

## PART V

## CHAPTER XIII

## Foreign Service

**@141. Employees Consent necessary for transfer to foreign Service.** — No Government servant may be transferred to foreign service against his will provided that this rule shall not apply to the transfer of a Government servant to the service of a body incorporated or not, which is wholly or substantially owned or controlled by the Government or to the transfer of a Government servant to service paid from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samiti and Zila Parishads Act, 1959 (Act No. 37 of 1959).

**142. When transfer to foreign service admissible.** —A transfer to foreign service is not admissible unless —

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
- (b) the Government servant transferred holds, at the time of transfer, a post paid from the Consolidated Fund, or holds a lien on such a post had his lien not been suspended.

## NOTES

1. If, in any case, a proposal is made that a Government servant should be lent to a private undertaking, it is necessary that the principles of this Rule should be applied most rigorously, and generally the loan of a Government officer to private undertaking should be regarded as a very exceptional case requiring special justification.

2. The transfer of a temporary Government servant to foreign service is permissible under this rule.

\*3. The Government which will be entitled to recover pension contribution on behalf of a Government servant lent to foreign service, should be regarded as the Government competent to sanction the transfer.

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@ Substituted by F.D. Order No. F. 7 (A) (31) F.D. A. /Rules/60 dated 12-8-1960.

"141. No Government servant may be transferred to foreign service against his will: Provided that this rule shall not apply to the transfer of a Government servant to the service of a body corporate owned or controlled by the Government or to the transfer of a Government servant to service paid from a Panchayat Samiti/Zila Parishad Fund constituted under the Rajasthan Panchayat Samities and Zila Parishads Act, 1959 (Act No. 37 of 1959)."

\* Inserted by F.D. Order No. F. 5(1) F. (R)/56, dated 11-1-1956.

## Instructions

1. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Accountant General, by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay communicate a copy to that office and take his instructions as to the amount of the contribution, report to that officer the time and date of all transfers of charge to which he is a party when proceeding on, while, in and on return from foreign service and furnish from time to time, particulars regarding his pay in foreign service, leave taken, by postal address and any other information which that officer may require.

@ 2. महालेखाकार, राजस्थान, जयपुर ने राज्य सरकार को सूचित किया है कि विभिन्न विभागाध्यक्षों द्वारा उनके अधीन कार्य कर रहे अधिकारियों व कर्मचारियों के प्रतिनियुक्ति पर जाने पर प्रतिनियुक्ति पर गये कर्मचारी के राज्य सेवा संबंधी विवरण महालेखाकार कार्यालय द्वारा बार-बार अनुरोध करने के अपरान्त भी निर्धारित प्रपत्र 'अ' में नहीं भेजे जाते हैं। इस सूचना के अभाव में महालेखाकार कार्यालय प्रतिनियुक्ति पर गये कर्मचारी के संबंध में अवकाश वेतन व पेंशन अंशदान की राशि उनके प्रतिनियुक्ति संस्थान से समय पर निर्धारित कर वसूल नहीं कर पाते हैं। महालेखाकार कार्यालय में इस प्रकार के बहुत मामले अनिर्णित पड़े हुए हैं।

यहां यह बताना उपयुक्त होगा कि विभागाध्यक्षों के कार्यालय से महालेखाकार कार्यालय द्वारा भेजे गये प्रपत्र "अ" में सूचना न भेजे जाने के कारण राज्य सरकार व प्रतिनियुक्ति पर गये कर्मचारियों को ही हानि होती है। राज्य सरकार को निर्धारित पेंशन अंशदान व अवकाश वेतन अंशदान की राशि समय पर नहीं मिल पाती है एवं वसूली का इन्द्राज संबंधित कर्मचारी की सेवा पुस्तिका में समय पर इस राशि के प्राप्त नहीं होने के कारण नहीं हो पाता है जिससे राज्य कर्मचारी के पेंशन केस का निपटारा करते समय कठिनाइयां आती हैं। यदि विभागाध्यक्ष समय पर प्रपत्र 'अ' की पूर्ति कर महालेखाकार कार्यालय में भेज देते हैं तो देय पेंशन व अवकाश वेतन अंशदान का निर्धारण समय पर हो जाता है एवं उसकी वसूली भी समय पर ही हो जाती है।

अतः मैं आप से अनुरोध करूंगा कि आप संलग्न सूची के मामले में व्यक्तिगत रूचि लेकर महालेखाकार द्वारा चाही गई वांछित सूचना शीघ्र भेजने की व्यवस्था करेंगे एवं भविष्य के लिये इस प्रकार की व्यवस्था करेंगे कि जब भी किसी कर्मचारी की नियुक्ति प्रतिनियुक्ति पर किसी संस्थान को दी जाय तो प्रतिनियुक्ति आदेश के साथ ही निर्धारित प्रपत्र "अ" भी भर कर महालेखाकार कार्यालय को भेज दिया जाये एवं प्रतिनियुक्ति संस्थान को भी प्रपत्र "अ" की प्रति भेजकर उन्हें निर्देश देंगे कि वह उसे कर्मचारियों की ज्वाइनिंग रिपोर्ट के साथ ही पूर्ति कर महालेखाकार कार्यालय को भेजे। प्रपत्र "अ" व "ब" की प्रति संलग्न कर लेख है कि वांछित सूचना 15 दिवस के अन्दर-अन्दर भरकर महालेखाकार, राजस्थान, जयपुर को भिजवा दी जावे।

## प्रपत्र "अ"

पैतृक विभाग द्वारा प्रदत्त की जाने वाली सूचनाएं

1. अधिकारी का नाम, मूल विभाग तथा पद का विवरण
2. बाह्य नियोजक का नाम एवं प्रतिनियुक्त पद का विवरण
3. जन्म तिथि
4. राज्य सेवा में आने की तिथि ( बाह्य सर्विस को छोड़ते समय)
5. मूल विभाग में वेतन, वेतन श्रृंखला तथा वेतन वृद्धि की तिथि
6. मूल विभाग से कार्य मुक्त होने की तिथि
7. लेखा शीर्ष प्रतिनियुक्त से पूर्व अधिकारी का वेतन आदि जहां नामें योग्य
8. प्रतिनियुक्त आदेश तथा उसकी शर्तों की आदेशों की प्रति
9. सेवा पुस्तिका ( संलग्न करें )
10. राज्य सेवा नियम ( आर. एस. आर. ) के नियम 168 के अनुसार क्या अधिकारी ने भविष्य निधि ( सी. पी. एफ. ) स्वीकार की है या पेंशन
11. अधिकारी का वर्गीकरण कि वह निम्नलिखित में से किस वर्ग से संबंधित है—
  - (1) चतुर्थ श्रेणी कर्मचारी
  - (2) लिपिक वर्ग
  - (3) अधीनस्थ सेवा
  - (4) राज्य सेवा
  - (5) केन्द्रीय सेवा
12. यदि अधिकारी अपने मूल विभाग को परावर्तन होकर वापिस आ चुका है तो
  - (1) परावर्तन होने के बाद मूल विभाग में कार्य ग्रहण करने की तिथि व समय
  - (2) कार्यग्रहण अवधि तथा कार्य ग्रहण अवधि में प्राप्त वेतन का विवरण
  - (3) प्रतिनियुक्त काल के ( आकस्मिक अवकाश को छोड़कर ) लिये गये अवकाश का विवरण
13. अन्य विवरण

प्रेषण अधिकारी के हस्ताक्षर व पद

## प्रपत्र "ब"

### विदेशी नियोजक द्वारा प्रस्तुत की जाने वाली सूचनायें

1. अधिकारी का नाम तथा सेवा समय, सेवा में पद
2. प्रतिनियुक्त से पूर्व नियुक्त स्थान तथा मूल विभाग तथा पद

3. राज्य सेवा में प्रथम प्रवेश तिथि ( बाय सर्विस छोड़ते हुए )
4. प्रतिनियुक्ति काल में वेतन
  - (अ) विभागीय वेतन श्रंखला
  - (ब) बॉय सेवा वेतन श्रंखला
    - (1) वास्तविक प्राप्त वेतन ( इसमें वेतन, विशेष वेतन, प्रतिनियुक्ति भत्ता आदि अलग से दिखायें )
    - (2) वेतन वृद्धि तिथि
5. प्रतिनियुक्ति स्थान पर कार्य ग्रहण करने की तिथि
6. पूर्व नियुक्ति स्थान से प्रतिनियुक्ति स्थान तक कार्य ग्रहण करने की अवधि, उसमें दिया गया वेतन, विशेष वेतन आदि ।
7. प्रतिनियुक्ति काल
8. प्रतिनियुक्ति काल में लिये गये अवकाश का विवरण (आकस्मिक अवकाश को छोड़कर )
9. यदि प्रतिनियुक्ति अधिकारी का परावर्तन हो चुका है तो—
  - (अ) परावर्तन की तिथि तथा समय
  - (ब) यदि अवकाश वेतन एवं पेंशन अंशदान दे दिया गया है तो उसका विवरण  
(यदि विवरण लम्बा हो तो अलग से परिशिष्ट लगायें)
  - (स) परावर्तन पर कार्य ग्रहण अवधि तथा कार्यग्रहण अवधि का वेतन जो प्रतिनियुक्ति अधिकारी को दे दिया गया है ।
10. जन्म तिथि

प्रेषित करने वाले अधिकारी के हस्ताक्षर व पद

**143. Consequences of transfer to foreign service during leave. —**  
If a Government servant is transferred to foreign service while on leave he ceases, from the date of such transfer, to be on leave and to draw leave salary.

