse to the children, subject to certain conditions.

BURDEN OF PENSION SCHEME

3. In the Defined Pension Benefit Scheme, the employee does not make any regular contribution from his salary during the service to earn the pensionary benefits after retirement. Such a scheme is bound to become a great financial burden to the exchequer which could not be financially sustained for long.

4. It is a fact that people are currently living much longer than previous generations. The average 60 year old is living ten years longer now than their counterparts did in the 1970s. The impact of this increased longevity on pensions is that they are constantly costing more and more.

5. Therefore, introduction of a self-sustaining pension scheme was the need of the hour. Such a scheme would require the employee to contribute a regular amount during his service and the Govt also to contribute regularly, forming a corpus to provide regular monthly pension income to the employee after retirement depending the contribution accumulated by the employee during his service period.

Rules/Regulations to Govern NPS

6. Important Rule/Regulation to govern the NPS framework are as follows:-

- (a) Pension Fund Regulatory and Development Authority (Exits and Withdrawals Under the National Pension System) Regulations 2015, No. PFRDA/12/RGL/139/8 dated 11th May, 2015;
- (b) CCS (Implementation of National Pension System) Rules, 2021 dt 30 Mar 2021

- (c) CCS (Pension) Rules, 1972 (Referred as Old Scheme in the text hereinafter)
- (d) CCS (Extraordinary Pension) Rules, 1939

Pension Fund Regulatory and Development Authority (PFRDA)

7. PFRDA was established by Govt of India on 23rd Aug 2003. The Govt has through an executive order dated 10th Oct 2003, mandated PFRDA to act as a regulator for the pension sector. The mandate of PFRDA is development and regulation of pension sector in India.

Expansion of NPS

8. NPS, which was made mandatory to Govt employees wef 01 Apr 2004, has been made available to every citizen from 1st April 2009 on a voluntary basis. Those who were earlier in old pension scheme but later on joined under NPS, through proper channel they remained in the old scheme.

9. Further, employees whose selection for appointment was finalised before 1-1-2004 but who joined service on or after 1-1-2004, would also remain in old pension scheme.

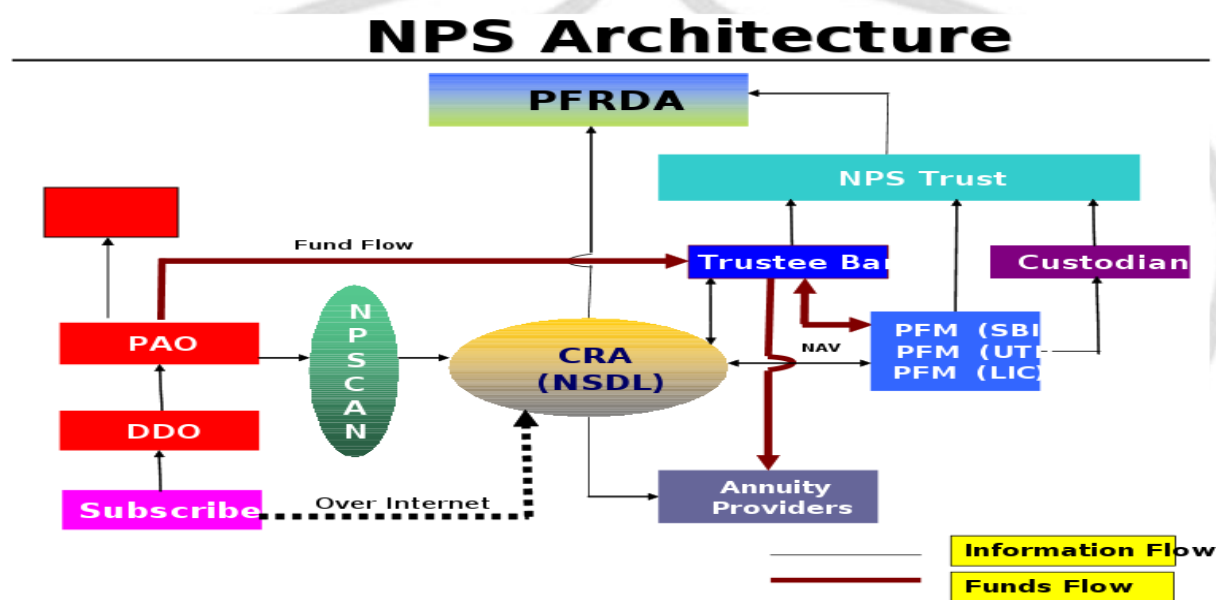
10. Features of NPS

- (a) **Portable** – Each employee is identified by a unique number and has a separate Permanent Retirement Account which is portable i.e., will remain same even if an employee gets transferred to any other office.
- (b) **Transparent** – NPS is transparent and cost effective system wherein the pension contributions are invested in the pension fund schemes and the employee will be able to know the value of the investment on day to day basis.
- (c) **Simple** – All the subscriber has to do is to open an account with his/ her Nodal Office and get a PRAN.
- (d) **Regulated** - NPS is regulated by PFRDA with transparent investment norms & regular monitoring and performance review of fund managers by NPS Trust

11. Thus, NPS, **the Contributory Pension Scheme**, is mandatory to all employees joining services of Central Government (except Armed Forces) and Central Autonomous Bodies on or after 1st January 2004 (Authority : FR : 16). It replaced the existing system of **Defined Benefit Pension** with effect from January 01, 2004. Contributions are made by “Subscriber” and by the “Employer and Deposited into individual pension account (PRAN) of the employee.

NPS Architecture

12. The Ministry of Finance, Department of Financial Services, is centrally responsible for the NPS. PFRDA as a regulatory body is mainly responsible to oversee the functioning of the whole NPS set up. There is National Securities and Depository Limited (NSDL), the Central Recordkeeping Agency (CRA) which *inter alia* maintains records, issues PRAN to subscribers and entertain request for change in nominations. Funds from PAO are transferred to a Trustee Bank from where it is distributed to three Pension Fund Managers (PFM) which are subsidiaries of SBI, UTI and LIC in a designated ratio. In the default scheme the PFMs invest 85% in fixed income instruments and 15% in equity or equity related instruments. At the time of retirement, while 60% of the value is returned to the subscriber, 40% is mandatorily required to be invested in Annuity Plan which ensures monthly pension to the subscriber.

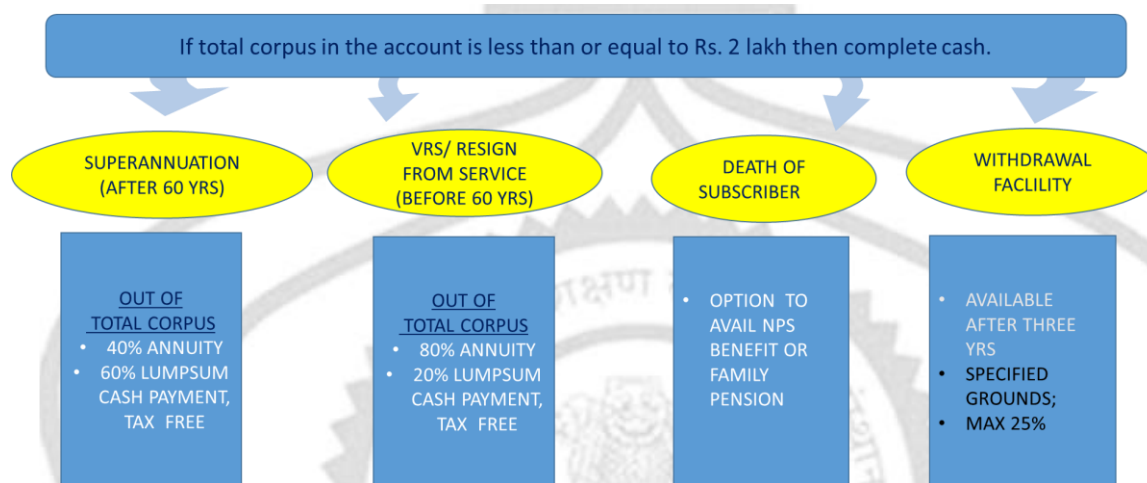


Two Tiers System

13. The subscriber to the scheme will have Tier-I and also have option to open another account Tier-II. Both tier-I (Retirement/Pension Account) and Tier II (Savings/Investment Account) are pure retirement savings products. Tier-I is a **non-withdrawable** account while Tier-II is a **withdrawable** account to meet financial contingencies. Government servants to make a contribution of 10% of his basic pay (i.e Level Pay) plus Dearness Allowance, every month. From 01.04.2019, 14% contribution is made by the Government. In case a subscriber is posted in Foreign Service the contribution is to be made based on presumptive pay, i.e. the pay she would have earned had she continued in her parent office, however in case of deputation, the subscription would be based on the deputation pay. For an employee under suspension, the subscription is based on the subsistence allowance (it is as per option of the subscriber).

14. Tier-I contributions (and the investment returns) are kept in a non-withdrawable Pension Tier-I Account. From Tier II, the amount is withdrawable at the option of the Government servant while Government would not make any contribution to Tier-II account. There should be at least 1 contribution in a financial year and no minimum balance requirement. There is no limit on number of withdrawals and facility for separate nomination and scheme preference is available.

Exit and Withdrawal from Tier-I.



