

25. MISCELLANEOUS EXECUTIVE INSTRUCTIONS CONCERNING ALL INDIA SERVICES.

1. Confirmations:

1. Confirmations may be made in the senior scale as such and not merely in specified posts of Magistrates/Collectors or superintendents of Police in that Scale. The number of officers to be confirmed in the senior scale will be limited by the sanctioned strength of the Scale which will include not merely specified senior posts but also usual leave and deputation reserves. It is, however, left to the discretion of the State Governments concerned whether confirmation in the senior scale should be made against the deputation and leave reserves also. Such confirmation in the senior scale need not preclude confirmation in specific posts.

1.2. Confirmation will accordingly be of three types:-

(i) an officer on completion of his probation should be confirmed in the Service. The number of officers to be so confirmed will be limited only by the sanctioned strength of the cadre;

(ii) an officer on promotion to the senior scale may be confirmed in that scale. Such confirmations will be limited by the sanctioned strength of the cadre; and

(iii) an officer may be confirmed in specified post or group of posts e.g., the post of Chief Secretary of Inspector General of Police or Posts of Magistrate and Collector.

[G.I., M.H.A. letter No. 2/4/54-AIS(I), dated 15th Feb. 1955, read with letters No. S/1 (6)-AIS(I), dated uary,11th September, 1961, and No. 11/2/60-AIS(I), dated 29th January, 1962]

1.3. It is not necessary to confirm All India Services Officers on deputation to the Centre in tenure posts under the Government of India, in view of the fact that posts in the Central Deputation Quota of State cadres are already utilised for confirming officers in the senior scale. So long as these officers remain on deputation under the Government of India, their lien on the State cadre shall not be suspended.

[G.I., M.H.A. letter No. 25/5/58-AIS(I), dated 8th November, 1956.]

(2) As all India Service Officers can be confirmed specifically in any of the Super-time scale posts in the State Cadres, these posts cannot be declared as tenure posts without affecting confirmations. If, however, for any reason, the State Government would like to declare any of the Super-time scale posts as a tenure post, such proposals may be referred to the Government of India in the first instance.

[G.L.,M.H.A. letter No. 25/5/56-AIS(I), dated 20th February, 1958.]

(2.1) There is no provision in the All India Services Rules which make it necessary that an officer of the Service should be confirmed at every stage of his career. But nonetheless such a convention has always been in existence. Officers of the junior scale on their appointment to the senior scale should be allowed to officiate in such posts for some period roughly one or two years, at the end of which a definite decision should be taken regarding their confirmation in the senior scale on the basis

of their suitability and performance during the period of officiation. Once a definite decision is taken regarding the suitability of an officer for confirmation in the senior scale, he should normally be confirmed with effect from the date from which a substantive vacancy exists. Preferably he should be confirmed with effect from the date of appointment to the senior scale on an officiating basis.

(2.2) Confirmation of direct recruits in the senior grade may be made more liberally against the posts in the Central Deputation Quota, Deputation Reserve and leave reserve because study of the cadre shows that in most of the States these Reserves are generally over-utilised. The State Government could take out averages of the utilisation of each of the above mentioned three Reserves in the last three years and make confirmations in the senior grade to that extent.

(2.3) The State Governments have been advised to make confirmations of cadre officers in the senior grade in accordance with the above instructions.

[G.I. M.H.A. letter No. 23/9/66-AIS(II), dated 20th October, 1966.]

2. Death Reports.-Deaths of All India Services officers should be reported to the Ministry of Home Affairs immediately after their occurrence. Where death results from violence or other unnatural causes, a report on the circumstances leading to the death of the officer should also be sent.

[G.I. M.H.A. letter No. 24/5/58-AIS(I), dated 15th April, 1958.]

2.1 Deaths of All India Service officers are reported by the State Government telegraphically to enable the Government of India to communicate their condolences to the bereaved families of the deceased officers in time. It has been noticed that of late some of the State Governments have been sending reports through ordinary post with the result that the necessary action of sending a letter of condolences cannot be taken in time in such cases. In one or two cases, no such report was sent at all. I am to request that in future death of a member of an All India Service, serving in connection with the affairs of the State, should be communicated to the Government of India telegraphically as soon after the incident as possible.

[G.I. M.H.A. letter No. 16/3/64-AIS(III), dated 14th February, 1964.]

3. Financial Sanctions.-Individual sanctions and orders (including clarificatory orders) having financial bearing in regard to any of the All India Services Rules may be issued direct to the Audit Officers concerned by the Ministry of Home Affairs. The Ministry of Finance need only be consulted and it would be enough if there is a mention of this fact in such orders and sanctions. Wherever the Comptroller and Auditor General of India has been consulted, this fact should also be indicated in the order/sanction.

(2) The expression "Central Government" used in the All India Services Rules means 'the Ministry of Home Affairs' (in respect of matters which have no financial bearing) or 'the Ministry of Home Affairs in consultation with the Ministry of Finance' (in respect of matters having financial bearing.)

[G.I., M.H.A. letter No. 25/2/57-AIS(II), dated 6th July, 1957.]

4. Overpayments Recovery of.-The State Governments are competent to waive recovery of overpayments made to All India Services Officers serving in connection

with the affairs of the States or to officers holding IAS/IPS Cadre posts or equivalent posts in the States in an officiating capacity in accordance with their own financial rules without reference to the Government of India.