**Substantive or officiating promotion in the parent cadre to Government servant in foreign service. —** A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account: —

- (a) the nature of the work performed in foreign service, and
- (b) the promotion given to juniors in the cadre in which the question of promotion arises.

Nothing in this rule shall prevent a member of a subordinate service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

**144. Date from which Government servant in foreign service draws pay from foreign employer:-** A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Government may, by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning his transfer in consultation with the foreign employer.

### **Audit Instructions**

When any Government servant lent on foreign service conditions retires from Government service without, at the same time, retiring from the service of his foreign employer the Accountant General shall communicate to the foreign employer through the usual channels a statement showing the date of retirement and the amount of pension drawn from Government so as to give the foreign employer the opportunity, if he be so included, of revising the existing terms of employment.

**@144-A. Conditions of deputation on foreign service.** —The terms and conditions of the State Government servants transferred on deputation/foreign service to Central Government, other State Government Public undertakings, autonomous bodies (whether incorporated or not) and other bodies wholly or substantially controlled by the Government etc. shall be regulated in accordance with the orders issued by the Government from time to time.

### **\* Government of Rajasthan's Decision**

The Governor has been pleased to order the revision of the existing terms and conditions of deputation of State Government employees under rule 144 A of Rajasthan Service Rules who go on deputation or on foreign

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@ Substituted vide F.D. Notification No. F. 1 (3) FD (Gr.2)/76-III dated 23-1-1976 and they shall come into force with immediate effect, for: —

**"144-A. Conditions of deputation on foreign service.** —The Deputation of officers to Part 'B', States from the Centre and/or from Part 'A' States will be governed by the terms and conditions incorporated in Appendix XXI."

\* **For Provision in force prior to 1-2-1986 please see at the end of the Chapter.**

Substituted vide F.D. Order No. F.I (47) FD (Gr.2)/82 dated 22-2-86 w.e.f. 1-2-1986 For-

service to ex-cadre posts in Central Government or other State Governments, Public Undertakings or Government Companies or Corporations or Autonomous Bodies (incorporated or not and other Bodies etc. wholly or substantially owned or controlled by the Government as contained in the following paragraphs.

2. The term 'deputation' will cover only appointments made by transfer on a temporary basis. It does not cover permanent appointment made by transfer or final absorption or by direct recruitment in competition with open market candidates to the aforesaid bodies.

3<sup>=</sup> (i) The Deputation (Duty) Allowance shall be @ 5% of the basic pay of the employee subject to a maximum of Rs. 500/- per month.

(ii) The 'basic pay' for the above purpose shall mean pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee's parent cadre provided that it is certified by the appointing authority that but for the deputation the employee would have continued to hold officiating appointment indefinitely.

§(iii) Personal pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay, for example, increment or increase in pay on promotion or for any other reason.

(iv) The officers and staff of the Government Secretariat/ Governor's Secretariat/Rajasthan Public Service Commission/ Rajasthan Legislative Assembly on deputation shall not be entitled to get Special Pay attached to their posts (viz. Secretariat Allowance) during the period deputation (duty) allowance or deputation pay is paid. However, if the deputation period is extended with the sanction of the competent authority beyond the maximum period (4 years) for which deputation (duty) allowance or higher pay is not permissible, special pay as would be admissible on repatriation to the parent department shall be allowed for the extended period.

#### **4. Pay on Deputation:**

(i) An employee sent on deputation/foreign service shall be allowed his basic pay in the pay scale of the parent department plus personal pay, if any, plus deputation (duty) allowance, at the rates mentioned in para 3 above

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<sup>=</sup> Substituted vide FD Notification No. F.1(5)FD/Rules/96 dated 2.4.1998 w.e.f. 1.1.1998-

"(i) The Deputation (Duty) Allowance shall be @ 7% of the basic pay of the employee subject to a maximum of %Rs. 300/- p.m."

<sup>§</sup> Substituted vide F. D. Order No. F. 1 (47) F. (Gr. 2) /82 dated 27-6-1989 w.e.f. 1-4-1989 for—

(iii) The special pay shown in Schedule II (Special pay) to the Rajasthan Civil Services (Revised pay Scales) Rules, 1983, as may be amended from time to time shall only be deemed to be the part of basic pay provided it has been drawn continuously for more than two years at the time of deputation. Personal Pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay, for example increment or increase of pay by promotion or for any other reason.

(ii) Dearness allowance will be regulated under the rules of the parent department.

### EXCEPTION:

Pay and Dearness Allowance to the State Government servants sent on deputation/foreign service to Bhakra Beas Management Board, Water & Power Consultancy Services (India) Ltd., and' other Central and Inter-State Organisations shall be allowed as under, namely: —

(1) (i) Government servants on deputation/foreign service may elect to draw pay in the pay scale of the post of deputation to which he is deputed as may be fixed under Rule 26 of Rajasthan Service Rules.

#(ii) With a view to ensuring that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 5% the appointing authority may restrict the pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed by more than 7% of basic pay of the deputationist.

(2) Dearness Allowance will be regulated under the rules of the parent Government or under the Rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of the post held on deputation.

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# Substituted vide FD Notification No. 1(5)FD(Rules)/96 dated 2.4.1998 w.e.f. 1.1.1998.

#(ii) With a view to ensuring that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 7% the appointing authority may restrict the pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed by more than -10% of basic pay of the deputationist.

(These orders shall be deemed to have come into force with effect from 1-9-1986.)

# Substituted vide F.D. Notification No. F. 1 (47) F.D. (Gr.2)/ 85 dt. 2-2-87 for-

(ii) With a view to ensuring that a Government Servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 10%, the appointing authority may restrict this pay of the deputationist even below the minimum of the deputation post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rule should not exceed the basic pay of the deputationist by more than the amount shown below: —

\*(a) for employees in receipt of basic pay 15% of basic pay or Rs, 225/- whichever is above Rs. 1550/- P.M. more.

(b) for employees in receipt of basic pay 15% of basic pay of/and below Rs. 1550/- p.m.

## 5. OTHER ALLOWANCES AND CONCESSIONS:

(i) **House Rent Allowance:** House Rent Allowance shall be admissible according to the rules of the borrowing Government/foreign employer or under the rules of the parent Government, whichever is more beneficial.

(ii) **Travelling Allowance:** Travelling allowance shall be admissible according to the rules of borrowing Government/ foreign employer or under the rules of parent Government, whichever is more beneficial.

(iii) **Compensatory (City) Allowance:** Compensatory (City) Allowance shall be admissible according to the rules of the parent Government or borrowing authority, whichever is more beneficial.

(iv) **Medical Concession:** Medical concession shall be admissible according to the rules of the borrowing Government/ foreign employer or under the rules of the parent Government, whichever is more beneficial.

(v) **Project Allowance:** Project Allowance (including Desert Allowance) admissible in a Project area shall be admissible in addition to the deputation (duly) allowance in accordance with the rules of the State Government.

## 6. GENERAL CONDITIONS:

(i) **Joining time, pay and transfer Travelling Allowance:** He will be entitled to travelling allowance and joining time both on joining the post on deputation or reversion therefrom to the parent department under the rules of the Government/foreign employer to which he is deputed. The expenditure on this account shall be borne by the borrowing authority/foreign employer.

(ii) **Leave and Pension contribution:** During the period of deputation, he will be governed by leave and pension rules of the lending authority/parent employer applicable to him before such transfer.

The pension contribution shall be paid by the borrowing authority/foreign employer in accordance with the provisions contained in the Rajasthan Service Rules.

Payment of leave salary during foreign service and the payment of Leave Salary contribution, if any, shall be regulated in accordance with Finance Department Order No. F.7 (A)(43) (Rules)58, dated 21-1-1981 as amended from time to time.

(iii) **Beginning and end of deputation:** The deputation will commence from the date on which he hands over the charge of the post under the Government and shall end on the date he assumes charge of the post under the Government.

<sup>^</sup>(iv) **Payment of Bonus of ex-gratia :** A Government servant on deputation shall have an option to elect between the Deputation Allowance

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<sup>^</sup> Substituted vide FD Order No. F.1(47)FD(Gr.2)/82 dated. 27.6.1989 w.e.f. 1.4.1988 for –  
**Payment of Bonus of ex-gratia.**

(a) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertaking or Cooperative Society/Institution etc. which is legally required to pay bonus under the Payment of Bonus Act, 1965, may be allowed to accept bonus declared by such Undertaking/Cooperative Society Institution etc., but he shall be required to credit the amount of bonus



plus Adhoc Bonus if admissible in terms of the order issued by the Government for the Government servants for the relevant year (if ad hoc bonus for Government servants is not admissible, deputation allowance only) and the Bonus and/or Ex-gratia payable to the employees of the borrowing Organisation in terms of the order issued by the borrowing Organisation in the relevant year. Such an option should be exercised within one month declaring bonus and/or ex-gratia by the borrowing Organisation. Deputation allowance would be payable with salary but if an employee opts for bonus and/or ex-gratia as above the amount of difference would be paid/recovered as the case may be.