15. **Conditions for withdrawal from Tier-I.** Following conditional are required to be fulfilled before withdrawal from Tier-I account:

- a. Subscriber should be in NPS at least for 3 years;
- b. Withdrawal amount will not exceed 25% of the contributions made by the Subscriber;
- c. Withdrawal can happen maximum of three times during the entire tenure of subscription.
- d. Withdrawal is allowed only against the specified reasons, for example:
 - i. Higher education of children;
 - ii. Marriage of children;
 - iii. For the purchase/construction of residential house;
 - iv. For treatment of Critical illnesses.

16. The CCS (Implementation of NPS) Rules, 2021, provided statutory meanings and defined the entitlement of a subscriber under different contingency of service including

death, incapacitation, retirement, superannuation and termination. As per Rule 10 of the new Rules, every subscriber who joins under the scheme is required to give option in form-1 for availing benefits for family pension and also submit form-2 for detail of family. The option will be for retirement benefits either: -

- (a) Under NPS Rules; or
- (b) Under CCS(P) Rules, 1972; and CCS(EOP) Rules, 1939

17. Those already in service are also required to exercise such option as well as to provide details of family as soon as possible. The option and details of family may be changed by the subscriber during service time. However, in case of his/her death, the family is not entitled to change the option finally given by the subscriber before demise. In case of 'no family', then the subscriber is to furnish the details as soon as he/she acquires a family after marriage/adoption.

18. An invalidated or discharged subscriber may give fresh option however, if fresh option is not given, then the option already given will be operative. In case of death of a subscriber while in service the last option exercised is final. If no option is available in case of subscriber dying while in service or those disabled or invalidated, who are unable to exercise the option and if death and/or invalidation/discharge happens before completion of 15 years of service or within 3 years of this notification (Upto Mar 2024) then the subscriber is granted family pension/invalid pension as per CCS(P) Rules and the disabled subscriber will be granted EOP as per CCS(EOP) Pension Rules, 1939, as default option. In all other cases, where no option was exercised the claims will be regulated as per PFRDA (Exits and Withdrawals under NPS) Regulation, 2015 as default option. Further, in cases of a deceased subscriber when the option has been exercised, but there is no eligible member of the family then the option becomes infructuous and the option would be deemed to have become invalid. In such cases, the benefits will be admissible and shall be granted to the legal heirs of the subscriber as per NPS Regulation, 2015;

19. **VRS/PMR/Resignation.** In case of retirement on completion of 20 years of service i.e. in case of voluntary retirement and in case of Premature Retirement under FR(56)j, the subscriber will be entitled for retirement benefits as admissibility under PFRDA (Exit and Withdrawals under NPS) Regulations, 2015 and may continue his individual pension account or to defer payments of benefits under NPS beyond the date of retirement. In case of resignation from govt. service, then, unless it is allowed to be withdrawn in public interest, she would be paid not more than 20% of the accumulated pension corpus and the balance 80% is to be invested for buying the annuity

Frequently Asked Questions on NPS

1. Whether a retiring Government servant is entitled for leave encashment after retirement under the NPS?

The benefit of encashment of leave salary is not a part of the retirement benefits admissible under Central Civil Services (Pension) Rules, 1972. It is payable in terms of CCS (Leave) Rules which will continue to be applicable to the government

servants who join the government service on after 1-1-2004. Therefore, the benefit of encashment of leave salary payable to the governments/to their families on account of retirement/death will be admissible.

2. Why is it mandatory to use 40% of pension wealth to purchase the annuity at the time of the exit (i.e. after the age of 60 years) from NPS?

This provision has been made in the New Pension Scheme with an intention that the retired government servants should get regular monthly income during their retired life.

3. Whether any minimum age or minimum service is required to quit from Tier-I?

Exit from Tier-I can only take place when an individual leaves Government service. However, as Tier-II is entirely optional, the subscriber may decide whether to continue with it or to close it. However, to have a Tier-II account, having a Tier-I account is mandatory.

4. Whether contribution towards Tier-I from arrears of DA is to be deducted?

Yes. Since the contribution is to be worked out at 10% of (Pay+ DP+DA), it needs to be revised whenever there is any change in these elements

5. Who will calculate the interest PAO or CPAO?

The PAO should calculate the interest.

6. What happens if an employee gets transferred during the month? Which office will make deduction of Contribution?

As in the case of other recoveries, the recovery of contributions for the full month (both individual and government) will be made by the office who will draw salary for the maximum period.

7. Whether NPA payable to medical officers will count towards 'Pay' for the purpose of working out contributions to NPS?

Yes. Ministry of Health & Family Welfare has clarified vide their O.M. no. A45012/11/97-CHS.V dated 7-4-98 that the Non-Practising Allowance shall count as 'pay' for all service benefits. Therefore, this will be taken into account for working out the contribution towards the New Pension Scheme.

8. Whether a government servant who was already in service prior to 1.1.2004, if appointed in a different post under the Government of India, will be governed by the CCS (Pension) Rules or NPS?

In cases where Government servants apply for posts in the same or other departments and on selection they are asked to render technical resignation, the past services are counted towards pension under CCS (Pension) Rules, 1972. Since the Government servant had originally joined government service prior to 1-1-2004, he should be covered under the CCS (Pension) Rules, 1972.

CHAPTER – 17

RESERVATION IN SERVICES

1. Policy

1.1 Providing reservations to the Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), Economically Weaker Sections (EWS) and Persons with Benchmark Disability (PwBD) in the government services aims at empowering them and ensuring their participation in the decision making process of the State. Justice B.P. Jeevan Reddy, while delivering the majority judgement in the matter of Indra Sawhney & Ors Vs. UOI & Ors, observed that public employment gives a certain status and power, besides the means of livelihood.

1.2 Reservation for SC/ST/OBS/EWS category candidates is operated vertically. Reservation for PwBD and Ex-Servicemen category candidates is operated horizontally i.e. PwBD and Ex-Servicemen candidates belonging to SC/ST/OBC categories are adjusted against the vacancies reserved for SC/ST/OBC categories respectively.

1.3 Reservation orders do not apply to -

- (i) Temporary appointments of less than 45 days duration;
- (ii) Work-charged posts which are required for emergencies like flood relief work, accident restoration and relief etc.
- (iii) Promotions by selection method from a Group 'A' post to another Group 'A' post
- (iv) Appointments to Scientific and Technical posts which are above the lowest rung of Group 'A'
- (v) Deputation/Absorption
- (vi) Single post cadres
- (vii) Promotion Where DR Element Exceeds 75%
- (viii) Personal Staff of President and Ministers
- (ix) Armed Forces

2. Constitutional Provisions

2.1 Article 16(4) of the Constitution of India, which is the source for the policy of reservation in favour of any category of persons in the public service, provides as follows:

“Nothing in this Articles shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the services under the State”.

2.2 This is an enabling provision in as much as, if the State wished to make any reservation, the Constitution would not come in the way. However, the power to provide reservation is subject to two conditions:

- i. That the State should identify the backward classes; and
- ii. That the State should form an opinion that the representation of the identified backward classes of citizens in the services is not adequate.

2.3 In the famous case of Indira Sawhney & Ors Vs UoI- Air 1993 SC 477, Supreme Court held that ART 16(4) does not permit provision for reservation in the matter of promotion. Thereafter, the constitution was amended (77 amendment 1995) by inserting clause (4-A) in the Art-16 and that reads as follows:

“Art 16(4-A) Nothing in this Article shall prevent the State from making any provision for the reservation in the matters of promotion to any class or classes of posts in the services under the State in favour of the scheduled castes and the scheduled tribes which, in the opinion of the State is not adequately represented in the services under the State”.

2.4 Article 16 (4B) was inserted in the Constitution of India by Constitution (Eighty-first Amendment) Act, 2000, enabling the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies not to be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year. This means ceiling of 50% reserved vacancies is not applicable on the backlog vacancies.

2.5 BY Constitution (One Hundred and Third Amendment) Act, 2019, Clause (6) has been inserted in Article 16, which provides that “Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing reservation and subject to a maximum of ten per cent. of the posts in each category”. This clause has enable the State for making reservation in favour of economically weaker sections with the General Category persons.

2.6 Articles 335 of the Constitution provide that the claims of the members of the SC/STs shall be taken into consideration consistently with the maintenance of the efficiency of administration in the matter of appointments.

3. Scheduled Castes and Scheduled Tribes (SCs & STs) –

3.1 Articles 341 and 342 have empowered the president to notify castes and tribes as 'Scheduled Castes' and 'Scheduled Tribes' in relation to State or Union Territory. Thus it follows that the permanent residence of a person on the date of notification is of paramount value. Also it is clear that a person belongs to a SC or ST in relation to a State or Union Territory.

3.2 Any addition or deletion of castes or tribes from such notification can be done by Parliament and not by any subsequent notification.

4. Other Backward Classes (OBCs) –

4.1 Under Art.340, the Second Backward Classes Commission (Mandal Commission) was set up in 1979. The Commission evolved eleven indicators/criteria to determine social and educational backwardness and adopted a multiple approach for preparation of comprehensive lists of OBCs.

4.2 Department of Personnel & Training vide their OM No. 36012/22/93-Estt (SCT) dated 8 September 1993 provided that the OBCs for the purpose of reservation in service would comprise, in the first phase, the castes and communities which are common to both the lists in the report of Mandal Commission and the State Governments Lists. However, the benefits to reservation would not extend to the OBCs falling under the category of Creamy layer.