[G.I., M.H.A. letter No. 1/67-54-AIS(I), dated 7th May, 1955.]

5. Pensions/Leave salary contribution/incidence of.- incidence of leave salary and pension contribution of members of the Service sent on deputation to other Governments is to be regulated in accordance with the procedure laid down in Appendix 3 to Account Code Volume I, issued by the Comptroller and Auditor General.

[G.I., M.H.A. letter No. 14/7/62-AIS(II), dated 6th June, 1962.]

6. Promotion.- The Government of India are of the view that a junior Indian Police Service Officer approved for promotion earlier and, in fact, appointed to officiate in the selection grade or in a selection post earlier than an officer senior to him, should be allowed to maintain his advantage over his senior unless:-

(1) his (i.e. the junior officer's) standard of efficiency deteriorates, or

(2) the senior officer's standard of efficiency improves to such an extent that notwithstanding his non-selection on the earlier occasion, he is regarded as having definitely a better claim on the higher selection post.

2. The same principle will hold good for promotion to selection posts in the case of the IAS also.

[G.I., MHA letter No.76/5/54-AIS(I), dated 5th October, 1955]

7. Deputation Abroad-All India Service Officers-Instructions regarding.-The Government of India have laid down the following criteria for the guidance of the State Governments to regulate the grant of deputation terms to the members of All India Services working in connection with affairs of the State-

(1) If a member of an All India Service is nominated by the Central Government for training abroad, the period spent by him on training shall be treated as duty for all purposes subject to the fulfilment of the following conditions:-

(a) the member of the service should possess adequate background of the subject or field in which he would be receiving training;

(b) he should have rendered a minimum of five years' service;

(c) he should not be due to retire, or have the option to retire from service within three years of the date of completion of the training; and

(d) the period of training should not ordinarily exceed twelve months.

(2) The order, deputing a member of the Service, may be issued by the Government, under whom he is serving, with the concurrence of the Joint Cadre Authority if he is borne on the Joint Cadre. If that Government is not the Government of the State, on

the cadre of which he is borne, the latter Government or the Joint Cadre Authority, as the case may be, may be consulted before such an order is issued.

(3) The grant of deputation terms in such a case, may be regulated as follows:-

(i) Pay.-The entire period of absence of a member of the Service from his post in India shall be treated as period of deputation on full pay which he would have drawn, had he remained on duty in India.

(ii) Dearness Allowance.-During the period of deputation, a member of the Service shall be entitled to dearness allowance in accordance with such orders as may be issued by the Government of India from time to time, under the All India Services (Dearness Allowance) rules,

(iii) Compensatory Allowance and House Rent Allowance.- The entitlement of a member of the Services to compensatory allowance and house rent allowance during the period of deputation abroad shall be regulated by the general or special orders issued by the State government concerned in this regard.

(iv) Grant of Leave.-A member of the Service may be granted the leave as follows, if applied for by him, for stopover/stay-over on the return journey:-

(a) when the period of deputation is for 3 months or under, he may be granted leave upto one week;

(b) when the period of deputation is for more than 3 months but less than 6 months he may be granted leave upto two weeks; and

(c) when the period of deputation is over 6 months, he may be granted leave upto three weeks.

(v) Execution of bond.-A member of the Service, who has been sent abroad for training and the period of training is proposed to be treated on duty, shall be required to execute a bond, as in [Annexure A](#), to the effect that, in the event of his resigning or retiring from service, without returning to duty after the expiry of the training or at any time within the period as specified in the bond after his return to duty, he shall be liable to refund to the Government a lump sum amount to be specified in the bond. This lump sum amount shall include all moneys paid to the member of the Service viz., pay and allowances, leave salary, cost of fees, travelling and other expenses, cost of international travel and cost of training abroad met by the foreign Government/agency concerned. In case the period of deputation is extended, a supplementary bond, as in [Annexure B](#), covering the extended period(s) of training shall also be got executed by the member of the Service concerned.

(4) In the case of a member of an All India Service, who is not nominated by the Central Government, as envisaged in paragraph 1, and who is permitted by the State Government concerned to go abroad for training at his own cost or at the expense of a foreign Government or agency, the period involved shall not, without the prior sanction of the Central Government, be treated as duty for any purpose, and he may be granted-

(a) study leave under the All India Service (Study Leave) Regulations, 1960, if the conditions laid down in those regulations are fulfilled, and/or

(b) leave due and admissible under the All India Services (Leave) Rules, 1955.

[Department of Pers. & AR letter No. 6/6/71-AIS(III), dated 11th January, 1974.]

ANNEXURE A

Bond to be executed by a Member of an All India Service proceeding abroad on Deputation.

KNOW ALL MEN BY THESE PRESENT THAT I.....resident ofin the District ofat present employed.....under the Government of.....do hereby bind myself and my heirs executors, administrators to pay to the Governor of..... (hereinafter referred to as `the Government') on demand the sum of Rs.....(Rupees.....), on account of my having been placed on deputation for training connected with (particulars of nature of training) for the period fromto.....at (names of countries) at the cost of the Government of...../under a foreign aid scheme (together with interest thereon from the date of demand at government rates for the time being in force on Government loans, or, if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.)

Dated this.....day of one thousand nine hundred and

WHEREAS the above bounden.....is placed on deputation by the Government.