**\$7. Duration of Deputation :** The maximum period for which a Government servant may remain on deputation shall in *no case* exceed four year's, provided that in cases where it is, considered absolutely necessary in public interest and in special circumstances, to extend the period of deputation on foreign service beyond the maximum period of four years, the Administrative Department shall be competent to extent the period of deputation upto one year more i.e. upto 5 years, in all without any, prior reference to the Finance

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payment so received to the Government Account. The Authority making payment of bonus shall also ensure that the amount of bonus admissible to him is credited by the Government servant to the Government Account.

(b) Where payment of bonus is not a legal obligation under the payment of Bonus Act, 1965 and Public Sector Undertaking or Cooperative Society/Institution declares bonus/ex-gratia, such award shall not be admissible to the deputationist.

(c) For the purpose of facility, it is clarified that payment of bonus is not a legal obligation in Rajasthan Financial Corporation Rajasthan State Electricity Board and Rajasthan State Road Transport Corporation.

<sup>S</sup> Substituted vide FDE Order No. F.1(47)FD (Group.2)/82 dt. 9.11.1992 for –

The maximum period for which a Government servant may remain on deputation shall in no case exceed four years, provided that in case where it is considered absolutely necessary in public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of four years, the prior concurrence of Finance Department would be necessary and that: —

(a) No deputation allowance or deputation pay shall be payable for extended period;

(b) No proposal for extension in the period of deputation shall be considered even without deputation allowance/deputation pay, if the proposal for extension in the existing terms of deputation is not moved at least two months before the expiry of the terms of deputation giving full justification; and

(c) If no request is received within the time limit prescribed in (b) above, the competent authority should issue the posting orders at least 30 days before the expiry of the period of deputation.

The Government servant on deputation will seek permission 30 days before the expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

**NOTE:**

Government servants who are already on deputation beyond the period of three years with the approval of competent authority and have not completed 4 years period on 1-2-1986 shall be allowed deputation allowance from 1-2-1986 to the date they would complete four years period of deputation including the period for which no deputation allowance was admissible to them in accordance with the provisions in force at that time.

**Clarification**

- (1) The maximum ceiling of 4 years deputation would be for at a time for one or more than one Organisations. No deputation allowance beyond this period would be admissible in any case.
- (2) Continued deputation even on promotion in parent cadre will be considered as part of the total maximum period of 4 years on deputation, at a time.

**EXCEPTION**

Extension for one year in the period of deputation beyond the maximum period of 4 years can be made by the Secretary, Special Schemes Organisation without deputation allowance in respect of Government servants on deputation in District Rural Development Agency.

Department. But for the period exceeding fifth years, prior permission of Finance Department for extension in deputation period would be necessary and that:—

- (a) No deputation allowance or deputation pay shall be payable for the extended period beyond four years;
- (b) No proposal for extension in the period of deputation beyond five years shall be considered even without deputation allowance/deputation pay, if the proposal for extension in the existing term of deputation is not moved at least two months before the expiry of the term of *deputation* giving full justification and
- (c) If no request is received within the time limit prescribed; in (b) above the competent authority should issue the posting orders at least 30 days before the expiry of the period of deputation. The Government servant on deputation will seek permission 30 days before the expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

#### **Clarification**

- (1) The maximum ceiling of 4 years deputation would be for at a time for one or more than one Organizations. No deputation allowance beyond this period would be admissible in any case.
- (2) Continued deputation even on promotion in parent cadre will be considered as part of the total maximum period of 5 years on deputation, at a time."

#### **@ "Exception**

In respect of employees of Police Department sent on deputation to Intelligence Bureau <sup>^</sup>and Central Bureau of Investigation", Government of India the maximum period of deputation would be five years with deputation allowance, extendable by another two years."

8. A Government servant who has already served on deputations/ foreign service to other Governments, Public Sector Undertaking Autonomous Bodies, Corporations etc. shall not be allowed, except, in very exceptional circumstances with the prior concurrence of Finance Department, to proceed on deputation to some other Governments foreign organisation again unless he has worked for a minimum period of one year on a post in his parent department subsequent to reversion.

9. A Government servant on deputation shall only draw pay and allowances as permitted by the lending authority in accordance with the terms and conditions of deputation prescribed in his case; and any payment in the nature of pay or allowances or remuneration or fee or compensation etc. by whatever name called, which is not authorised by his terms and conditions of deputation, shall not be received by him without prior sanction of the Government in the Finance Department.

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@ Inserted vide FD Order No. F.1(47)FD(Gr.2)82 dt. 27.7.1993.

^ Inserted vide FD Order No. F.1(47)FD(Gr.2)82 dt. 17.11.1993.

**10. NON APPLICABILITY.**

These orders shall not apply to: —

- (i) Government servants sent on deputation to Panchayat Samitis and Zila Parishads;
- (ii) A Government servant who is appointed by the Government as an Administrator/Executive Officer/ Municipal Commissioner in any other capacity or whose services are placed on deputation to a superseded Municipal Council or Board;
- (iii) Government servants of Cooperative Department sent on deputation to Cooperative Institution registered in the State,
- (iv) Government servants sent on deputation whose terms are regulated under specific statutory rules or orders.

11. This order will take effect from 1st February, 1986 and shall also apply to Government servants already on deputation.

**Clarification**

@The undersigned is directed to refer to the provisions contained in Government of Rajasthan Decision below Rule 144-A of Rajasthan Service Rules. Under these provisions, the maximum period of deputation was laid down as 3 years and the interval between two terms of deputation at least 2 years after reversion to the parent organisation.

2. Finance Department has been receiving references for relaxation of these provisions on various grounds such as the cadre management problems, difficulties experienced by public-sector undertakings, autonomous bodies in the manning of positions in these organisation. After detailed analysis of the nature of these references, and, with a view to solving some of the problems, the terms and conditions of deputation have been amended vide Finance Department Memorandum No. F1(47)FD(Gr.2)82, dt. 22-2-1986 (copy enclosed for ready reference). Under the new dispensation, the maximum period for which a Government servant may remain on deputation has been extended to 4 years and the interval between two periods of deputation reduced from 2 years to one year. Further more, Government servants have so been permitted to get deputation allowance upto 4 years as against 3 years prescribed earlier.

3. These changes have been made in the expectation that the Appointing Authorities shall henceforth follow the provisions of these Rules in letter and spirit, and, operate the facility of deputation strictly within the limits laid down in these Rules. It is hoped that with the above liberalisation of the Rules, there will be no need for contravention of the same, nor for seeking any relaxations therein.

4. It is clarified that no Government servant can continue on deputation beyond 4 years without the prior concurrence of the Finance Department. No deputation Allowance or deputation pay is payable after the expiry of the 4 year period and, Finance Department also has no authority to

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@ Inserted vide F.D. circular No. F.1 (47) FD (Gr-2) 82, dated 24-2-1986.

grant any relaxation in this regard. Finance Department shall not normally consider cases of extension in the deputation term except in very exceptional circumstances in public interest which will have to be spelt out specifically. Application of experience acquired and knowledge gained about a particular job will not be treated as a sufficient justification for relaxation. Proposals for extension even with proper justification will not be entertained in the Finance Department unless the same are sent two months in advance of the expiry of the deputation term.

5. In view of the foregoing, Secretaries of the Administrative Departments and other competent authorities are enjoined to ensure—

- (i) maintenance of record of officers sent on deputation in such a way as to enable the competent authorities to know sufficiently in advance of the expiry of the deputation term so as to avoid the possibility of continued deputation beyond the prescribed period on account of in action;
- (ii) no officer is allowed to continue on deputation without sanction beyond the prescribed period. This will include prior concurrence of the Finance Department.
- (iii) that posting orders of an officer are issued at least 30 days before the expiry of the maximum period of deputation of 4 years.
- (iv) that the borrowing organisation move the proposals for extension of deputation period beyond 4 years well before the expiry of the deputation term, and, if they do not do so, the proposals are not entertained by the Administrative Departments at all.
- (v) that officers are not allowed to continue on deputation beyond the period of 4 years even when they want to be absorbed by the borrowing organisation. In such cases, the case for absorption should be processed in such a manner that a final decision is taken before the expiry of the maximum period of deputation of 4 years.

145. **Contribution towards leave and pension.** —(a) While a Government servant is in foreign service, contribution towards the cost of his pension must be paid to the Consolidated Fund on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave salary also.

@ (bb) Contribution on account of leave salary shall not be recovered in case of Government servants sent on deputation to the Panchayat Samitis <sup>§</sup>[and the salary for the leave taken during the period of deputation will be borne by the Panchayat Samitis.]

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@ Inserted vide F.D. Order No. F7A (20) FD-A (Rules) 60 dated 6-2-1961.

<sup>§</sup> Added by F.D. Order No. F. 7A (20) F.D. (A) Rules/60, dated 11-3-1964.

\**Note:* —The above amendment shall be deemed to have come into force with effect from the 2nd October, 1959.

(c) Contribution due under clause (a) and (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 153 (b) contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

### NOTE

Pensions, through this chapter include Government contribution, if any, payable to Government servant's credit in a Provident Fund.

#### ***\*Government of Rajasthan's Decision.***

The undersigned is directed to invite attention to provisions contained in Rule 145 of Rajasthan Service Rules, which provide for payment of pension and leave salary contribution in respect of Government servants transferred on deputation/foreign service to Central Government or other State Government public sector undertakings, autonomous bodies (incorporated or not) and other bodies wholly or substantially owned or controlled by the Government. The recovery of pension and leave salary contribution extinguishes the liability of the borrowing authority in regard to cost of pension and leave salary. The amount of pension contribution and leave salary payable by the foreign employer or borrowing authority is determined in accordance with the provisions of Rule 146 of Rajasthan Service Rules read with appendix V in Rajasthan Service Rules, Volume II.