4.3 For **OBC**, presently there are separate lists for Central Government (Central List) and State/UT Government (State/UT Lists). For taking the benefit of OBC reservation, the candidate must belong to **Non Creamy Layer**. However, Article 342A, which was inserted in the Constitution of India through 102nd Amendment, 2018 empowers the President to specify the OBCs with respect to a States/UTs in the same way as for SC/ST. Also the article makes it mandatory to get parliamentary approval for adding to or deleting a community from the Other Backward Class List of communities.

5. Economically Weaker Sections

5.1 Article 16 (6) of the Constitution of India provides for reservation for the Economically Weaker Sections. "Economically Weaker Sections" shall be such as may be

notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.

6. Caste Certificate:

For the purpose of claiming to belong to SC/ST/OBC, a certificate in the prescribed form issued by a competent authority is essentially required to be submitted. It should include;

- a) Name of the person;
- b) Father's / Mother's name;
- c) Permanent place of residence;
- d) Caste/Tribe; (Community in case of OBC)
- e) Constitutional order under which the caste/tribe has been notified as such (Govt. of India Resolution in the case of OBC)

In case of "OBC" a certificate of not belonging to the 'creamy layer' is also required to be essentially included in the caste certificate.

7. Authorities competent to issue Certificate

- (i) District Magistrate/Additional District Magistrate/Collector /Deputy Commissioner/Additional Deputy Commissioner/ Deputy Collector/ 1st Class Stipendary Magistrate/Sub Divisional Magistrate/Taluka Magistrate/Executive Magistrate/Extra Assistant Commissioner.
- (ii) Chief Presidency Magistrate/ Additional Chief Presidency Magistrate/Presidency Magistrate;
- (iii) Revenue Officer not below the rank of Tehsildar; and
- (iv) Sub-Divisional Officer of the area where the candidate and/or his family normally resides.

8. EVENTS AFFECTING THE CASTE STATUS

8.1 MARRIAGE

Marriage does not affect the status of SC/ST/OBC. A member of SC/ST/OBC would continue to remain so, even after his or her marriage with a person not belonging to SC/ST/OBC. The status of a person not belonging to SC/ST/OBC would not change after his or her marriage with a person belonging to SC/ST/OBC.

8.2 CONVERSION

Scheduled Caste should profess either Hindu or Sikh religion or be a converted Buddhist. Conversion to any religion other than Hinduism or Sikhism or Buddhism forfeits the claim to SC. **Scheduled Tribe** candidate may profess any religion. There is not bar in conversion from one religion to another.

8.3 ADOPTION

Adoptee acquires the status of adopter. General category child adopted by SC/ST/OBC parent gets the SC/ST/OBC status. SC/ST/OBC child adopted by General parents loses the status.

8.4 MIGRATION

A candidate can claim to be SC/ST/OBC only in relation to State/UT he belongs and not to the new state to which he has migrated. SC/ST persons will continue to be considered as SC/ST for the Central Govt. employment irrespective of the migration. For OBC (non-creamy layer), there are separate lists of Central Govt and State Govts have their separate lists. A person in Central List will be eligible for the benefit of OBC even when he/she has migrated from one State to Another. However, he/she will be eligible for benefit of OBC in the State Government to which he/she originally belonged and not to the migrated State.

9. PERCENTAGES OF RESERVATION

9.1 PERCENTAGES OF RESERVATION in DIRECT RECRUITMENT

VERTICAL RESERVATION (POST BASED ROSTER)	SC	ST	OBC	EWS
All India Open Competition basis	15	7.5	27	10
All India other than Open	16.66	7.5	25.84	10

HORIZONTAL RESERVATION (VACANCY BASED ROSTER)		
	BENCHMARK DISABILITY	% OF RESERVATION
(a)	Blindness and Low Vision	1
(b)	Deaf and Hard of Hearing	1
(c)	Locomotor Disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid Attack Victims And Muscular Dystrophy	1
(d)	Autism, Intellectual Disability, Specific Learning Disability and Mental Illness	1
(e)	Multiple Disabilities From Amongst Persons Under Clauses (a) To (d) Including Deaf-Blindness	

HORIZONTAL RESERVATION (VACANCY BASED ROSTER)

	EX-SERVICEMEN	% OF RESERVATION
(a)	Vacancies in the Posts upto of the level of the Assistant Commandant in all Para-Military forces;	10
(b)	Vacancies in Group C Posts	10
(c)	Vacancies in Group D Posts	20

PERCENTAGES OF RESERVATION in PROMOTION

VERTICAL RESERVATION (POST BASED ROSTER)	SC	ST	OBC	EWS
Through LDCE in Groups 'B', 'C' & 'D'	15	7.5	-	-
By Selection in or to Groups 'B', 'C' & 'D' and lowest rung of Group 'A'	15	7.5	-	--
By Seniority Cum Fitness (GP 'A', 'B', 'C' & 'D')	15	7.5	-	-

10. Reservation Register/Roster

10.1 Earlier, the concept of reservation was “vacancy” based and under the instructions existing till July 1997, vacancy-based rosters were prescribed in order to implement the Government’s policy relating to reservation of jobs for the SCs, STs and OBCs. Application of reservation on the basis of these rosters was called into question before courts. The Constitution Bench of the Supreme Court in the case of R.K. Sabharwal Vs. State of Punjab as well as J.C. Mallick Vs Ministry of Railways held that the reservation of jobs for the backward classes SC/ST/OBC should apply to posts not to vacancies. Accordingly, Government has issued orders vide DoP&T OM NO. 36012/2/96-Estt. (SCT) dated 2nd July, 1997 heralding a paradigm shifts in the concept of reservation which is now “post” based.

10.2 According to the DoP&T O.M dated 02.07.97 the model rosters have been drawn up keeping in mind two fundamental principles – the reservation for the entitled categories s to kept within the prescribed percentage of reservation and the total reservation should in no case exceed 50% of the cadre. While drawing up rosters. “Squeezing” should be done if it violates the rule of 50%.

10.3 In the DoPT O.M dated 20 July 2000, it has been provided that the SC/ST backlog vacancies are required to be treated as a separate entity and not to be counted along with current and carried forward reservation for the purpose of the rule of 50%. However, it also stipulates that the backlog and/or carried forward reservation will automatically lapse in a cadre as soon as combined representation of a reserved category in direct recruitment as well as promotion is either equal to or more than the prescribed number of reserved posts in the relevant post-based rosters.

11. Maintenance of Roster

The following points are required to be borne in mind for maintenance of roster for reservation in services for SC/ST/OBC/EWS:-

1. The proper roster should be identified depending upon the method of recruitment and the strength of the cadre.
2. The number of points in each roster should be equal to the number of posts in a cadre.
3. Roster should be maintained in the prescribed format.
4. A separate roster is required to be maintained for each cadre, each method (direct recruitment and promotion) and for each mode of promotion.
5. For small cadres where posts are to be filled by direct recruitment, grouping of posts for the purpose of maintenance of roster is permissible. However, no grouping is permissible in case of promotion.
6. While drawing up roster of a particular cadre, “squeezing” should, if necessary, be done to reach the number of posts to be reserved without violating the 50% limit.
7. Immediately after an appointment is made, the particulars of the person appointed will be entered in the roster under appropriate columns.
8. Such entries will be made in the chronological order of the date of appointment of the concerned persons. However, entries relating to reserved candidates will be

made against reserved points, except at the time of initial operation of order dated 02.07.97.

9. Each entry will be attested by the appointing authority or by an officer authorized to do it.
10. In cases of direct recruitment, where SC/ST/OBC candidates are selected on their own merit without any relaxation, they will not be shown in the roster against "reserved point". Instead they would be shown in the roster against unreserved points. Merit would mean total number of vacancies minus the number of vacancies reserved.
11. No gap should be left in the roster. Temporary gap in completion of the roster, when recruitment action is in progress and appointees are yet to join is however, permissible. Further, in view of the orders on ban on de reservation in case of direct recruitment where vacancies have to be kept unfilled indefinitely till the availability of SC/ST candidates, gap at the time of completion of roster would be obvious.
12. The roster is required to be closed on 31st December every year. It will be operated on the principle of replacement and not as a running account.
13. The roster is neither a seniority list nor a merit list. It serves exclusively the purpose of giving effect to the reservation orders.
14. At the point of initial operation, the particulars of all persons available in the cadre are required to be plotted against each point of roster starting with the earliest appointee. After such plotting, the remarks column should indicate - "Utilized by SC/ST/OBC/EWS/General" as the case may be. While writing in the remarks column, the SC/ST/OBC candidates appointed on merit in direct recruitment should be shown against unreserved candidates. If there is an excess representation of any of the reserved categories, or if the total representation of the reserved categories exceeds 50%, it shall be adjusted in the future recruitment.

12. Reservation in Direct Recruitment

I. Recruitment through UPSC/SSC or by advertisement as a primary source:

- a) If the direct recruitment is to be made for filling up the reserved as well as unreserved posts on any occasion a single advertisement can be issued clearly specifying the vacancies reserved for SCs/STs/OBCs/EWS. In case only reserved posts are to be filled up applications only from the candidates belonging to SCs/STs/OBCs, as the case may be, are to be invited and not from the general candidates.

- b) If the reserved vacancies remain unfilled for want of suitable reserved category candidates, these should not be filled up by general candidates but should be re-advertised in the same recruitment year or as early as possible before the next recruitment year.
- c) If required number of candidates of particular reserved category are not available, these posts will remain unfilled till the next recruitment year and such vacancies will be carried forward to the next recruitment year as "Backlog vacancies".
- d) In the subsequent recruitment year, the backlog/carry forward vacancies of SC/ST/OBC will be treated as separate and distinct group from the current year's reserved vacancies for the purpose of 50% rule.