AND WHEREAS for the better protection of the Government, the above bounden has agreed to execute this bond such condition as hereunder is written.

NOW, THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounden.....resigning or retiring from service without returning to duty or otherwise quitting the service after the expiry or termination of the period of training or at any time within a period of four years after his return to duty he shall forthwith refund to the Government, or as may be directed by the Government to refund, on demand the said sum of Rs.....(Rupees.....) on account of his having been placed on deputation as aforesaid, together with interest thereon from the date of demand at Government rates for the time being in force on Government loans.

AND, upon the above bounden.....making such refund, the above written obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

Stamp duty payable on this bond shall be borne and paid by the Government.

Signed and delivered by

.....in the presence of

Witness (1) (2)

Accepted

For and on behalf of the Governor

of-----

ANNEXURE B

Supplementary Bond to be executed by a Member of an All India Service granted extension of deputation abroad

KNOW ALL MEN BY THESE PRESENTS THAT I.....resident

of.....in the District of.....at present employed under the Government of.....do hereby bind myself and my heirs, executors, administrators to pay to the Governor of.....(hereinafter referred to as 'the Government') on demand the sum of Rs.....(Rupees.....), {together with interest thereon from the date of demand at Government rates for the time being in force on Government loans, or if payment is made in a country other than India, the equivalent of the said amount in the currency of that country converted at the official rate of exchange between that country and India.]

Dated this.....day of.....one thousand nine hundred and.....

WHEREAS the above bounden.....was placed on deputation by the Government for the period from.....to.....in consideration of which a bond dated for Rs..... (Rupees.....) was executed by him in favour of the Governor of.....

AND WHEREAS the above bounden.....is placed on extension

of deputation from.....toat (names of countries) at the cost of the Government of/under foreign aid scheme.

AND WHEREAS, for the better protection of the Government, the above bounden has agreed to execute this supplementary bond with such condition as hereunder is written:

NOW, THE CONDITION OF THE ABOVE WRITTEN OBLIGATION IS THAT, in the event of the above bounden.....resigning or retiring from service without returning to duty or otherwise quitting the service after the expiry or termination of the period of training so extended or at any time within a period of four years after his return to duty, he shall forthwith refund to the Government, or as may be directed by the Government to refund, on demand the said sum of Rs.....(Rupees.....) together with interest thereon

from the date of demand at Government rates for the time being in force on Government loans.

AND, upon the above bounden.....making such refund, the above written obligation shall be void and of no effect; otherwise it shall be and remain in full force and virtue.

Stamp duty payable on this bond shall be borne and paid by the Government.

Signed and delivered by

.....in the presence of

Witness (1) (2)

Accepted

For and on behalf of the

Governor of.....

7.2 The following points have been raised for clarification with reference to this Ministry's letter of even number, dated the 22nd March, 1969 (copy enclosed);

(1) The services of the officers sent on deputation abroad should be available for a minimum period of 3 years. How will the fulfilment of this condition be watched in respect of the All India Service Officers who proceed on training from posts which are outside the control of the Central Government such as posts under autonomous bodies, corporations, etc.?

(2) The protection of the special pay/deputation allowance, drawn by an All India Service Officer in a cadre post or an ex-cadre post, prior to his proceeding on training abroad, should be subject to the condition that the concerned officer would have continued to draw it but for his proceeding on training.

(2) The above points have been considered by the Central Government and I am to clarify as under:-

(1) The All India Services Officers are borne on the State Cadres and they come on tenure deputation to the Central Government. They may also be appointed to posts in public sector undertakings under the control of a State Government or the Central Government. When an All India Service Officer is deputed for training abroad, a bond is obtained from him to the effect that he will serve the Government for a period of 3-4 years on his return from training. It is not necessary that he should serve in the particular post for the prescribed period. The only condition to be fulfilled is that he should not resign from the All India Service within the prescribed period. If he does so, the provisions of the bond will become operative and the amount can be recovered from him. In the circumstances no special steps are considered necessary.

(2) The special pay/deputation allowance, drawn by the officer in a cadre post or an ex-cadre post prior to his proceeding on training abroad, will be allowed to him during the period of such training subject to the production of certificate from the competent authority to the effect that he would have continued to draw it but for his proceeding on training.

(3) This issues with the concurrence of the Ministry of Finance.

[MHA letter No. 15/65/66-AIS(III), dated 3rd June,1970.] (Copy of letter No. 15/65/66-AIS(III), dated 22nd March 1969).

Doubts have been raised frequently as to the manner in which IAS/IPS officers sent on training in India or on deputation out of India on training are to be treated, their pay and allowances are to be regulated etc.

(2) No provision has been made in this regard in the rules or regulations made under the All India Services Act, 1951. In respect of these matters, therefore, All-India Service officers will be governed by the rules, regulations and orders applicable to officers of the Central Civil Service Class I or the concerned State Civil Service, Class I vide clause (a) and (b) of rule 2 of the All India Services (Conditions of Service, Residuary Matters) Rules, 1960.

(3) Under the Fundamental Rules, a Government servant shall be treated as on duty during a course of instruction or training in India, vide Fundamental Rule 9(6) (b) (i). His pay and allowances during such period are regulated by Fundamental Rule 20, while F.R. 36 permits acting promotions to be made in such cases. The deputation of a Government servant out of India on training is also treated as duty and is regulated by F.R. 51.