2. Despite various administrative instructions and circulars issued by the Government from time to time impressing upon the necessity to pay the contributions in time prescribed under Rule 149 of Rajasthan Service Rules, there have been abnormal delays in determining and payments of these contributions by foreign employer and borrowing authorities. Consequently, Government servants are required to face considerable hardship in the finalisation of their pension cases at the time of retirement because the period of service rendered on deputation/foreign service counts for pension only if the contribution of pension has been paid.

3. With a view to simplify the existing system and procedure for calculation of the leave salary and pension contribution, the matter has been examined and the Governor has been pleased to order that recovery of leave salary contribution in respect of Government servants sent on deputation to public undertakings, Universities, autonomous bodies, corporations, Municipalities, Government Companies and other bodies etc. wholly and substantially owned or controlled by Government shall henceforth be not made. Consequently the payment of leave salary including leave encashment benefits in respect of leave taken by a Government servant while on deputation/foreign service shall be made by the borrowing authority/foreign employer in discharge of their liability to pay the cost of leave salary to the

\* Inserted by F.D. Notification No. F. 7A. (20) FD-A Rules/60-Pt II (1) dated 5.10.1964.

x Inserted vide F.D. Order No. F. 7 A (43) FD-A (Rules)/58, dated 21-1-1981.

Government. The reversion of a Government servant on deputation takes effect from the date on which he takes charge of the post under Government. Thus in case of a Government servant who takes leave on the conclusion of his foreign service before rejoining his post under Government, the liability for payment of leave salary in such cases shall be borne by the borrowing authority. If a Govt. servant attains the age of superannuation while on deputation and is consequently relieved of his duties on retirement the cash payment in respect of unutilised privilege leave at the credit of the Government servant on the date of retirement shall also be made by the borrowing authority or the foreign employer.

#4. It has been further decided that the pension contribution for each month of deputation, shall be paid @ 12% of the maximum of the pay scale of the post which the deputationist would have held in his parent cadre at the end of the financial year concerned or at the end of foreign service if reverted before close of the financial year. For the aforesaid purpose a fraction of month exceeding 15 days would be treated as full month and a fraction upto 15 days would be ignored. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within one month from the end of each financial year or the end of foreign service, if the deputation on foreign service

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# Substituted vide F. D. Notification No. F.1 (20) FD (Gr.2)/84, dated 1-3-90 w.e.f. 21-9-89 for\_

\*4. It has been further decided that the pension contribution shall be paid @ 12% of the maximum of the pay scale of the post which the deputationist would have held at the end the financial year concerned or at the end of foreign service if reverted before close of the financial year. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant servant in foreign service is paid within one month from the end of each financial year or the end of foreign service, if the deputation on foreign service comes to an end before close of the financial year as envisaged in Rule 149 of Rajasthan Service Rules.

\* Substituted vide F.D. Notification No. F.1 (20) FD (Gr.2)/84, dated 2 -9-89 for—

% 4. It has been further decided that the pension contribution shall be paid @ 12% of the maximum monthly pay of the grade held by the Government servant in his parent cadre. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within the time as envisaged in Rule 149 of Rajasthan Service Rules.

% Substituted vide F.D. Order No. F.1 (20) FD (Gr.2)/84, dated 16-11-85 for—

4. It has been further decided that the pension contribution shall be paid @12 % of the maximum monthly pay of the grade substantively held by the Government servant in his parent cadre. The rate of contribution so payable by the borrowing authority or foreign employer shall invariably be indicated in the order issued by the competent authority regulating his terms and conditions of deputation so that contribution for pension due in respect of a Government servant in foreign service is paid within ^[ the time] as envisaged in Rule 149 of Rajasthan Service Rules.

^ Substituted vide F.D. Memo. No. F.7 (A) (43) A (Rules)/58, dated 29-1-1981, for the words, "15 days from the end of the month in which the pay of a Government servant is drawn."

comes to an end before close of the financial year as envisaged in Rule 149 of Rajasthan Service Rules.

<sup>+</sup> [5. These orders shall take effect from 1st January, 1981 and apply to Government servants who are already on deputation on the date of issue of these orders. These orders shall also be applicable to Government servants sent on deputation to public sector undertakings and autonomous bodies (incorporated or not) wholly or substantially owned or controlled by the Government of India or by other State Governments but shall not be applicable to Government servants whose services are placed on deputation with the Central Government or other State Governments].

6. The rules contained in Chapter XIII-Foreign Service of Rajasthan Service Rules Volume I and the rates of contribution payable on account of pension and leave salary during foreign service given in Appendix V of Rajasthan Service Rules, Volume II shall be deemed to have been modified to the extent indicated above. Formal amendments to relevant rules contained in Rajasthan Service Rules shall be issued in due course.

**\*145-A. Incidence of pay, allowances etc.**—The incidence of pay, allowances, pension etc., between the Rajasthan Government and the Central Government and the Governments of Punjab, Bihar, Madras, Mysore, Madhya Bharat, Hyderabad (Deccan), PEPSU, Saurashtra, Travancore, Cochin and Madhya Pradesh on transfers from Rajasthan Government and *vice versa* will be governed by the Rules incorporated in Appendix XIII to these Rules.

**\*145-B. Counting of Service rendered in Indian States and part B States and *vice versa*.** —The service rendered by an officer under an Indian State which has now become a Part of 'B' States or under a Part 'B' State proper will count for pension under the Central Government rules on permanent absorption in the Central Government service. Similar treatment will be accorded to Central Government servants who may be absorbed in service under a Part 'B' State and retire from that service. The respective Governments will continue to be responsible for the pensionary charges in respect of service rendered under each, and the liability of each Government will be allocated in the manner described in Appendix XIII to these rules.

**146. Rate of Contribution.** —The rate of contributions payable on account of pension and leave salary shall be such as the Government may by general orders prescribe.

#### ***Audit Instructions.***

1. The leave salary contributions for the period of joining time taken by a Government servant in continuation of leave under clause (b) of

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<sup>+</sup> Substituted vide F.D. Order No. F.1 (20) FD (Gr.2)/84, dated, 1-4-1985, for: —

"5. These orders shall take effect from 1 st January, 1981 and also apply to the Government servants who are already on deputation on the date of issue of these orders. These orders shall not be applicable to Government servants whose services are placed on deputation with the Central Government or other State Governments."

\* Inserted by F.D. Order No. F.7 (17) F.1r/54, dated 6-12-1955.

Rule 127 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

2. When a Government servant is transferred to foreign service or when the period of foreign service of a Government servant is extended, it should be stipulated that the contributions for pension and leave salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued by the Government. Similarly, if the officer is on a non pensionable footing and is subscribing to a Contributory Provident Fund, it should also be stipulated that the monthly subscription to the fund, as well as the periodical contribution to be made to the fund account, will be recoverable in accordance with such orders as Government may issue from time to time in this behalf.

### ***Government of Rajasthan's Decision.***

@1. According to Rule 146 of the Rajasthan Service Rules contributions on account of leave salary in the case of a Government servant on foreign service in India are recoverable from the foreign employer, and in return for such contributions, Government accept the charge for the leave salary in respect of any period of leave availed of by the Government servant in or at the end of the foreign service. The expenditure in respect of any compensatory allowance payable for such leave is, however borne by the foreign employer. A question has been raised in this connection whether the leave salary and allowances should in such cases be paid to the Government servant in the first instance wholly by the, foreign employer, Government's share being subsequently reimbursed, or whether the leave salary and allowances be paid in the first instance by the Government, the foreign employer reimbursing the Government subsequently his liability for the allowances or whether Government and the foreign employer should each pay what are their respective liabilities and thus avoid further adjustments between themselves. It appears that the existing practice in the matter is not uniform.

After a careful consideration of the matter, it is now been decided that the following uniform procedure should be observed in the matter in future:-

(i) In respect of the leave salary and compensatory allowances payable to the Government servant for period of leave availed of by him in or at the end of foreign service, the parent Department of the Government and the foreign employer should discharge their respective liabilities directly in accordance with the terms of transfer on foreign service of the Government servant concerned.

(ii) In accordance with the procedure laid down in para 5 of Annexure "B" to Chapter 2 in Section IV of the Audit Code leave to the Government servant on foreign service can be sanctioned only after the Accountant General has certified the amount of leave and the leave salary, including compensatory allowances, admissible. While certifying the above

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@ Superseeded vide F.D. Memo. No. F.1 (3) FD/Gr.2/77, dated 17-1-1977 w e.f: 1-1-1977(Government of Rajasthan's Decision No. 4) Inserted vide F.D. Memo. No. F.1 (17) F.D. (A) Rules/61-II & IV, dated 11-5-1962.



%[except Privilege leave not exceeding 120 days] the Accountant General should, therefore, indicate separately the leave salary and compensatory allowances payable by the Government and the foreign employer respectively to facilitate the discharge by them of their, respective liabilities in the manner indicated in (1) above.

(iii) A copy of the orders sanctioning leave whether by the Government or by the foreign employer should invariably be endorsed to the Accountant General.

(iv) When a Government servant on foreign service in India proceeds on leave, the foreign employer should issue immediately after payment for the duty period, a Last Pay Certificate in which he should indicate specifically that the compensatory allowance during leave, to the extent admissible under the rules, would continue to be paid to the Government servant by him. Similarly the Head of the Office in the case of non-gazetted Government servants, or the Accountant General in the case of Gazetted Officers should issue a Last Pay Certificate after paying the leave salary, if the Government servant joins back the foreign service or is transferred outside their control at the end of the leave.