II. Recruitment otherwise than UPSC/SSC or advertisement as a primary source:

- a) In the case of recruitment through employment exchanges, all vacancies should be notified to local employment exchange in the prescribed format, clearly indicating the reserved vacancies giving at least 15 days' notice to the employment exchange for sponsoring candidates.
- b) It should be specifically mentioned in the requisition that if sufficient numbers of SC/ST/OBC candidates are not available with local employment exchange then suitable candidates of respective category be sponsored from other employment exchanges. If sufficient number of reserved category candidates registered in local employment exchange does not respond, then reserved candidates registered in employment exchange other than the local one may also be made eligible to apply.
- c) When the local employment exchange is unable to sponsor the candidates it will refer the vacancies to the Central Employment Exchange, DGE&T, for being advertisement in the newspapers through their periodical advertisements. Vacancies, if not already advertised by the DGE&T, should be advertised by the appointing authorities through DAVP.
- d) Simultaneously, such vacancies should also be notified to one or more specified All India Radio Stations.
- e) The vacancies should also be brought to the notice of SCs/STs organizations recognized for this purpose. However, it should be made clear to such organizations that their function is limited to advising the SC/ST candidates

about the recruitment proposed and that they will not recommend or press for name of any individual.

- f) Further, after the employment exchange has expressed its inability to sponsor the candidates, the appointing authority in addition to the steps mentioned above, with a view to give wider publicity and exploring the possibility of securing more scheduled castes and scheduled tribe candidates, intimate the reserved vacancies to the Director of SCs/STs or Director of Social Welfare in the State/ Union Territories.
- g) Further instructions issued vide DoPT order No. 14024/2/96-Estt. (D) dated 18-5-98 stipulate that in addition to notifying the vacancies for the relevant categories (excluding those filled through UPSC/SSC) to employment exchange, the requisitioning authority/establishment may, keeping in view the administrative and budgetary constraints arrange for publication of recruitment notice for such categories in the "Employment news" published by Publication Division of the Ministry of Information and Broadcasting and then consider cases of all those candidates who have applied. In addition, such recruitment notice should be displayed on the notice board also for wider publicity.

13. Reservation in Promotion

There is reservation in promotion for SC & ST candidates. Reservation in promotion is applicable only if the element of direct recruitment does not exceed 75 percent. The following procedure will be followed for filling up of reserved posts:

1. Limited Departmental competitive examination:

- a) Minimum eligibility conditions are not relaxable in the case of SC/ST candidates.
- b) SC/ST candidates who have not acquired the general qualifying standard should also be considered provided they are not found unfit for such promotion.
- c) In the event of non-availability of required number of SC/ST candidates even by relaxed standards, de-reservation will be permissible. In such eventually the reserved vacancies will be carried forward to subsequent recruitment year.

2. Non Selection (Seniority cum fitness):

While referring the proposal to DPC for promotion the following procedure should be followed:

- a) Three separate select lists have to be drawn up - for SC, ST and other category candidates. The senior most in these three separate lists are to be considered subject to fitness.
- b) Thereafter, all the three lists are to be merged to form a combined select list without disturbing their inter-se seniority in the main list.
- c) In so far as SC/ST candidates are concerned, the DPC will:
 - a. Consider the eligible SC/ST candidates drawn up separately arranged in order of their inter-se seniority in the main list against the number of vacancies reserved.
 - b. SC/ST candidates are to be adjudged separately in regard to their fitness.
- d) If the number of eligible candidates belonging to SCs/STs found fit for promotion fall short of the number of vacancies reserved for them during the year, action for de-reservation should be taken as per instructions in this regard and in such eventuality, the reserved vacancies will be carried forward to subsequent recruitment year.

3. Selection

Promotions by selection from group 'C' to group 'B', within group 'B' and from group 'B' to the lowest rung of Group 'A'.

- a) SC/ST officers are to be selected against reserved vacancies from the normal zone of consideration on the same basis.
- b) If required number of SC/ST officers are not available, from the normal zone of consideration then the zone of consideration should be extended to five times the number of vacancies only to make up for the shortfall of SC/ST officers against reserved vacancies.

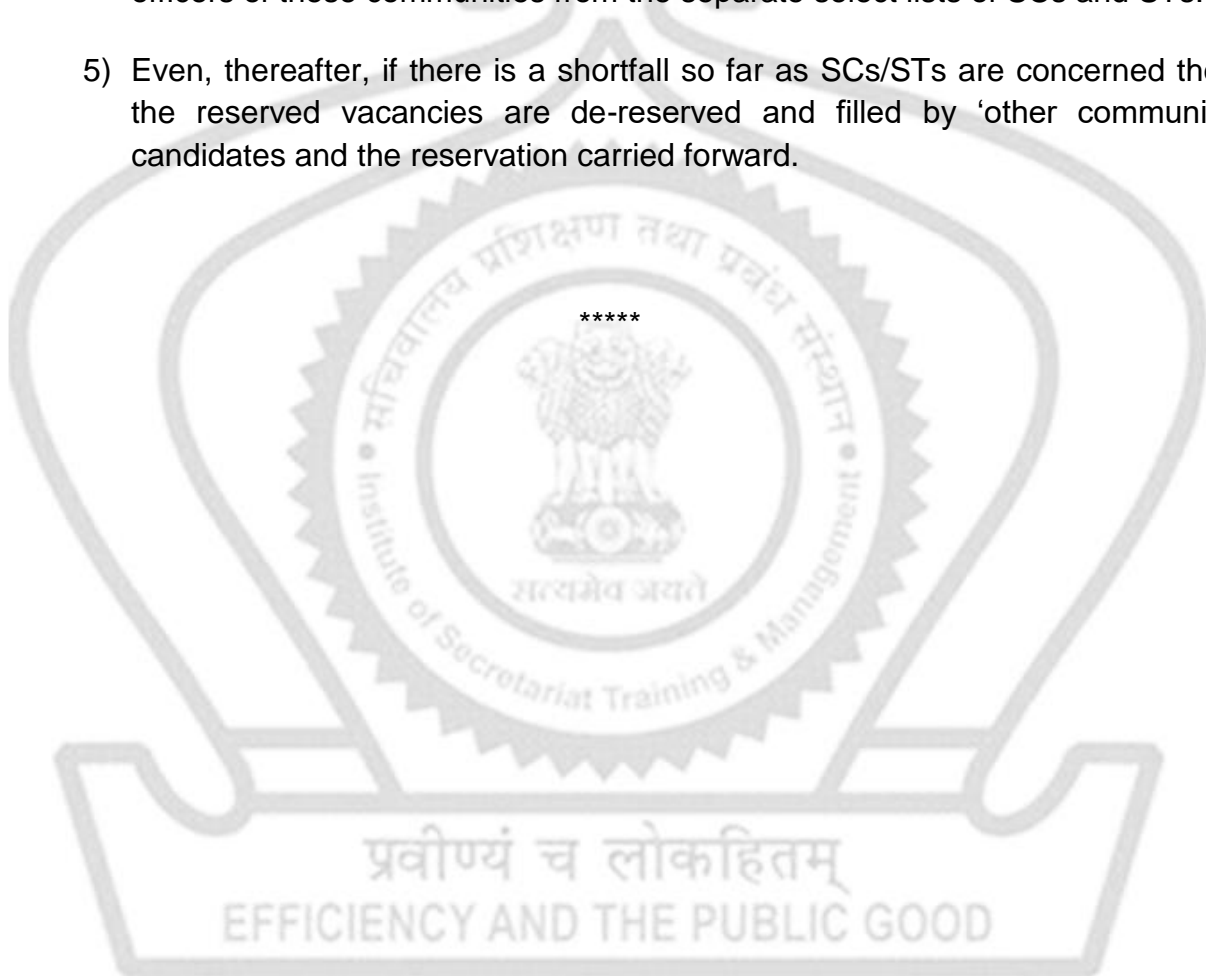
4 Promotions by selection to Group "A" Posts which carry a Grade Pay of Rs. 8,700/-.

The SC/ST officers who are senior enough to be within the number of vacancies for which the select list has to be prepared would be included in the panel irrespective of the benchmark subject to the conditions that they are not unfit.

5. Promotion by Selection in Group 'C' and 'D'

- 1) All candidates i.e. other category as well as SC/ST who are within the normal zone of consideration are to be assessed and adjudged for promotion on the same basis as others for inclusion in the general select list.

- 2) Also separate select lists for SC/ST should be drawn up to fill up the reserved vacancies. For this purpose SC/ST persons may be included in this select list irrespective of benchmark subject to fitness.
- 3) SC/ST who are included in the general select list are also included in the separate select lists.
- 4) If required number of SCs/STs are not available against reserved vacancies from the general select list then the difference should be made up by selecting officers of these communities from the separate select lists of SCs and STs.
- 5) Even, thereafter, if there is a shortfall so far as SCs/STs are concerned then the reserved vacancies are de-reserved and filled by 'other community' candidates and the reservation carried forward.