(4) On the analogy of the provisions quoted above, an All India Service officer who is sent for a course of instruction or training in India, or who is deputed out of India on training shall be treated as on duty. He shall continue to draw the pay which he would have drawn but for his deputation on training in, or out of India. Although, in such cases, the officer is treated as on duty, officiating arrangement can be made to fill the vacancy caused by such deputation, and it is not necessary to create a new post in order to accommodate the officer during his training. The officer deputed for training abroad will be considered to be on special duty and will not draw pay in any post-his pay being what he would have drawn had he remained on duty in India.

(5) For the purpose of scale check, the IAS/IPS officers deputed for training/refresher course/advanced training etc. in, or out of India should not be shown against the "Training reserve" provided in the cadre schedule nor will they be counted against the cadre strength.

(6) This issues in consultation with the Ministry of Finance and the Comptroller and Auditor General of India.

7.3 Fees, Travelling Allowance etc. to members of the All India Services appointed as Directors, Representatives or nominees of the Government on Industrial Undertaking/Institutions and Private Companies.-In order to ensure uniformity in the matter, the Govt. of India have decided in terms of the provisions contained in clause (b) of Rule 2 of the AIS (Conditions of Service - Residuary Matters Rules, 1960, that the payment of fees, travelling allowances etc. to the members of the All India Services, appointed in their official capacity as Directors, representatives or nominees of the Government on various Industrial Undertakings/ Institutions and Private Companies, shall be regulated in accordance with the instructions contained in the M/o. Finance O.M. No. F. 5(47) E. IV(B)/63 dated 5/7/65, O.M. No. F. 5(27)-E. IV(B)/67 dated 18.9.68, O.m. No. 19046/1/75-E. IV(B),dated 23.9.75, O.M. No. 16011/3/E. II(B) 75 dated 25/5/76, O.M. No. 7(1)E. 11(B)/71 dated 16/4/71 and 17/4/72. These are reproduced below:

PAYMENT OF FEES, TRAVELLING ALLOWANCES, ETC., TO GOVERNMENT SERVANTS, APPOINTED AS DIRECTORS,

REPRESENTATIVES OR NOMINEES OF GOVERNMENT

A. INDUSTRIAL UNDERTAKINGS/INSTITUTIONS

In supersession of all previous orders on the subject it has been decided that the grant of travelling allowance, fees, etc., to Government servants appointed in their official capacity as Directors, Representatives, or Nominees of Government on the various industrial undertakings/institutions will henceforth be regulated in the manner laid down in the following paragraphs:-

2. Fees or other remuneration

Fees in respect of Government servants attending meetings or for doing other work in connection with the affairs of Statutory organisations' Corporate Bodies, industrial and commercial undertakings (not departmental run) will be recoverable only if these are not wholly owned by the Central Government but in which Central Government funds are invested or which are financed partly by such funds. The cases of semi-Government/non-Government institutions receiving grants from the Central Government should, however, be considered on merits, in consultation with the associate Finance. No fees or other remuneration should be directly accepted by Government servants unless they are specially permitted to receive such fees under F.R. 46 and S.Rs. 11 and 12.

3. Travelling and Daily Allowance

(i) Travelling and daily allowance of the Government servants for journeys performed in connection with the affairs of the organisations, institutions, etc., mentioned in para. 2 above will be regulated under Government rules applicable to them and should be drawn from the source from which their pay is drawn. No part of the expenses on travelling or halts should be accepted by them from the undertakings, direct.

(ii) If the journey is solely or mainly in connection with the affairs of the undertakings, etc., the whole expenditure on the travelling and daily allowance of the Government servants, which is initially borne by the Ministry/Department concerned, should be recovered from the undertakings, etc. In case, however, the journeys and halts are mainly in connection with the affairs of Government, and only partly for the work of the

undertakings, etc., no part of such expenditure should be recovered from the undertakings, etc.

(iii) The authority controlling the allotment of funds for the travelling and daily allowance of the Government servants concerned shall be the sole judge for determining whether recovery should be made or not from the undertakings, etc.

4. Mode of recovery of T.A./D.A., fees or other remuneration

The claims in regard to T.A./D.A., fees, or other remuneration referred to in paragraphs 2 and 3 above, should be preferred against the undertakings, etc. by an officer not below the rank of an Under Secretary of the Ministry/Department hereinafter referred to as "authorised officer". The claims shall be preferred by the authorised officer against the undertakings, etc., for and on behalf of the Government servants concerned, for which purpose the latter shall execute in favour of the former a power of attorney authorising the claim and receipt of the amount from the undertakings, etc. The amount recovered shall be credited to the revenues of the Ministry/Department concerned by the authorised officer, who shall also at the time of preferring claims, endorse a copy thereof to the Audit Officer concerned to enable

him to watch the actual recovery for the undertakings, etc. and its credit to Government. Further, the travelling allowance bills preferred by Government servants attending the meeting etc., of the organisations mentioned in para 3 above should be supported by a certificate to the effect that no travelling expenses, fees or other remuneration has been claimed or drawn by the them from the said organisations.

[G.I., M.F., O.M. No. F. (47)-E. IV(B)/63, dated the 5th July, 1965.]