(v) In the case of a Gazetted Government servant on foreign service in India, payment of leave salary shall be arranged through the Treasury; while in the case of non-Gazetted Government servants, payment shall be arranged through the department concerned.

Further under Rule 82-A of the Rajasthan Service Rules, no leave @[except Privilege leave not exceeding 120 days] to a Government servant in foreign service can be granted without obtaining a report on his title from the office of the Accountant General. The Accountant General has pointed out that the procedure is not being followed by the foreign employers. It is enjoined that the provisions of this rule may be brought to the notice of foreign employers when a Government Servant is deputed to foreign service.

\*2. Doubts have been raised regarding the incidence of compensatory allowance payable to a Government servant during foreign service. The position has been examined. In the case of a Government servant on foreign service Contribution on account of leave salary is recoverable from the foreign employer, and in return for the contribution Government accepts the charge for leave salary. The rates prescribed for such contribution have been calculated on the basis of the leave on full and half pay normally taken by a Government servant during the total period of his service and do not take into account any compensatory allowance; which may form part of leave salary as defined in Rule 7(16) of the Rajasthan Service Rules. Accordingly the whole expenditure on compensatory allowance is to be paid by the foreign employer for periods of leave in or at the end of foreign services in order to avoid any misunderstanding; it is desirable that a condition to this effect should be inserted in the terms of transfer to foreign service.

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% Added vide F.D. Notification No. F.1 (17) FD (E-R)/64, dated 6-9-1965

@ Added vide F.D. Notification No.F.1 (17) F.D. (E-R)/64, dated" 6-9-1965.

\* Inserted vide F.D. Memo No. F.1 (17) FD-A (Rules)/61-IV, dated 11-5-1962. Supereeded vide F.D. Memo No. F. 1 (3) FD/Gr.2/77, dated 17-1 -1977 w.e.f. 1-1-1977 (G.R.D. No.4)

<sup>+</sup>3. The Government servants lent by the Central Government or other State Governments to the State Government continue to be governed by the Central/Other State Governments leave rules and the incidence of their salaries is governed in accordance with procedure laid down in Appendix 3 to Account Code Volume I. This procedure to be adopted in the matter of grant of leave and disbursement of leave salary to such Government servants transferred temporarily to service under the State Government has been examined in consultation with the Accountant General, Rajasthan and accordingly the following instructions are issued—

(1) If such a Government servant applies for leave during the period of his temporary service under the State Government the leave will be sanctioned to him by the appropriate authority under the State Government who would be competent to grant him leave. In the case of a Gazetted Government servant leave should be sanctioned only after its admissibility has been certified by the Accountant General who audits his pay. For this purpose the Government servant should submit in the prescribed forms, his application for leave in duplicate through the leave sanctioning authority to such Audit Officer who after recording the necessary certification on the application will return one copy of it to the leave sanctioning authority of the Government servant concerned direct and the other to the Audit Officer (Accountant General, Rajasthan) indicating the same time the lines on which the leave salary is to be calculated and also furnishing simultaneously the necessary particulars, if such particulars have not been furnished already about pay etc., drawn by the Government servant which may be available in his office and which may be necessary for the latter Audit Officer to know for the calculation of leave salary. On receipt of the duplicate copy of the application for leave, the latter Audit Officer will calculate the leave salary admissible and issue leave salary certificate to the Government servant direct in the usual manner.

In the case of a non-Gazetted Government servant the authority competent to sanction leave may get a certificate of admissibility of leave under the Central/Other State Government Leave Rules, where necessary, from the lending office under the Central/Other State Government concerned.

(2) The payment of leave salary in respect of the leave granted by in State Government will, in the case of a Gazetted Government Servant be authorised through the Treasury while in the case of a non-Gazetted Government servant payment shall be made by the borrowing department or office concerned.

(3) If a Government servant applies for leave preparatory to retirement and it is proposed to refuse such leave on the ground of exigencies of public service under Rule 89 of the Rajasthan Service Rules or the Central/Other State Governments rules corresponding to such rule it should be ensured that the Central/Other State Governments concerned are invariably consulted before leave preparatory to retirement is refused. If the Central/Other State Governments do not agree to the refusal of such leave or refuse to bear the extra pensionary liability that might be involved thereby the

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<sup>+</sup> Inserted vide F.D, Memo No.F.1 (60) FD (E-R)/65, dated 12-8-1966

proper course would be to grant the leave preparatory to retirement applied for and concurrently to re-employ the Government servant concerned in his existing post under the relevant provisions of Rajasthan Service Rules. The leave salary of such a Government servant shall be subject to such restrictions as the Central/Other State Governments concerned may impose.

(4) If a Government servant applies for leave at the end of the period of his employment under the State Government and before he actually resumes duty under the Central/Other State Government concerned the State Government shall consult the Central/Other State Government concerned and the latter would decide whether or not the leave can be sanctioned. If the leave is to be granted the reversion to the Central/Other State Government of the person concerned should take place from the date of commencement of the leave and formal orders/notifications sanctioning leave should be issued by the Central/ Other State Governments. The consultation with the Central/Other State Government concerned should take place sufficiently in advance of the termination of duty under the State Government and the commencement of the leave, to allow the Central/Other State Government sufficient time to come to decision whether it would be administratively convenient to sanction the leave.

%4. The undersigned is directed to invite attention to provisions contained in Rule 146 of Rajasthan Service Rules according to which contributions on account of leave salary in case of Government servant on foreign service in India are recoverable from the foreign employer, and in return of such contribution, Government accept the charge for leave salary in respect of any period of leave availed of by the Government in or at the end of the foreign service. The expenditure in respect of any compensatory allowance payable for such leave is, however, borne by the foreign employer. The question regarding simplification of the existing system of payment of leave salary to a Government servant on foreign service has been under consideration of the Government for some time past.

With a view to simplify the procedure for payment of leave salary to Government servants for the period of leave availed of by him in or at under the foreign service the Governor is pleased to decide that the foreign employer shall henceforth maintain leave account of the Government servant. The foreign employer will determine the leave admissible to the Government servant concerned and sanction it under intimation to the parent department of the Government servant. The payment of leave salary admissible to the Government servant will be made by the borrowing authority in accordance with the provisions contained in Rule 97 of Rajasthan Service Rules. Thereafter, the borrowing authority may claim half-yearly reimbursement of leave salary so paid from the head of department/head of office in case of gazetted Government servants and non-gazetted Government servants as the case may be. In case of officers belonging to Rajasthan Administrative Service/Rajasthan Accounts Service the claim for reimbursement of leave salary will be sent to the Deputy Secretary to Government Department of Personnel and Chief Accounts Officer, Rajasthan, Jaipur respectively.

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% Inserted vide F. D. Memorandum No. F 1 (3) FD/(Gr. .2) 77 dated 17-1-1977 w. e. f. 1-1-1977.

The borrowing authority may send reimbursement claims half yearly in respect of period from 1st April to 30th September and 1st October to 31st March to the aforesaid authorities duly supported with the details of the Government servant on foreign service, nature of leave sanctioned, rate of leave salary and amount of leave salary paid. The Head of the department, Head of Office should verify the claims preferred by the foreign employer and arrange to reimburse the amount through bank draft within a month of the receipt of the claim.

These orders are issued in supersession of Government of Rajasthan decision No. 1 and 2 below Rule 146 of Rajasthan Service Rules. These orders take effect from 1st January, 1977.

**147. How Contribution is calculated:** —The rates of pension contribution prescribed under Rule 146 will be designed to secure to the Government servant the pension that he would have earned by service under Government, if he had not been transferred to foreign service.

The rates of contribution for leave salary will be designed to secure to the Government servants leave salary on the scale and under the condition applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of Government servants paying their contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Rule 7 (24).

### NOTE

\*The rates of contributions prescribed under this rule and the method of calculation are given in Appendix V of these rules. It has been decided that the recovery of leave contribution in respect of joining time taken under rule 127 (b) while proceeding to Foreign Service should be based on the pay that the Government servant would draw on the assumption of office in Foreign Service.

#### ***Government of Rajasthan's Decision.***

%The leave salary contribution in respect of Rajasthan Government servants on deputation in foreign service paying the contributions themselves, to be calculated on the pay drawn in foreign service less the contribution.

**148. Remission of contribution.** —Government may while sanctioning a transfer to foreign service. —

- (a) remit contributions due in any specified case or class of cases, and
- (b) make rules prescribing the rate of interest if any to be levied on over due contributions.

#### ***Government of Rajasthan's Decision.***

@It is ordered that the recovery of pension contribution in respect of State Government servant, on deputation with Bhutan Government is waived under Rule 148 (a) of Rajasthan Service Rules.

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\* Inserted vide F. D. Order No. F. 5 (1) F (Rules)/56, dated 11-1-1956,

% Inserted by F. D. order No. D. 48/57/F, 1 (42) FD(R)/56, dated 4-2-1957.

**X149. Interest on arrears of contribution.** —Contribution for leave salary of pension, due in respect of a Government Servant on foreign service, may be paid annually within one month from the end of each financial year or the end of the foreign service if the deputation on foreign service comes to end before close of financial year. If the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the Government, @1 % per month for the period of delay. A fraction of month exceeding 15 days would be treated as full month and delay upto 15 days would be ignored.