CHAPTER – 18

INCOME TAX

1. INCOME LIABLE TO TAX

- (i) The total taxable income of a person includes all incomes received, accrued or earned by him during the previous financial year.
- (ii) Income is chargeable to tax either on accrual basis or on receipt basis, whichever is earlier. However, if an income tax has been taxed on accrual basis, it shall not be taxed again on receipt basis.

2. income from Salary Includes: (u/s 192 of the I.T. Act)

- i. Pay as defined in FR 9(21), leave salary and advance of Pay; Or arrears of Pay etc;
- ii. Wages, Commissions etc;
- iii. Dearness Pay, if any;
- iv. Bonus;
- v. Dearness Allowance;
- vi. Compensatory Allowance (excluding Special Compensatory Allowance);
- vii. House Rent Allowance (with provision for exemption);
- viii. Transport Allowance (with provision of Exemption);
- ix. Fees (Recurring or non-recurring) retainable by the employee; Honorarium;
- x. Tuition Fee reimbursement received;
- xi. Encashment of leaves for availing LTC;
- xii. Pension, family pension except provision of Section 10(18)- awards/Family pension in respect of awardees of PARAM Veer Chakra, Maha Veer Chakra, Veer Chakra or other gallantry awards;

- xiii. Subsistence Allowance;
- xiv. Interim Relief, if any;
- xv. Overtime Allowance;
- xvi. Special Duty Allowance;
- xvii. Training Allowance/Deputation Allowance;
- xviii. Value of rent free accommodation;
- xix. Government's share of Tier I contributions;

Note: Relief when salary is paid in Arrears or Advance. The employee may furnish to the DDO such particulars (Arrear or Advance) in Form 10-E duly verified for getting relief under Section 89(1).

But Does Not Include:

- ii. Gratuity;
- iii. Payment from G.P.Fund
- iv. Uniform Allowance;
- v. Cost of medical treatment;
- vi. Value of Leave Travel Concession;
- vii. Leave Encashment on retirement; Commuted Value of Pension;
- viii. Travelling Allowance/Conveyance Allowance;
- ix. Composite Hill Compensatory Allowance subject to prescribed limit.
- x. Special Compensatory Allowance/Remote Locality Allowance. Difficult Area Allowance or
- xi. Disturbed Area Allowance subject to prescribed limits;
- xii. Children Educational Assistance (C.E.A) subject to a maximum of Rs.100/- p.m. per child up to a maximum of two children;

- xiii. Hostel Subsidy subject to a maximum of Rs.300/- p.m. per child up to a maximum of two children;
- xiv. Any allowance granted for encouraging the academic research and other professional pursuit;
- xv. Kit Maintenance Allowance etc.

Income from House Property: It is for the employee to include income from let-out property as per the following procedure of computation:

1. Gross Annual Value
Amount for which the property might reasonably let out or municipal valuation or actual rent received, Whichever is the highest. (A)
2. Less: Corporation / Municipal Tax actually paid By the owner in the year. (B)
3. Net Annual Value (A-B) (C)
4. Deduction under Section 24: 30% of C (D)
5. Less interest paid on home loan (Max. Rs.2,00,000/-)(E)
6. Net Chargeable income (C-D) (F)

If 'F' is minus, the loss can be set off against other income of the particular Financial Year and if 'F' is plus it is added to the income. This deduction is allowed only in case of house property which is owned and is in occupation of the employee for his own residence.

Pre-construction interest – is allowed when you have taken a loan for purchase or construction of a house property (not allowed in case of loan for repairs or reconstruction). The deduction for this interest is allowed in 5 equal instalments starting from the year in which the house is purchased or the construction is completed. For example, if construction of your property completed in FY 2020-2021, on 16th June 2020, you can claim 1/5th of interest paid upto 31st March 2020 when you file your return for FY 2020-21.

3. Computation of Net Taxable Income

- I. First compute the Total Gross Salary (A)
- a) Standard deduction of Rs. 50,000/-
 - b) HRA Exemption (subject to exemption limit)
 - c) Interest on Home Loan (subject to exemption limit)}
 - d) Children Education Allowance (subject to exemption limit)) (a+b+c+d) (B)
- Gross Salary (A- B) (C)
- II. (a) Less Deduction under Section 16 Professional Tax and Entertainment Allowance (Maximum) Rs. 5000/- P.A)
- AND
- (b) Deductions under Chapter VI-A of the Act.
- Total deduction (a+ b) (D)
- Net Taxable Income (C-D) (E)
- Total (E) to be rounded off to the nearest Rs. 10/ and then apply the rates of Income Tax as admissible.

4. Rates of Income Tax

Income Tax is calculated at the rates indicated below for the Financial Year 2020-21, Assessment Year 2021-22.

a) For individual (less than 60 years)

Taxable income	up to Rs.2,50,000/-	Nil
	Rs.2,50,001/toRs.5,00,000/-(See Note i)below)	5%
	Rs.5,00,001/-to Rs.10,00,000/-	20%
	Rs.10,00,001/- and above	30%

b) For Senior citizen (between 60 years and less than 80 years)

Taxable income	up to Rs.3,00,000/-	Nil
	Rs.3,00,001/- to Rs 5,00,000/-(See Note (i)below)	5%
	Rs.5,00,001/-to Rs.10,00,000/-	20%
	Rs.10,00,001/- and above	30%

c) For Very Senior citizen (80 years or above)

Taxable income	up to Rs.5,00,000/-	Nil
	Rs 5,00,001 Up to 10,00,000/-	20%
	More than Rs.10,00,000/-	30%

Note:

- i. [Income Tax rebate of Rs 12500/- u/s 87A is applicable, if the total taxable income, after deduction of amounts u/s 10, 16, and under chapter VI A, does not exceed Rs. 5.00 lakhs.
- ii. Senior citizen for (b) above means a person who has attained the age of 60 years.
- iii. An education cess @ 4% on the Income Tax.

5. Exemptions: (in Detail)

I (a) above: In addition to Standard Deduction, Transport Allowance: Rs.3200/- per month for divyang employees only. This is not applicable to others.

I (b) above: HRA Exemption: Calculation of:

1. If the employee is living in a rented house, exemption is allowed to the extent of the least of the following:

- i) Actual HRA received or
- ii) Rent paid in excess of 10% of salary; or
- iii) 50% of salary if the residence is at Metro Cities; 40% of salary if the residence is situated at any other place.

2. H.R.A. received by an employee is not exempt from Income Tax if he is:

- i) Living in his own house; or
- ii) Living in a house for which he does not pay any rent
- iii) Paying rent not exceeding 10% of salary (Basic Pay + DA)

(i) **Section 80C:** Savings: Deduction is allowed in respect of payment/contribution to the following: subject to maximum Rs.1,50,000.

- a) Insurance premia assured;

- b) Subscription/Contribution to Provident Fund/Public Provident Fund;
- c) Contribution towards CGEIS/CGEGIS;
- d) Investment in National Savings Certificates IX issue;
- e) Unit-Linked Insurance Plan, 1971;
- f) Investments in Government approved securities;
- g) In respect of purchase/construction of residential house property:

Any instalment or part payment of amount due under self-financing or other schemes of any development authorities/housing board or any company or co-operative society of which the government servant is a member.

Repayment of loans (Principal only) taken from government /banks/LIC/public companies as HDFC/Co-operative societies, engaged in providing long-term finance for purchase/construction.

- h) Subscription to units of any Mutual Fund or to any pension fund set up by any Mutual Fund notified under clause 23-D of Section 10 of Unit Trust of India Act, 1963, as the Central Government may specify by notifications; ELSS Mutual Fund (Equity Link Savings Scheme).
- i) Tuition fees, whether at the time of admission or thereafter paid to any university, college, school or other educational institutions situated in India, for the purpose of full time education of any two children of the employee;
- j) Maximum fixed deposits up to Rs.50,000/- in scheduled bank (as Term Deposit) for minimum period of five years.
- k) Any payment made to effect or to keep in force a contract for 'deferred annuity';
- l) Any contribution made to any pension fund set up by any mutual fund;
- m) Any investment in an account under the Sr. Citizen Savings Scheme Rules, 2004

5.2 (ii) **Section 80 CCC:** Deduction in respect of contribution to annuity plan (Pension Fund) of LIC (Jeevan Suraksha)/Annuity plan of LIC or of any other Insurance Companies. It will not exceed Rs.1.50 lakh.

5.3 (iii) **Section 80 CCD(1):** Deduction in respect of Government Servants' contribution in respect of employees under New Pension Scheme. This is subject to maximum of 10% of Basic Pay + D.A. The deduction under section 80CCD(1) shall not exceed Rs.1.50 lakh.

NPS Tax Benefits under Sec.80CCD (1)

- (a) The maximum benefit available is Rs.1.5 lakh (including Sec.80C limit).
- (b) An individual's maximum 10% of annual income or an employee's (10% of Basic+DA) contribution will be eligible for deduction.
- (c) This section will form the part of Sec.80C limit.

5.4 (iv) **80 CCD(1B):** from the financial year 2015-16 this new section has been introduced to provide for additional deduction for amount contributed to NPS up to Rs. 50,000/-, which is over and above the limit of 1.5 Lakh.

NPS Tax Benefits under Sec.80CCD (1B)

- This is the additional tax benefit of up to Rs.50,000 eligible for income tax deduction and was introduced in the Budget 2015.
- Both self-employed and employees are eligible for availing this deduction.
- This is over and above Sec.80CCD (1).