NOTE 1.- In partial modification of the provisions contained in para. above, it has been decided that the amounts recovered from the undertakings, etc., instead of being credited as a revenue receipt of the Ministry/Department concerned, shall be adjusted as a recovery under the expenditure head in the Accounts. This change in the classification in accounts will make no change in regard to the need for budget provision. Budget provision should continue to be made for the gross amount of expenditure and the recoveries to be taken in deduction of expenditure shown separately by way of footnotes in the Demands for Grants.

{G.I., M.F., O.M. No. F. 5(27)-E. IV(B)/67, dated the 18th September, 1968.]

NOTE 1.- In partial modification of the provisions contained in paras 3 and 4 above, it has been decided that the Public Undertakings may make necessary travelling arrangements for themselves for the to and fro journey of Government Directors/Representatives/Nominees for attending the meetings of the Public Undertakings. These arrangements should, however, correspond to their entitlement under the Government Rules.

In such cases the claim for daily allowance due to the Government Directors. etc., for attending the meetings of the Board of Directors of the Undertakings will only be preferred by the Ministry/Department concerned as laid down in paragraph 4 read with Note 1 above.

[G.I., M.F., O.M. No. 19046/1/75-E. IV(B), dated the 23rd September, 1975.]

T.A. TO REPRESENTATIVES OF GOVERNMENT

NOTE 3.- In a case where an officer of a State Government served in his official capacity as a Director on the Board of Directors of a Central Government Public Enterprise, it has been decided that he should be paid T.A./D.A. as is applicable to the officer concerned in accordance with the State Government rules for undertaking official tours on the analogy of Note 2 above. Any departure from this principle as also allowing sitting fee to the officer concerned on the same basis as in the case of nonofficial Directors on the Board of the concerned Public Enterprise should be agreed to only on the basis of reciprocity, i.e., if the same procedure is adopted by the concerned State Government Organisations in respect of the Central Government Officers who may be associated with the affairs of any of the Government Public Undertaking of the State in question. Of course, if under the agreed arrangement, a central Government servant receives any fees, etc., it shall have to be credited by him to the Central Government. He will draw only T.A./D.A. as admissible to him under the rules of the Central Government as applicable to him.

[G.I., M.F., O.M. No. 16011/3/E. II(B)75, dated the 25th May, 1976.]

B. PRIVATE COMPANIES

A question has been raised whether a Government servant appointed in his official capacity as Director, etc., in connection with the affairs of a private company, which does not receive any financial assistance from the Central Government or in which Central Govt. Funds are not invested, can receive and retain fee for attending meetings, etc., of the Board of Directors of Company. It is clarified that, even in such cases, the intention is that such a Government servant shall draw only travelling allowance under the rules applicable to him and from the source from which he draws his pay and he should credit to Government whatever fees, travelling allowance or their remuneration which may be received by him from such bodies under their rules and regulations. Such credits will be treated as the revenue of the Department concerned.

It has been decided that the amount in respect of travelling allowance received from the private company whether during the same financial year or subsequently, shall be adjusted as recovery under the minor head "Deduct-Amounts recovered from other Government, Departments, etc." under the same Major head under which the travelling allowance, initially borne by the Government was adjusted.

In cases in which Government officers already on foreign service are required to work in some capacity for a third party and receive fees from that party, such fees less the amount of expenditure incurred on them by the foreign employer by way of travelling allowance (which should be reimbursed to the foreign employer) should be credited to Government.

[G.I., M.F., O.M. No. 7(1) - E.11(B) 71, dated the 16th April, 1971 and the 17th April, 1972.]

2. This is in supersession of DP&AR letter No. 20062/1/75-AIS(I) dated 17.7.75.

Yours faithfully,

US (S-II)

Copy to All Ministries/Deptts. in the Govt. of India.

2. M/o. Home Affairs for Indian Police Service.

3. M/o. Environment & Forest for Indian Forest Service.

4. M/o. Finance, Deptt. of Expenditure, vide their U.O. no.

quoted above.

US (S-II)

No.

To

The Chief Secy. of all States

7.4 Sub: Deputation abroad-Treatment of transit time and leave taken in conjunction with the deputation abroad.

Sir,

In order to ensure uniformity in the matter, the Govt. of India have decided to extend the instructions relating to treatment of transit time and leave taken in conjunction with deputation abroad contained in M/o Finance O.M. No. F. 19036/7/75 - /E.IV(B) dt. 5.8.76 and F. 19036/7/76 - E.IV(B), dt. 15.3.78, to cover members of the All India Services sent on deputation abroad. The relevant Extracts are reproduced below:

[Extracts from M/o Finance O.M.F. 19036/7/75 - E.IV(B), dated 5.8.76 and F. 19036/7/76 - E.IV(B), dated 15.3.78]

B. Leave and Transit Time

9. Government Servants stationed outside Delhi and deputed for training abroad may be allowed up to a maximum of 4 days for completion of pre departure formalities, e.g., medical examination, arrangements for passports, etc. and this period may be treated as transit time.

10. Where an officer avails himself of earned leave/leave on average pay not exceeding 120 days/4 months in India, in conjunction with deputation-

(a) the normal time taken on the journey by the officer from the place where he was spending his leave to the sea/airport of embarkation limited to the normal time on the journey from his headquarters in India to the port of embarkation, and

(b) the normal time taken on the journey from the port of disembarkation to his headquarters.

may, under the orders of the sponsoring Department, be treated as transit time and included in the period of deputation.