The Director, Pensions shall verify as to whether the correct amount of contribution/interest has been remitted. In case the amount of contribution/interest remitted falls short of the amount due in respect of contribution and interest, the Director shall advise the borrowing organisation to remit the balance amount including the amount of interest. In such cases interest should be calculated upto the date on which such an advice is sent. Provided that if full balance amount is remitted within one month of the advice, no interest shall be charged for this one month.

#### ***Government of Rajasthan's Instructions.***

@In accordance with Rule 149 of the Rajasthan Service Rules if the Contributions for leave salary or pension due in respect of a Government servant in foreign service are not paid by the borrowing authority \* [to the Government annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year,] penal interest is paid to the Government on unpaid contributions unless specifically remitted by the Government. Under the existing rules the rates of leave salary and pension contributions in respect of Government servants on deputation in foreign service are intimated by the Accountant General, Rajasthan, Jaipur to the borrowing authority. It has been observed that intimation of rates of foreign service contributions to foreign service Bodies is generally delayed as the Accountant General has to collect certain information from the appointing authorities. Consequently the contributions are not paid by the authorities concerned within prescribed time and Government has to be approached for remission of interest.

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@ Inserted by FD Order No. F.1 (28) FD (E-R) 64 dated 15-7-1964,

X Substituted vide F.D. Notification No. F.1 (20) F D (Gr.-2)/84 dated 21-9-89 for —

**149 Interest on arrears contribution**—Contribution for leave salary or pension, due in respect of a Government servant on foreign service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the Government, at the rate of two paise per day per Rs. 100/—from the date of expiry of the period aforesaid upto the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

@ Inserted vide F. D. Memorandum No. F.1 (17) FD-A (Rules)/61 dated 12-10-62.

\* Substituted vide Notification No. F.1 (24) FD (Gr.2)/75, dated 16-7-1976 for—

Within 15 days from the end of the month in which the pay on which it is based has been drawn by the Government.

<sup>X</sup>In order to obviate delay in recovering contributions in future the provisional rates of leave salary and Pension/Contributory Provident Fund contributions shall be calculated by the foreign employer/borrowing authority in accordance with the provisions of Appendix V of the Rajasthan Service Rule (Vol. II) and shall intimate the provisional rates to the Accountant General, Rajasthan, Jaipur. The competent authority sanctioning, transfer of Government servant concerned to foreign service shall include, the following as an additional term in the order sanctioning the transfer of Government servant: —

The foreign employer/Government servant shall contribute provisional rates of leave salary and/or Pension/Contributory Provident Fund In the Form In accordance with provisions of Appendix V of the Rajasthan Service Rules Vol. II and shall pay contributions at the rates determined by him @ [annually within 15 days from the end of each financial year or at the end of the foreign service, If the deputation on foreign service expires before the end of a financial year.] A Form, which will help in working at provisional rates, appears in Appendix V of R.S.R. Volume II.

The amount of contributions are to be credited to the following Heads of Accounts: —

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<sup>X</sup> Substituted vide F.D. Memo No. F.1 (T7) FD-A (Rules)/61, dated 11-6-1964.

"In order to obviate delay in recovering; contributions in future the provisional rates of leave salary and Pension/Contributory Provident Fund Contributions shall be. Calculated by the competent authority sanctioning the transfer of Government servant concerned to foreign service in accordance with the Provisions of Appendix V of the Rajasthan Service Rules Volume (II) and shall include the following as an additional term in the orders sanctioning the transfer of Government Servant:

"The foreign employer/Government servant shall pay leave salary and/or pension Contributory Provident Fund Contributions within fifteen days from the end of the month in which pay on which it is based has been drawn by the Government servant concerned at the following rates: —

- |    |  |               |
|----|--|---------------|
| 1, | <b>Leave, salary contribution</b>                | Rs..... .P.M. |
| 2. | Pension/Contributory Provident fund Contribution | Rs..... .P.M. |

The amounts of the contributions are to be credited to the following Heads of Account: -

(1) Leave salary contributions under Receipt Head corresponding to the Service Head of Account to which pay of the office is bited In the parent Department or where there is no corresponding receipt Major Head, to the Head L II miscellaneous.

(2) Pension/Contributory Provident Fund Contribution under Head "XLVIII contribution and recoveries toward pensions and retiring benefits contribution for pension and Gratuities-contributions for pension/Contributory Provident Fund.

The rates mentioned above shall be treated as provisional pending confirmation by the Account General, Rajasthan, Jaipur and will be subject to adjustment retrospectively.

A form which will help in collecting data for working out provisional rates is enclosed for information. While communicating the provisional rates of contribution the fact that the contribution should be paid promptly subject to adjustments and alterations in accordance with final rates, as may be necessary after intimation of final rates by the Audit Officer and that penal interest is leviable for delays in their payment may be indicated by sanctioning authorities."

@ Substituted vide F.D. Notification No. F.1 (24) FD (Gr.2)/75 dated 16.7.1976 for-

"Within 15 days from the end of the month In which the, pay on which it is based has been drawn by the Government Servant."

- (1) Leave Salary Contribution under receipt Head corresponding to the service Head of Account to which pay of the Officer is debited in the parent Department or where there is no corresponding recent Major Head, to the Head LII Miscellaneous.
- (2) Pension/Contributory Provident Fund contribution under Head "XLVII contribution and recoveries towards pension and retiring benefits contribution for pension and Gratuities-Contribution for Pension Contributory Provident Fund.

The rates determined by the foreign employer will be treated as provisional, pending confirmation by the Accountant General, Rajasthan, Jaipur and will be subject to adjustment retrospectively. In case leave salary and/Pension/Contributory Provident Fund contribution at the rates determined by the foreign employer is not paid to Government within the prescribed period mentioned above penal interest will be charged from the foreign employer on unpaid contribution with effect from 1-4-1964.

***Clarification.***

<sup>^</sup>Doubts have been raised regarding the exact scope of last paragraph of Finance Department Memo dated 11-6-1964 (appearing as Government of Rajasthan's Instruction below Rule 149) which provide recovery of penal interest with effect from 1-4-1964 from the foreign employer on unpaid contribution.

It is clarified that in cases where the foreign employer did/does not pay contributions within the prescribed period , penal interest on all such unpaid contributions shall be charged with effect from 1-4-1964 or the date subsequent to the date on which the contribution was/is due to be paid, whichever is later.

**150. Contribution cannot be withheld by a Government servant in foreign service.** —A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension or to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

**151. Sanction required to accept pension or gratuity from foreign employer.** —A Government servant transferred to foreign service may not without the sanction of Government accept a pension or gratuity from his foreign employer in respect of such service.

**152. Leave to Government servant in foreign service.** —A Government servant in foreign service may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a

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<sup>^</sup> Inserted vide F. D. Memo No. F.1 (17) F.D. (E-R)/64 dated 23-10-1965

member and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

**153. Special provisions regulating grant of leave while on foreign service out of India.** —(a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine before hand, in consultation with the employer, the condition on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances the authority sanctioning the transfer to foreign service out of India may make arrangement with the foreign employer, under which the leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to Consolidated Fund leave contribution at the rate prescribed under Rule 146.

### NOTE

For the purpose of pension the period of leave granted by foreign employer out of India to Government servants lent to them should be treated as "leave" and not as "duty". Any such leave if taken on full pay or equivalent terms should upto a limit of 4 months on any one occasion be treated as privilege leave for the purpose of Rule 91, and all other leave with such leave allowances should be dealt with as in Rules 92 to 98.

**154. Pay of a Government servant in foreign service how regulated if appointed to officiate in post in a Government service:** —A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

**155. Date of reversion from foreign service.** —A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Government on whose establishment he is borne may decide,

### NOTE

@ I. *Cases where a Government servant, who is already on foreign, service in or out of India under a body corporate, owned or controlled by*

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@ Inserted supersession of the following Note vide F. D. No. D 6400/- 59 F. 7a (49) FD/A (Rules.) 59, dated 29-12-1959.

"When a Government servant on foreign service in or out of India applies for leave *Preliminary* to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government Servant's reversion to Government service will under Rule 155 take effect from the date of taking leave. He will then get the concession of



**Government applies for leave preparatory to retirement.** — The leave applied for can be granted only if the body corporate, owned or controlled by Government is prepared to release him from their employment to enable him to enjoy the leave. If he is not so released, the leave should be refused in the interest of public service and it may then be availed of by the Government servant to the extent admissible under Rule 89 of the Rajasthan Service Rules from the date of his quitting the service.

II. **Cases where a Government servant who is on foreign service in or out of India other than under a body corporate, owned or controlled by Government applies for leave preparatory to retirement.** — In such cases leave will be admissible only where the Government servant quits duty under the foreign employer. In other words, he will not be permitted to continue in employment under the foreign employer while on leave preparatory to retirement. Non-eligibility for leave preparatory to retirement as a result of continuance in service under the foreign employer will not be treated as refusal of for the purpose of Rule 89 of the Rajasthan Service Rules. If he is allowed to continue in employ of the foreign organisation after the date of superannuation, he will be treated purely as on private employment,

III. **Case where the Government servant seeks re-employment under body corporate while on refused leaves.** —If while on refused leave a Government servant is offered re-employment under a body corporate, owned or controlled by Government, the authority by whom the leave was sanctioned should cancel the un-utilised portion of leave and allow it to be enjoyed on termination of the period of re-employment on the terms and conditions laid down in Government Decision below Rule 65 of the Rajasthan Service Rules inserted vide Order No. D. 1760/59 F. 1 (f) (16) FD-A/Rules 57, dated 30-10 1959.