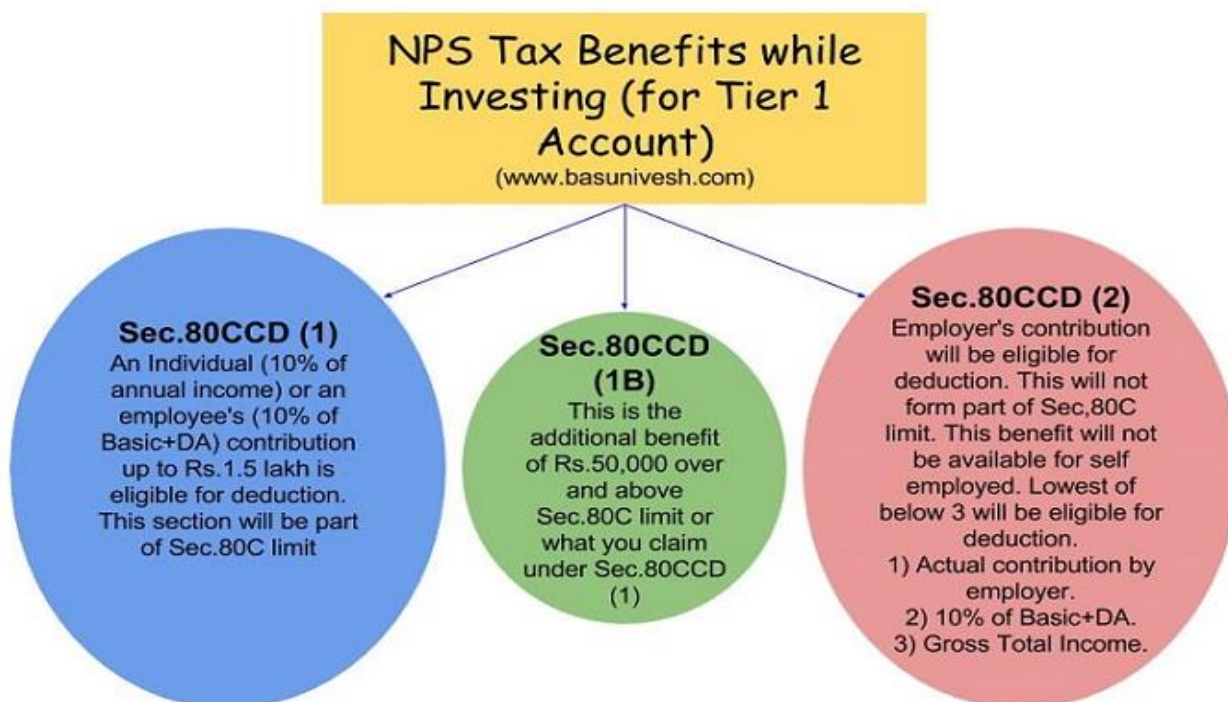
[Section 80CCE- Total of amounts under section 80C, 80CCC and 80CCD(1)- Limited to Rs. 1.5 lakh and limited to Rs.2.00 Lakhs including deduction U/S 80 CCD (1B) i.e. Rs.50000/-]

5.5 (v) **Section 80 CCD (2):** Governments' share of Tier I Contribution. This is in addition to the Deduction under Section 80 CCE, viz. Rs.1, 50,000/- or Rs. 2,00,000/- as the case may be.

NPS Tax Benefits under Sec.80CCD (2)

- There is a misconception among many that there is no upper limit for this section. However, the limit is least of 3 conditions. i) Amount contributed by an employer, ii) 10% of Basic+DA and iii) Gross Total Income.
- This is additional deduction which will not form the part of Sec.80C limit.
- The deduction under this section will not be eligible for self-employed.

NPS Tax Benefits while investing



Note-No Tax benefits while investing in Tier 2 NPS account.

5.6 (vi) **Section 80 D:**

- Deduction in this section is Rs.25,000 for individual category and Rs.50,000/- for senior citizen. For uninsured senior citizens medical expenditure incurred up to Rs.50,000 shall be allowed as a deduction under section 80 D. However, total deduction for health insurance premium and medical expenses for parents shall be limited to Rs. 100,000.
- The amount of CGHS contribution and deduction of Rs.5000/- for annual health check up shall also be part of permissible deduction and above limits will be inclusive of this.

What deductions are allowed u/s 80D?

- Money spent as Premium for Health Insurance Policy
- Money Spent on Healthcare of family members including parents
- Amount paid by the assessee towards CGHS contribution

5.7 (vii) **Section 80 DD:** For dependent handicapped: A sum of Rs.75,000/- for assessee who have to incur expenditure on treatment/maintenance/rehabilitation or insurance of physically handicapped/mentally retarded/ blind dependent relative, who

has been certified as 'Disabled'. But if one is 'Severely Disabled' the amount is Rs.1,25,000/-. The employee shall furnish to the DDO the following:

- a. A copy of certificate issued by the medical authority in the prescribed form as per Rule 11-A(2).
- b. If disability is temporary and requires re-assessment, then new certificate is essential after the
- c. period stipulated in the first order.

Note:- up till the financial year 2014-15 the amounts were Rs. 50,000/- and Rs. 1,00,000/- respectively

5.8 (viii) **Section 80 DDB:** If an assessee or his/her dependent member of family is suffering from some specified diseases like : neurological diseases, Cancer, Aids, chronic renal failure, thalassaemia etc. then the amount actually paid for the treatment subject to Maximum of Rs. 40,000/- and if it is for senior citizen/ very senior citizens maximum deduction of Rs. 100,000/- can be claimed.

Condition: a) The deduction allowable shall be reduced by the amount of insurance cover for medical treatment, if any received.

b) The assessee shall furnish a certificate in the prescribed form from concerned specialist of a Government hospital.

5.9 (ix) **Section 80 E:** Any amount paid by way of interest on education loan taken from any financial institution for the purpose of pursuing higher education (for self, spouse or children) from recognized institution, is deductible without limit. This deduction shall be allowed in computing the total income for the financial year in which the employee starts paying the interest on the loan taken and immediately succeeding seven financial years or until the financial year in which the interest is fully paid by the employee, whichever is earlier. [The limit is on duration i.e. one loan – for 8 years]

5.10 (x) **Section 80EE: Income Tax Benefit on Interest on Home Loan (First Time Buyers)**

Finance Minister while announcing the Budget 2016 re-introduced Section 80EE which provides for additional Deduction of Rs. 50,000 for Interest on Home Loan. This incentive would be over and above the tax deduction of Rs. 2,00,000 under Section 24 and Rs. 1,50,000 under Section 80C.

This Deduction of Section 80EE would be applicable only in the following cases:-

1. This deduction would be allowed only if the value of the property purchased is less than Rs. 50 Lakhs and the value of loan taken is less than Rs. 35 Lakhs.

2. The loan should be sanctioned between 1st April 2016 and 31st March 2017.
3. The benefit of this deduction would be available till the time the repayment of the loan continues.
4. This Deduction would be available from Financial Year 2016-17 onwards.

The above 3 Sections relating to Tax Benefits on Home Loans have been summarised as under:-

Particulars	Quantum of Deduction (Rs.)	
	Self -Occupied Property	Non-Self Occupied Property
Section 24	2,00,000	2,00,000
Section 80C	1,50,000	1,50,000
Section 80EE	50,000	50,000

Please Note:-

1. The above tax deductions are per person and not per Property. So in case someone has purchased a property jointly and have taken a joint home loan, each person repaying the amount would be eligible to claim whole deduction separately.
2. If one is living in a rented premise and is taking [Tax Benefit of HRA Allowance](#), even then he can claim *Tax benefit on home loan* under Section 24, Section 80EE & Section 80C.

For claiming the above tax deductions, one would be required to furnish the statement provided by the lender clearly indicating the amount payable and paid towards Interest and Principal. After claiming the above deductions of Tax Benefit on Home Loan, the balance Income of an Individual would be taxed as per the Income Tax Slab Rates.

5.11 (xi) Section 80 G: Donations for charitable purposes:

Name of The Fund	Amount of Deduction Admissible
PM's National Relief Fund, African Fund, National Defence Fund, Chief Minister's Relief Fund, etc.	100% of the amount donated
Jawaharlal Nehru Memorial Fund Prime Minister's Drought Relief Fund Indira Gandhi Memorial Trust Rajiv Gandhi Foundation Trust	50% of the amount donated

Any other charitable and religious institute approved by the Income Tax Department*	
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* This deduction has to be claimed by the tax payer in the return of income (not allowed by DDO) and rest are allowed by D.D.O after due verification.

5.12 (xii) **Section 80 GG:** This section is applicable for all those individuals who do not own a residential house and do not receive HRA, but pay rent for their accommodation.. The amount of deduction will be limited to least of the following:

- (a) 5000/- p.m.
- (b) Rent paid minus 10% of income
- (c) Amount equal to 25% of total income.

5.13 (xiii) **Section 80 GGA:** Any sum paid to any scientific research and rural development projects, to any university doing such work (should be notified by the I.T. department)

5.14 (xiv) **Section 80 GGC:** Any sum paid as a donation to any political party (registered u/s 29 A of the Representation of the People Act).