11. An officer may, subject to the exigencies of public service, be granted leave while abroad for a period not exceeding fifty percent of the actual period of duty abroad (excluding the transit time from India to the country of deputation and back and enforced halt) or a fortnight, whichever is less for personal reasons. Cases involving grant of leave in excess of limits indicated above should be decided in consultation with this Department.

12. The competent authority may grant casual leave in exceptional circumstances to an officer subject to the condition that it will not have the effect of extending the period of deputation."

7.5 CHARGE REPORT :

Charge report in the case of officers on deputation out of India is not necessary unless officiating arrangements are contemplated. In such cases, an official intimation of the exact date of commencement of the deputation and date of its termination should be sent to audit by Ministry/Head of Department concerned. In the case of study/training abroad the official should relinquish his post and prepare a charge report even if an officiating arrangement is not made in his place. Min. of Finance O.M. No. 2(1)-E. II/55, dt. 1-8-55.

7.6 Improvement in allowances and facilities for members of All India Services serving in the North-Eastern States and Andaman and Nicobar Islands and Lakshdweep.- I am directed to refer to this Department's letter No. 14017/21/83-AIS(II) dated 3rd February, 1984, wherein the State Governments were requested to extend the orders contained in Ministry of Finance, Department of Expenditure O.M. No. 20014/3/83-E.IV dated 14th September, 1983, regarding improvement in allowances and facilities for Civilian employees of the Central Government serving in the North-Eastern States to members of All India Services serving in connection with the affairs of the State Government.

2. The Ministry of Finance, Department of Expenditure have now issued orders vide their O.M. No. 20014/16/86-E.IV-EIIB dated 1st December, 1988, making improvements in the allowances and facilities to the Central Government employees posted in the North Eastern Region. A copy of the O.M. is enclosed.

3. It is requested that the orders contained in the Min. of Finance, Deptt. of Expenditure O.M. dated 1.12.88 may be extended to members of All India Services serving in connection with the affairs of the State Government w.e.f. the dates they have been applied to

Central Govt. employees.

SUBJECT : Improvement in facilities for Civilian employees of the Central Government serving in the State of North-Eastern Region, Andaman & Nicobar Islands and Lakshadweep.

The undersigned is directed to refer to this Ministry's O.M. No. 20012/4/83-E.IV dated 14th December, 1983 and 30th March, 1984 on the subject mentioned above and to say that the question of making suitable improvements in the allowances and facilities to Central Government Employees posted in North-Eastern Region comprising the States of Assam, Meghalaya, Manipur, Nagaland, Tripura, Arunachal Pradesh and Mizoram has been engaging the attention of the Government. According the President is now pleased to decide as follows:-

(i) Tenure of posting/deputation:- The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(ii) Weightage for Central deputation and training abroad: Special mention in confidential records:- The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue. Cadre authorities are advised to give due weightage for satisfactory performance of duties for the prescribed tenure in the North-East in the matter of promotion in the cadre posts, deputation of Central tenure post and courses of training abroad.

(iii) Special (Duty) Allowance:- Central Government Civilian employees who have All India transfer liability will be granted Special (Duty) Allowance at the rate of 12 1/2% of basic pay subject to a ceiling of Rs.1000/- per month on posting to any station in the North Eastern Region. Special (Duty) Allowance will be in addition to any special pay and/or deputation (duty) allowance already being drawn subject to the condition that the total of such Special (Duty) Allowance will not exceed Rs. 1000/- p.m. Special allowances like Special Compensatory (Remote Locality) Allowance, Construction Allowance and Project Allowance will be drawn separately.

The Central Government Civilian employees who are members of Scheduled Tribes and are otherwise eligible for the grant of Special (Duty) Allowance under this para

and are exempted from payment of Income-tax under the income-tax Act will also draw Special (Duty) Allowance.

(iv) Special Compensatory Allowance:- The recommendations of the 4th Pay Commission have been accepted by the Government and Special Compensatory Allowance at the revised rates have been made effective from 1.10.86.

(v) Travelling Allowance on First appointment:- The present concessions as contained in this Ministry's O.M. dt. 14.12.83 will continue with the liberalisation that on first appointment T.A. should be admissible for the total distance, instead of for the distance in excess of first 400 Kms. only.

(vi) Travelling Allowance for journey on transfer: The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(vii) Roads mileage for transportation of personal effect on transfer: The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(viii) Joining time with Leave: The existing provisions as contained in this Ministry's O.M. dated 14.12.83 will continue.

(ix) Leave Travel Concession: The existing concession as contained in this Ministry's O.M. dated 14.12.83 will continue.

Officers drawing pay of Rs. 5100/- or above, and their families i.e. spouse and two dependent children (upto 18 years for boys and 24 years for girls) will be allowed air travel between Imphal/Silcher/Agartala/Aizawl/Lilabari and Calcutta and vice-versa; between Portblair and Calcutta/Madras and vice-versa in case of posting in A&N Island; and between Kavarati and Cochin and vice-versa in case of postings in Lakshadweep.

(x) Children Education Allowance/Hostel subsidy: Where the children do not accompany the Government servant to the North-Eastern Region, Children Education Allowance upto class XII will be admissible in respect of children studying at the last station of posting of the employees concerned or any other station where the children reside. If children studying in schools are put in hostels at the last station of posting or any other station, the Government servant concerned will be given hostel subsidy without other restrictions. The rates of Children Education Allowance/ Hostel subsidy will be as in the D/P&T, O.M. 18011/1/87 Estt. (Allowance) dt. 31.12.87. as amended or time to time.