If, however, re-employment is permitted under an organisation in or out of India other than a body corporate, owned or controlled by Government, he cannot be allowed the benefit of availing himself of the un-utilised portion of refused leave on conclusion of the re-employment. He may either have the option of retiring forthwith or to remain on refused leave concurrently with re-employment under such a private organisation on the condition that the leave salary will be restricted to that admissible during leave on half pay.

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adding of leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave *Preliminary* to retirement but he will not be able to increase his pension because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave, that is, he may have without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service, whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in new "conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service,

**Government of Rajasthan's Decision.**

@The reversion of a Government servant who takes leave on the conclusion of foreign service with a Panchayat Samiti shall take effect from the date he hands over charge of the post in the Panchayat Samiti

**Clarification.**

\*A question has been raised whether the Central/other State Government is competent to grant leave to a State Government employee on deputation under them on the expiry of the period of his deputation. It is clarified that the leave applied for by such a Government servant, can be sanctioned by the Central/other State Government concerned subject to the condition that his reversion to Government of Rajasthan will take effect from the date on which he rejoins duty under that Government.

**156. Date from which Pay and contribution by foreign employer ends;** —When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued, with effect from the date of reversion.

**157. Recovery of contribution in case of regular establishment of which the cost is payable to Government.** -When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contributions at such rates may be laid down under Rule 146 and the contribution shall be calculated on the sanctioned rates of pay of the members of the establishment,
- (c) Government may reduce the amount of recoveries or may entirely forego them.

**Government of Rajasthan's Decision**

@राज्य सरकार के सार्वजनिक उपक्रमों / बोर्ड इत्यादि से राज्य सरकार के विभागों में विपरीत प्रतिनियुक्ति (Reverse Deputation) हेतु सामान्य शर्तें एवं निर्देश

राजकीय सार्वजनिक उपक्रमों / मण्डलों एवं स्थानीय निकायों आदि के कर्मचारियों को राजकीय विभागों में विभिन्न पदों पर प्रतिनियुक्ति हेतु प्रस्ताव राज्य सरकार को प्राप्त

@ Inserted vide F.D. Order No. F. 7A (20) FD Rules/60 dated 6-2-1961.

\* Inserted vide F.D. Memorandum No. F. 7A (43) FD-A (Rules)/58 dated 28-10-1966

@ Inserted vide FD Order No. प.1(2)वित्त/नियम/2003 पार्ट - I जयपुर, दिनांक : 17.02.2007

होते रहते हैं। राजस्थान सेवा नियम में राज्य कर्मचारी की राजकीय उपक्रम / मण्डल/ स्थानीय निकायों में प्रतिनियुक्ति के संबंध में यथोचित प्रावधान हैं लेकिन इस प्रकार की विपरीत प्रतिनियुक्ति (Reverse Deputation) के लिये कोई प्रावधान नहीं है। इस संबंध में किसी प्रकार के दिशा निर्देश भी जारी नहीं किये गये हैं। विपरीत प्रतिनियुक्तियों हेतु आवश्यक होने पर प्रशासनिक विभागों द्वारा प्रस्तावित किये जाने पर वित्त विभाग द्वारा स्वीकृति दी जाती है।

इस संबंध में समुचित व्यवस्था के लिये विपरीत प्रतिनियुक्ति (Reverse Deputation) हेतु निम्नलिखित सामान्य निर्देश / शर्तें एतद्द्वारा जारी की जाती हैं, जिनकी अनुपालना होने पर ही विपरीत प्रतिनियुक्ति (Reverse Deputation) की जा सकेगी :

- (i) रिवर्स डेपूटेशन उन्हीं कर्मचारियों का किया जायेगा जिनको अधिशेष घोषित नहीं किया गया हो या जिनकी छंटनी नहीं की गई हो या संस्थान / उसके किसी भाग को, जिसमें कर्मचारी कार्यरत है, को बन्द करने का निर्णय नहीं लिया गया हो। कर्मचारी नियमित रूप से उस संस्थान में कार्यरत हों। इस आशय का प्रमाण पत्र संस्था के मुखिया (MD / CMD) को उपरोक्त शब्दों में देना होगा।
- (ii) पैतृक संस्थान में दैनिक वेतन, स्थिर वेतन, संविदा पर नियुक्त कार्मिकों की विपरीत प्रतिनियुक्ति (Reverse Deputation) नहीं की जायेगी।
- (iii) विपरीत प्रतिनियुक्ति (Reverse Deputation) पर उन्हीं कर्मचारियों को लगाया जायेगा जो पैतृक संस्थान में नियमित रूप से चयन के फलस्वरूप सेवा में आये हों एवं समान वेतन श्रृंखला/ उच्च वेतन श्रृंखला आहरित कर रहे हों। उच्च वेतन श्रृंखला के पद के विरुद्ध निम्न वेतन श्रृंखला के कर्मचारी को प्रतिनियुक्ति पर नहीं लगाया जाये।
- (iv) विपरीत प्रतिनियुक्ति (Reverse Deputation) की अवधि राज्य सरकार के विभाग / कार्यालय में कार्य ग्रहण करने की दिनांक से 1 वर्ष तक होगी जो वित्त विभाग की अनुमति से सामान्यतया 3 वर्ष तक के लिये बढ़ाई जा सकती है।
- (v) उक्त बिन्दु (ii) एवं (iii) के आशय का प्रमाण पत्र भी संस्था के मुखिया (MD / CMD) को देना होगा।
- (vi) कोई कर्मचारी विपरीत प्रतिनियुक्ति (Reverse Deputation) पर उसी पद पर प्रतिनियुक्ति पर लिया जा सकेगा जिस पर नियुक्ति हेतु निर्धारित शैक्षणिक

योग्यता एवं अन्य योग्यताएं रखता हो। इसमें किसी प्रकार का शिथिलीकरण नहीं दिया जायेगा। कार्मिक विभाग अपवाद स्वरूप विशिष्ट मामलों में परीक्षण करके, मुख्यमंत्री के पूर्व अनुमोदन से निर्धारित योग्यताओं को उचित सीमा तक शिथिलता प्रदान कर सकेगा जिसकी पूर्व अनुमति संबंधित प्रशासनिक विभाग (Reverse Deputation पर लेने वाला) आदेश जारी करने से पूर्व प्राप्त करेगा और आदेशों में इसका संदर्भ अंकित किया जायेगा।

- (vii) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान कर्मचारी को वे ही वेतन एवं भत्ते देय होंगे जो वे पैतृक संस्थान में प्राप्त कर रहे थे अथवा सरकार में देय हों (जो भी कम हो) परन्तु उसे ऐसे अतिरिक्त भत्ते / सुविधाएं देय नहीं होंगी जो उसे पैतृक संस्थान में प्राप्त थी परन्तु राज्य सरकार में उसके समकक्ष कर्मचारी को देय नहीं हों।
- (viii) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान राज्य बीमा, जी.पी.एफ., आर.पी.एम.एफ. एवं राज्य कर्मचारियों से किये जाने वाली ऐसी अन्य कटौतियां ऐसे कर्मचारी के वेतन से नहीं की जायेंगी।
- (ix) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान ऐसे कर्मचारियों के वेतन से पैतृक संस्थान के नियमों के अनुसार वसूली योग्य राशि वेतन से काटी जायेगी। कार्मिक का सीपीएफ अंशदान एवं नियोक्ता का अंशदान नियमित रूप से पैतृक संस्थान को भेजा जायेगा।
- (x) विपरीत प्रतिनियुक्ति (Reverse Deputation) कार्मिकों पर पैतृक संस्थान के सेवा नियमों की सेवा शर्तें यथावत लागू होंगी एवं अवकाश लाभ पैतृक संस्थान के नियमों के अनुसार ही देय होंगे।
- (xi) विपरीत प्रतिनियुक्ति (Reverse Deputation) के कार्मिकों को प्रतिनियुक्ति भत्ता देय नहीं होगा।
- (xii) ऐसे कर्मचारियों को विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान पैतृक संस्थान से बोनस / एक्स-ग्रेसिया का भुगतान नहीं किया जायेगा।
- (xiii) चिकित्सा सुविधा एवं यात्रा भत्ता नियम राज्य सरकार के कार्मिकों के अनुरूप ही देय होंगे।
- (xiv) विपरीत प्रतिनियुक्ति (Reverse Deputation) के दौरान कार्मिक के सर्विस रिकार्ड का संधारण पैतृक संस्थान द्वारा ही किया जायेगा। वार्षिक वेतन वृद्धियां आदि पदस्थापन के दौरान नियंत्रण अधिकारी द्वारा स्वीकृत की जायेंगी।