5.15 (xv) **Section 80 RRB:** [Deduction in respect of Royalty on patents] If the income of any assessee includes any income by way of royalty in respect of a patent registered under the patents act, 1970, a deduction is allowed from such income subject to maximum of Rs. 3,00,000/-

5.16 (xvi) **Section 80 QQB:** [Deduction in respect of royalty on books] If the income of any assessee includes any income by way of royalty income (of authors) on books or the copyright fee, a deduction is allowed from such income subject to a maximum of Rs. 3,00,000/-

5.17 (xvii) **Section 80 TTA:** Deduction in respect of Interest on (introduced from financial year 2012-13) deposits in saving account of an individual is allowed from his gross total income if it includes any income by way of interest received on deposits (not being time deposits) with a banking company, co-operative society or post office. This deduction is limited to Rs. 10,000/- in any year.

5.18 (xviii) **Section 80 U:** Deduction for assessee who has disability:

If an assessee himself is Disabled or Severely Disabled a sum of Rs.75,000/- or Rs.1,25,000/- respectively may be deducted from the income of an assessee. However, the disability has to be certified by the medical authority.

6. In the budget 2020-21, a new tax regime was introduced. Tax payer has an option to choose either:

(a) To pay income tax at lower rates as per New Tax regime on the condition that they forgo certain permissible exemptions and deductions available under income tax,

Or

(b) To continue to pay taxes under the existing tax rates. The assessee can avail rebates and exemptions by staying in the old regime and paying tax at the existing higher rate.

Income Tax slab rate applicable for New Tax regime-FY 2020-21 are given below:-

Amount	Tax Rate
Upto to 2.5 Lakh	Nil
2.5-5	5%
5 -7.5	10%
7.5-10	15%
10-12.5	20%
12.5-15	25%
15 and above	30%

list of exemptions and deductions have to give up while choosing the new tax regime.

Leave Travel Allowance ([LTA](#))

House Rent Allowance ([HRA](#))

Conveyance

Daily expenses in the course of employment

Relocation allowance

Helper allowance

Children education allowance

Other special allowances [Section 10(14)]

Standard deduction

Professional tax

Interest on housing loan (Section 24)

Chapter VI-A deduction (80C,80D, 80E and so on) (Except Section 80CCD(2) and 80JJA)

Persons Responsible for Deducting Tax (DDOs) and Their Duties

As per Section 204(iv) whenever the payments on which the tax is to be levied, are made by the DDOs to their employees they are the '**persons responsible for paying**' for the purpose of Section 192 (deduction of TDS) of the Act.

Abbreviated Terms and Forms used in the offices

- i. TDS - Tax Deducted at Source;
- ii. DDO - Drawing and Disbursing Officer;
- iii. PAN - Permanent Account Number (of employee);
- iv. TAN - Tax Deduction and Collection Number (of DDO);
- v. BIN - Book Identification Number (of PAO- in case of Government);
- vi. CIN - Challan Identification Number (in case of payment of tax by
1. Challans through Banks);
- vii. CIN means the number comprising the BSR code;
- viii. BSR Code - Basic Statistical Return Code (of banks);
- ix. Form 24-G - Issued by I.T. Department to the PAOs/CDDOs;
- x. Form 16 - TDS certificate issued by the DDOs to their employees;
- xi. Form 24-Q - Statements generated by the deductor after filing the
quarterly returns
1. in respect of salaries;
- xii. Form 26 - Statements generated by the deductor after filing the
quarterly returns
1. in respect of others viz. service providers, contractors etc.

CHAPTER – 19

MODIFIED – ASSURED CAREER PROGRESSION SCHEME

1. Introduction

1.1 The Department of Personnel & Training, vide their **O.M. No. 35034/3/2008-Estt (D) dated 19th May, 2009**, have issued a detailed scheme, known as the “Modified Assured Career Progression Scheme for the Central Government Civilian Employees”. This scheme superseded the previous ACP scheme for Group ‘A’ & ‘B’ & ‘C’ employees except the officers of organized Group ‘A’ services. Further modifications have been done in the Scheme based on the recommendations of 7th central Pay Commission vide **DoP&T O.M. No. 35034/3/2015-Estt.(D) dated 27th September, 2016** and consolidated guidelines vide DoPT OM No. 35034/3/2015-Estt(D) dated 22nd October, 2019.

1.2 The scheme became operational w.e.f. 01.09.2009. Financial upgradation as per the provisions of the earlier ACP Scheme of August, 1999 was granted till 31.08.2008.

2. The Scheme:

2.1 There shall be **three financial upgradations** under the MACPS as per 7th CPC recommendations, counted from the direct entry grade on completion of **10, 20 and 30 years’** services respectively or 10 years of continuous service in the same level in Pay Matrix, whichever is earlier.

2.2 This Scheme is not applicable to the Organized Group ‘A’ Services. However, it will be applicable of those officers who are inducted to the organised Group ‘A’ services at a later stage nearing their retirement and have not got 3 promotions or upgradations.

2.3 Casual employees (including those with temporary status), ad hoc and contract employees are not eligible for benefits under the Scheme but applicable to work-charged employees if their services conditions are comparable with regular establishment.

2.4 The Scheme will in no case affect the normal (regular) promotional avenues available on the basis of vacancies.

2.5 An Screening Committee shall be constituted in each Department to consider the case for grant of financial upgradations under the MACP Scheme. The Screening

Committee shall consist of a Chairperson and two members. The members of the Committee shall comprise officers holding posts which are at least one level above the grade in which the MACP is to be considered and not below the rank of Under Secretary equivalent in the Government. The Chairperson should generally be a grade above the members of the Committee.

2.6 The recommendations of the Screening Committee shall be placed before the Secretary in cases where the Committee is constituted in the Ministry/Department or before the Head of the organisation/competent authority in other cases for approval.

2.7 In order to prevent undue strain on the administrative machinery, the Screening Committee shall follow a time-schedule and meet twice in a financial year - preferably in the first week of January and first week of July of a year for advance processing of the cases maturing in that half. Accordingly, cases maturing during the first-half (April-September) of a particular financial year shall be taken up for consideration by the Screening Committee meeting in the first week of January. Similarly, the Screening Committee meeting in the first week of July of any financial year shall process the cases that would be maturing during the second-half (October-March) of the same financial year.

2.8 No stepping up of pay in the pay band or Level in Pay Matrix would be admissible with regard to junior getting more pay than the senior on account of pay fixation under MACP Scheme.

2.9 On grant of financial upgradation under the Scheme, there shall be no change in the designation, classification or higher status. However, financial and certain other benefits which are linked to the pay drawn by an employee such as HBA, allotment of Government accommodation shall be permitted.

2.10 In the matter of disciplinary/ penalty proceedings, grant of benefit under the MACPS shall be subject to rules governing normal promotion. Such cases shall, therefore, be regulated under the provisions of the CCS(CCA) Rules, 1965 and instructions issued thereunder.

2.11 The MACPS contemplates merely placement on personal basis in the Immediate higher level in the pay matrix and shall not amount to actual/functional promotion of the employees concerned. Therefore, no reservation orders/roster shall apply to the MACPS, which shall extend its benefits uniformly to all eligible SC/ST employees also. However, the rules of reservation in promotion shall be ensured at the time of regular promotion. For this reason, it shall not be mandatory to associate members of SC/ST in the Screening Committee meant to consider cases for grant of financial upgradation under the Scheme.

2.12 Financial upgradation under the MACPS shall be purely personal to the employee and shall have no relevance to his seniority position. As such, there shall be no

additional financial upgradation for the senior employees on the ground that the junior employee in the grade has got higher pay/Level in Pay Matrix under the MACPS.

2.13 In case an employee is declared surplus in his/her organisation and appointed in the same pay-scale or lower scale of pay in the new organization, the regular service rendered by him/her in the previous organisation shall be counted towards the regular service in his/her new organisation for the purpose of giving financial upgradation under the MACPS.

2.14 Cases of persons holding higher posts purely on adhoc basis shall also be considered by the Screening Committee along with others. They may be allowed the financial upgradation on reversion to the lower post or if it is beneficial vis-à-vis the pay drawn on adhoc basis.

2.15 Employees on deputation need not revert to the parent Department for availing the benefit of financial upgradation under the MACPS. They may exercise a fresh option to draw the pay in the pay band and the Level in Pay Matrix of the post held by them or the pay plus Level in Pay Matrix admissible to them under the MACPS, whichever is beneficial.

3. Conditions for grant of benefits:

3.1 The MACPS envisages merely placement in the immediate next higher level in the Pay Matrix as given in Part A of Schedule of the CCS (Revised Pay) Rules, 2016. Thus, the level in the Pay Matrix at the time of financial upgradation under the MACPS can, in certain cases where regular promotion is not between two successive levels in the Pay Matrix, be different than what is available at the time of regular promotion. In such cases, the higher level in the Pay Matrix attached to the next promotion post in the hierarchy of the concerned cadre/organisation will be given only at the time of regular promotion. The Scheme envisages merely placement in the immediate next higher Level in Pay Matrix in the hierarchy of the recommended revised Pay Bands and Level in Pay Matrix.

3.2 The financial upgradation under the MACPS would be admissible up to Level 15 in the Pay Matrix or the HAG Scale of Rs. 67,000-79,000 (Pre-Revised).

3.3 The financial upgradation under the Scheme will be admissible whenever a person has spent 10 years continuously in the same Level in Pay Matrix. The second upgradation, after completion of 10 years of regular service from the date of the second financial upgradation. If the first upgradation gets postponed on account of the employee not found fit or due to departmental proceedings, etc., this would have consequential effect on second and third upgradations which would also get deferred accordingly.

3.4 Three financial upgradations under the Scheme in the entire career of an employee will be counted against regular promotions availed from the grade in which an employee was appointed as a direct recruit.