(xi) Concession regarding grant of House Rent Allowance to officers posted in the States of North Eastern Region, Andaman & Nicobar Islands and Lakshadweep Islands: The present concession as contained in this Ministry's O.M. No. 110016/1/E-II(B)/84 dt. 29.3.84 as amended from time to time will continue to be applicable.

(xii) Telephone facilities: The officers who are eligible to have residential telephone may be allowed to retain their telephone at their residences in their last place of the posting subject to the condition that the rental and all other charges are paid by such officers.

2. The above orders will also apply mutatis-mutandis to the Central Government employees posted in Andaman & Nicobar Islands and Lakshadweep Islands. These

orders will also apply mutatis-mutandis to officers posted to N.E. Council, when they are stationed in the N.E. Region.

3. These orders will take effect from the date of issue.

4. In so far as the persons serving the Indian Audit and Accounts Department are concerned these orders issue after consultation with the Comptroller and Auditor General of India.

5. Hindi version of this Memorandum is attached.

Sd/-(A.JASYARAMAN)

JOINT SECRETARY TO THE GOVT. OF INDIA.

To

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

Copy with usual number of spare copies forwarded to C&A.G. U.P.S.C. etc. as per standard endoresement list.

8. Applications of members of the All India Services for posts advertised by Union Public Service Commission, Public Sector Undertakings etc.- forwarding of- Instructions regarding-

I am directed to say that a question has been raised as to whether the members of the All India Services can be permitted to apply for posts advertised in the Press by the Government, Public Sector Undertakings etc. The Govt. of India are of the view that applications should be forwarded only in case where Govt. servants in lower services with inadequate prospects seek further advancement. In the Indian conditions, the All India Services offer the best available prospects for regular advancement and a fair share of deputation posts in the Public Sector Undertakings etc. Therefore, the members of the All India Services should not be permitted to apply for any post advertised in the Press. Members of the Indian Police Service and the Indian Forest Service may, however, be permitted to apply for the combined competitive examination for appointment to the India Administrative Service and the Central Civil Services Class I.

2. I am to request that the contents of this letter may be brought to the notice of the members of the All India Services borne on the State cadre.

[G.I.Deptt. of Personnel letter No. 52972-AIS (iii), dated 4.12.1972.]

8.1 Forwarding of application of members of the All India Services for posts advertised by Union Public Service Commission etc.- I am directed to refer to this Department's letter No. 5/21/72-AIS(III) dated 4.2.72 (copy enclosed) on the subject mentioned above and to say that the above policy regarding forwarding of application has been considered in the light of the policy for appointment to posts in Public Sector Undertakings on deputation. In terms of this, the members of the service who apply for posts in Public Sector Undertakings may not be able to proceed on deputation to the Undertaking but will have to seek immediate absorption. This has, to

some extent, affected the prospects for regular advancement in career of the members of the service.

2. It has, therefore, been decided that in response to advertisement issued in the press by UPSC etc. the applications of the members of the All India Services may be forwarded for consideration for the said post. If the Recruitment Rules for the post so advertised provide for "transfer on deputation" also as one of the methods of recruitment in the event of the selection of the member of the service he may be allowed to proceed on deputation if it is

administratively feasible for the State Government to spare the member of the service. If the Recruitment Rules for the post do not have any provision for "transfer on deputation" the member of the service may be requested to give an undertaking at the time of making a request

for forwarding the application to the effect that in the event of selection for the post applied for he or she is willing to seek retirement or resignation as the case may be before joining the post. I am to request that the contents of the above letter may be brought to the notice of the member of the All India Services borne on the State cadre.

3. The instruction issued vide this Department letter No. 5/9/72 (AIS-III) dt. 4/12/72 stand amended as above.

Copy to All Ministries/Departments.

(No. 11017/9/91-AIS III dt. 7/2/1991).

9. Use of IAS/IPS crests in letter-heads by members of IAS/IPS-Instructions regarding.- It has come to the notice of the Government of India that some officers of the I.A.S.and I.P.S. are using the IAS/IPS crests with the State Emblem in their letter heads. As you are aware State Emblem can be used only for bona fide official purpose. The I.A.S./I.P.S. probationers/officers or any Association have not been authorised to use the State Emblem in their letter-heads. I am, therefore to request that all officers/Associations concerned may be instructed to discontinue immediately the printing, distribution and use of the letter-heads with the Sarnath Lion Capital of Ashoka showing three lions. There will, however, be no objection if the crests on the Letter-heads is printed without the State Emblem.

[G.I. M.H.A. letter No. 7/2/68-AIS(III), dated 11/6/1968]

10. Territorial Army etc. Enrolment in.- In view of importance of the Territorial Army and the Auxiliary Air Force for the adequate defence of the country, no impediments should ordinarily be placed in the way of I.A.S. officers wishing to join either the Territorial Army or the Auxiliary Air Force. Officers holding essential key posts should not, however, be permitted to join. While considering application from officers, the Ministry or the State Government concerned may, therefore, take into consideration the nature of work in which the officer is employed or is likely to be employed and grant permission in such cases, where the officers can be released in an emergency without affecting the minimum essential functions of their officers.

[G.I. M.H.A. letter Nos. 1/5/56-AIS(II), dated 28th December 1956, and 6/39/57 AIS(II), dated 3rd June, 1957.]

11. Travelling Allowance.-1. Joining time and joining time pay shall be granted as follows to Government servants, who are appointed to the Indian Administrative/Police Service on the results of a competitive examination, which is open to both Government servants and others:-

(i) joining time shall ordinarily be permitted for All Government servants serving under the Central Government and for State Government servants who hold permanent posts in a substantive capacity.

(ii) joining time pay shall be granted only to Government servants who hold permanent posts under the Central or a State Government in a substantive capacity or who are provisionally permanent state or Central Government employees or quasipermanent Central Government employees.

Where joint time pay is granted, *travelling allowance at transfer rates shall be allowed.

2. If, however, the terms contained in the offer of appointment are more favourable than the concessions enumerated in para. 1 above, then the former shall be allowed.

3. Candidates, who prior to their appointment to the IAS/IPS, held permanent posts either substantively or on probation under the Central or a State Government, can have their previous service counted for pension provided they joined the IAS/IPS without any interruption of duty, authorised joining time being no interruption of duty for this purpose.

4. All previous service rendered by a candidate under the Central or a State Government prior to his appointment to the IAS/IPS shall be counted for leave, provided the service is continuous and the Government, under which they were working prior to their appointment to IAS/IPS agree to pay the leave salary.

[G.I. M.H.A. letter Nos. 22/20/48-G.S., dated 9th March, 1949, 20/7/49-G.S., dated 26th March, 1949, and 1/66/59-AIS(II), dated 1st October, 1959.]

II. An I.P.S. probationer, on appointment to the I.A.S. will not be entitled to joining time etc., as he attributes of a substantive holder, which he enjoys as an I.P.S. in which he is on probation.

[G.I. M.H.A. letter No. 14.12.62. AIS(III), dated the 28th November, 1962.]

In the case of permanent/provisionally permanent State and Central Government employees and quasi-permanent Central Government employees appointed to the I.A.S. on the basis of the I.A.S. (Special Recruitment) Examination, 1956, and sent for training direct they were allowed only travelling allowance at tour rates for journeys to proceed to the training institutions.

[G.I. M.H.A. letter No. 14/29/58, AIS(III), dated the 12th June, 1959.]

12. Court cases filed by members of the All India Services or members of the State Services involving interpretation of rules and regulations framed under the All India Services Act, 1951- Impleading of Union of India as a party- Instructions regarding.-In a recent Writ Petition filed by a member of an All India Services in which interpretation of certain rules and regulations made under the All India Services Act, 1951 was

involved the Union of India was not impleaded as a party and the court gave its judgement without the Government of India having an opportunity to place before the Court its views regarding the interpretation of the relevant rules and regulations. As the State Governments are aware, the Central Government have been empowered under the All India Services Act, 1951, to make rules and regulations to govern the recruitment and the conditions of service of persons appointed to the All India Services. The various rules also provide that the interpretation of the rules will be that of the Central Government. As such, in all court cases involving interpretation of the All India Services rules and regulations it is necessary that the Government of India is also impleaded as a party so that the Court will have before it the views of the Central Government on such interpretation, while deciding the case.

2. The State Governments may take the following action in Court Cases which involve interpretation of the All India Services rules and regulations:-

(i) To move the Court at the earliest opportunity that the Government of India should be impleaded as a party in cases where the Government of India have not been so impleaded.

(ii) To show the Government of India draft of the counter affidavit proposed to be filed on behalf of the States in such cases for the comments, if any, of the Government of India, and then take action for filing the affidavits.

[Deptt. of Personnel letter No. 10/9/72-AIS(I), dated 6-6-1972.]

13. Miscellaneous.-Officers of All India Service borne on state cadres should not correspond direct with the Government of India without the knowledge of the State Government. Applications/letters addressed to the Government of India direct by individual All India Service Officers (including retired officers) which are not routed through the State Governments would not therefore, be entertained.

[G.I., M.H.A. letter No. 19/59-AIS(III), dated 8th May, 1959.]

Subject: Furnishing of annual immovable property returns by AIS officers - instructions regarding.

I am directed to refer to the provisions of Rule 16(2) of the AIS (Conduct) Rules, 1968, which mandates every member of the Service to submit an annual immovable property return in the prescribed proforma.

2. The recent decision to place annual immovable property returns filed by All India Services officers in the public domain has necessitated closer monitoring of finer details like reckoning the exact date of filing return by the officers. A practical problem that is often encountered by the Cadre Controlling Authorities while implementing the provisions of Rule 16(2) of the Conduct Rules is that the IPR by AIS officers are submitted to their respective cadre authorities, who in turn forward the same to EO Division, in the capacity as the Cadre Controlling Authority for IAS officers. It is observed that most of the officers do not put the date under their signatures on the IPRs, making it virtually impossible for the EO Division to confirm the exact date of submission of immovable property return by the officers.

3. As per latest instructions, on grant of vigilance clearance to AIS officers timely submission of IPRs has been linked to the issue of grant of vigilance clearance. It is, therefore, imperative that the exact date of submission of immovable property return by the AIS officers is invariably correctly reflected by the officers in their IPRs.

4. The contents of this letter may be brought to the notice of all the members of the All India Services.

[DoP&T letter No. 11017/27/2011-AIS(III), dated 24.10.2011]