3.6 The period of regular service for grant of benefits under the Scheme will be counted from the grade in which an employee was appointed as a direct recruit.

3.7 Financial upgradation under the Scheme will be given next higher Level in Pay Matrix in the hierarchy of the recommended revised Pay Bands and Level in Pay Matrix without creating new posts for the purpose.

3.8 The financial upgradation under the Scheme will be purely personal to the employee concerned and will have no relevance to his seniority position.

3.9 On upgradation under the Scheme, pay of an employee will be fixed under Rule 13 of CCS (RP) Rules, 2016. The financial benefit allowed under the Scheme will be final and no pay fixation benefit will accrue at the time of regular promotion, i.e. posting against a functional post in the higher grade. However, at the time of actual promotion. If it happens to be in a post carrying higher Level in Pay Matrix than what is available under MACPS, no pay fixation would be available and only difference of the Level in Pay Matrix would be made available.

3.10 If an employee, has been offered regular promotion but was refused by the employee before becoming entitled to a financial upgradation, no financial upgradation shall be allowed, as such an employee has not been stagnated due to lack of opportunities.

3.11 If an employee after availing the financial upgradation under the MACPS subsequently refuse to accept the regular promotion, the financial upgradation already granted will not be withdrawn. However, the subsequent financial upgradation will get postponed.

3.12 In case of transfer including unilateral transfer on request, regular service rendered in previous organization / office shall be counted along with the regular service in the new organization / office for the purposes of getting financial upgradation under the MACPS. However, financial upgradation under the MACPS shall be allowed in the immediate next higher Level in Pay Matrix.

3.13 Regular service includes all periods spent on deputation / foreign service / study leave and all kinds of sanctioned leave.

3.14 Past service rendered in a State Government / statutory body / Autonomous body / Public Sector organization should not be counted towards regular service.

OM, dated 19-5-2009

3.15 Benefits of the MACPS extended to regular Staff Car Drivers of the Central Government Ministries / Departments / Offices, as a fall-back option, if they are unable to get promotion within the percentage-based present system. Staff Car Driver Scheme and MACPS shall run concurrently.– **OM, dated 30-7-2010**

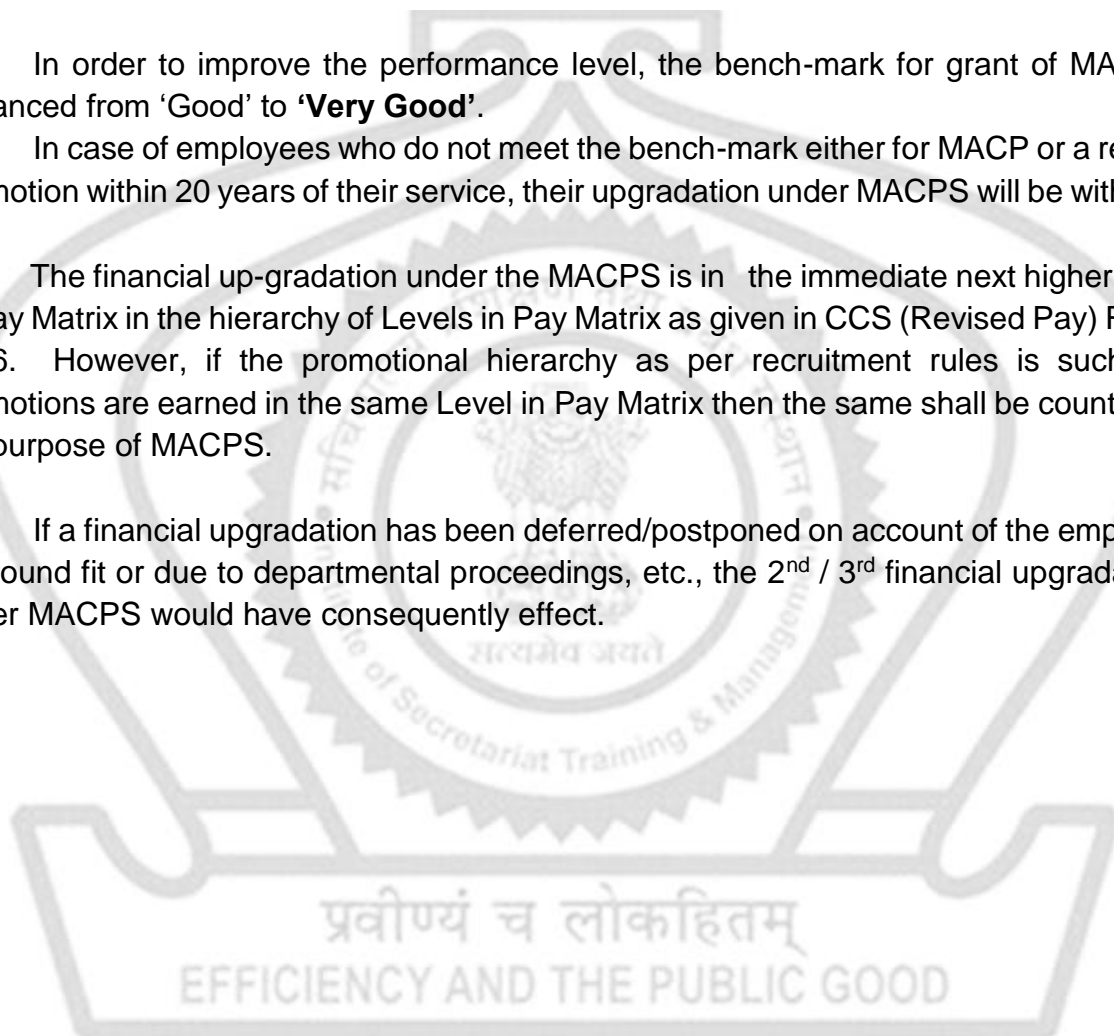
3.16 **Dies non** period will not be counted as regular service for the purpose of grant of financial upgradations under ACP / MACP Scheme.– **OM, dated 24-12-2013**

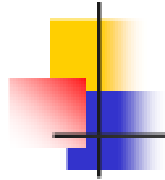
3.17 In order to improve the performance level, the bench-mark for grant of MACP is enhanced from 'Good' to '**Very Good**'.

3.18 In case of employees who do not meet the bench-mark either for MACP or a regular promotion within 20 years of their service, their upgradation under MACPS will be withheld.

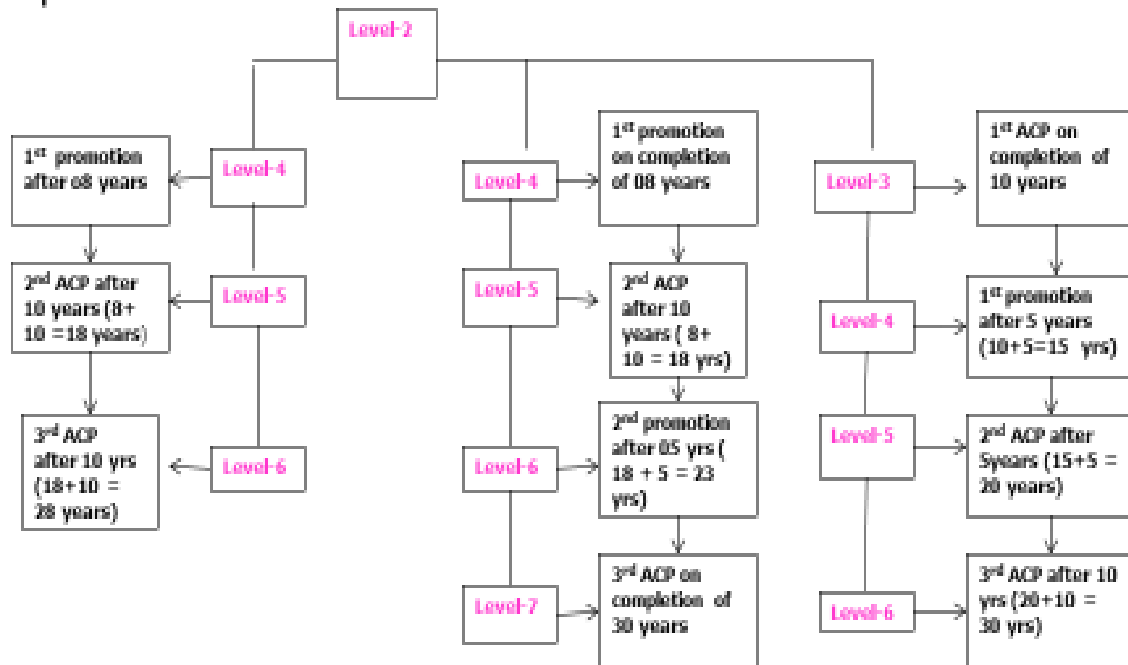
3.21 The financial up-gradation under the MACPS is in the immediate next higher Level in Pay Matrix in the hierarchy of Levels in Pay Matrix as given in CCS (Revised Pay) Rules, 2016. However, if the promotional hierarchy as per recruitment rules is such that promotions are earned in the same Level in Pay Matrix then the same shall be counted for the purpose of MACPS.

3.19 If a financial upgradation has been deferred/postponed on account of the employee not found fit or due to departmental proceedings, etc., the 2nd / 3rd financial upgradations under MACPS would have consequently effect.





ILLUSTRATIONS



25 December 2018

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