- (xv) यदि पैतृक संस्था में छंटनी या स्वैच्छिक सेवानिवृत्ति योजना लागू की जाती है या पैतृक संस्था को बन्द किये जाने का निर्णय किया जाता है तो ऐसी संस्था के विपरीत प्रतिनियुक्ति (Reverse Deputation) पर आये कर्मचारी को भी पैतृक संस्था को लौटाना होगा जिससे संस्था उसे स्वैच्छिक सेवानिवृत्ति दे सके अथवा छंटनी कर सके।
- (xvi) विपरीत प्रतिनियुक्ति (Reverse Deputation) पर कार्यरत कार्मिकों को राज्य कर्मचारियों को देय पेंशन इत्यादि के लाभ देय नहीं होंगे अपितु पैतृक संस्थान के अनुसार ही सेवानिवृत्ति लाभ नियमानुसार देय होंगे एवं पैतृक संस्थान द्वारा ही भुगतान किया जायेगा।
- (xvii) सेवानिवृत्ति से तीन माह या स्वीकृत प्रतिनियुक्ति की निर्धारित अवधि, जो भी पहले हो, के अनुसार कार्मिक को उसके पैतृक संस्थान में लौटा दिया जायेगा।
- (xviii) **विपरीत प्रतिनियुक्ति (Reverse Deputation) पर किसी भी कर्मचारी को वित्त (नियम) विभाग की पूर्व स्वीकृति के उपरान्त ही लिया जा सकेगा।**

## Matter End of the Chapter

### Rule No. 144 A

#### *Government of Rajasthan's Decision.*

^The scheme for grant of Deputation (Duty) Allowance to State Government employees transferred on deputation/foreign service to Central Government or other State Government, public undertakings, autonomous bodies (incorporated or not) and other bodies etc. wholly or substantially owned or controlled by Government has been under review for some time past. As a result of review, the Governor is now pleased to decide that grant or Deputation (Duty) Allowance to State Employees who go on deputation or on foreign service to ex-cadre posts shall be regulated in accordance with the provisions contained in the following paragraphs.

2. The term 'deputation' will cover only appointments made by transfer on a temporary basis. It does not cover permanent appointments made by transfer or final absorption or by direct recruitment in competition with open market candidates to the aforesaid bodies.

#3(i) [The Deputation (Duty) Allowance shall be @ 10 % of the basic pay of the employee subject to a maximum of Rs, 200/- p.m.]

(ii) The 'basic pay' for the above purpose shall mean pay drawn in the scale of pay of the substantive appointment held or the pay in the scale of pay of the officiating appointment in an employee' parent cadre provided that it is certified by the appointing authority that but for the deputation the employee would have continued to hold officiating appointment indefinitely.

(iii) The special pay shown in the schedule II of the Special pay in the Rajasthan Civil Services (New pay Scales) Rules 1969 as may be amended from time to time shall only be deemed as part of basic pay provided it has been drawn continuously for more than two years at the time of deputation. Personal pay, if any, drawn by an employee in his parent department may be allowed in addition. This will not be absorbed in deputation (duty) allowance but will be absorbed in other increases of pay for example increment, or increase of pay by promotion for any other reason.

^ Inserted vide F.D. office Memorandum No. F. 1 (3) FD (Gr.2) 76-I, dated 23.01.1976.

# Substituted vide F.D. Order No. F. 1 (47) FD (Gr.2) 82, dated 19-2-1985 w.e.f. 1.2.1985..

The Deputation (Duty) Allowance shall be \$12% of the basic pay of the employee subject to a maximum of Rs. 250/-p.m.

in the existing para 3(i), the existing expression "@14% substituted vide FD Memo No. F.1(47)FD(Gr.2)82 dt. 17.2.1983 w.e.f. 1.9.1981.

The existing para 3(i) substituted vide FD Memo No. F.1(3)FD(Gr.2)76 dt. 5.2.1981-

"%3. *Deputation (Duty) Allowance:-* (i) The Deputation (Duty) Allowance shall be @14% of the basic pay of the employee subject to maximum of Rs. 250/p.m. provided that basic pay of the employee. in the pay scale of his parent department from time to time plus deputation (duty) allowance does not exceed the maximum of the scale of the post held on deputation or, where post on deputation has a fixed pay, that fixed pay."

%Substituted vide FD Memo No. F.1(3)FD(Gr.2)/76-I dated 20.6.1980

"3(i) The Deputation (Duty) Allowance shall be @ 14% of the basic pay of the employee subject to a maximum of Rs. 250/-p.m."

#### **Government of Rajasthan's Decision**

In partial modification of the Finance Department Memorandum of even number dated 20.6.1980, the Governor is pleased to order that the existing Government servants who are already on deputation on the date of issue of these orders would be exempted from the operation of these orders till they remain on deputation to these Corporations. (Inserted vide FD Memo No. F.1(3)FD(Gr.2)/76 dated 2.12.1980.) The existing para 3(i) substituted vide FD OM No. F.1(3)FD/Gr.2/76 dt. 1.12.1976 w.e.f. 1.9.1976

"3 (i) Deputation (Duty) Allowance : (i) The Deputation (Duty) Allowance shall be @ 20% of the basic pay of the employee subject to a maximum of Rs. 300/- p.m. provided that basic pay of the employee in the pay scale of his parent department from time to time plus deputation (Duty) allowance does not exceed the maximum of the scale of the post held on deputation or, where post on deputation has a fixed pay, that fixed pay.

# These Orders shall also be applicable to Government servants who are already on deputation.

"\* [(iv) Deleted.

<sup>x</sup> **4. Pay on Deputation:**

\* Deleted vide FD order No. F.1(47)FD/Gr.2/82 dt. 19.2.1985 [with the condition specified under footnote of para 3(1) the following -

In cases of persons transferred on deputation or foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be % [6%] of the employee's basic pay subject to a maximum of Rs. 100/- p.m. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/ foreign service.]"

%Substituted vide FD Memo No. F.1(47)FD(Gr,2)/82 dt. 17.2.1983 w.e.f.1.1.1981 for "7%".

\*Substituted vide F. D. Memo No. F. 1 (3) F. (Gr. 2)/71 dated 5-2-1981. These Orders shall also be applicable to Govt. Servants who are already on deputation:—

x (iv) In cases of persons transferred on deputation or on foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be + 7% of the employee's basic pay subject to a maximum of Rs. 100/- p.m. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/foreign service."

x Substituted vide F. D. Memorandum No. F. 1 (3) FD (Gr. 2)/ dated, 1-12-1976 w.e.f. 1.9.1976 for the following:—

"(iv) In cases of persons transferred on deputation or on foreign service within the same station, the deputation (duty) allowance referred to in clause (i) above shall be + 10% of the employee's basic pay instead of @ 20%. Whether a person goes to the same station or not for this purpose will be determined with reference to the station where he was on duty before proceeding on deputation/foreign service,

<sup>x</sup> Substituted vide F.D. Order No. F.1 (47)FD/Gr.2/82, dated 19-2-1985 w.e.f 1.2.1985

[(i) These orders shall take effect from 1.2.1985. These Orders shall also be applicable to Government servants who are already on deputation. However, Government servants who are on deputation on the date of issue of this order may elect to continue to be governed under the existing terms of deputation but the extension in the period of deputation allowed by the competent authorities after 1.2.1985 shall be governed under the terms of deputation as amended under this order.

(ii) The option permitted above will be exercised and communicated by the respective Government servants to the borrowing authority within a period of one month from the date of issue of this order. Those who do not exercise option within the prescribed time limit, shall be deemed to have opted the amended terms of deputation.

[with the condition specified under footnote of para 3 (i)], for:-

In para 4 (iii) the existing expression "@20%" substituted vide FD No.1(3)FD(Gr.2)76 dated 1-12-1976 w.e.f. 1-9-1976.

In para 4 (iii) the existing expression "@14%" substituted vide FD Memo No.F.1(3)FD(Gr.2)/76 dated 17-2-1983 w.e.f. 1-9-1981.

The existing item (a)(b) and (c) of para 4 (iii) substituted FD OM No.F.1(3)FD(Gr.2)76 dated 1-12-1976 w.e.f. 1-9-1976 –

(a)	for employees in receipt of basic pay above Rs. 750/-	25% of basic pay of Rs.225/- whichever is more.
(b)	for employees in receipt of basic pay above Rs.300/- upto Rs.750/-	30% of basic pay or Rs. 100/- whichever is more
(c)	for employees in receipt of basic pay of and below Rs.300/-	33.1/3% of basic pay.

**"4. Pay on Deputation:**

(i) An employee sent on deputation/foreign service may elect to draw either the pay in the scale of pay of the new post to which he is deputed as may be fixed under Rajasthan Service Rules,

**OR**

(ii) his basic pay in the parent department plus personal Pay, if any, plus deputation (duty ) allowance at the rate mentioned in para 3 above.

(iii) With a view to ensure that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) of this para, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance \*@12%, the appointing authority may restrict the pay of the deputationist even below the minimum of the pay of the deputation post under Rule 36 of Rajasthan

Service Rules. In such a case the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed the basic pay of the deputationist by more the amount shown below; —

- \* (a) for employees in receipt of basic pay 15% of basic pay or Rs. 225/- which ever is above Rs. 1550/- p.m. more.  
 (b) for employees in receipt of basic pay of/and 15% of basic pay. below Rs. 1550/- p.m.

***^"Government of Rajasthan's Decision.***

The State Government employees who are transferred on deputation/foreign service to Central Government or other State Government, public undertaking, autonomous bodies etc., have option either to elect to draw pay in the scale of pay of the new post to which they are deputed or to draw basic pay in the parent department plus deputation (duty) allowance vide para 4 of Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I, dated 23-1-1976.

(2) Consequent upon introduction of Rajasthan Civil Services (Revised New Pay Scales) Rules 1976 with effect from 1-9-1976 after merging all elements of Dearness Allowance sanctioned prior to 1-9-1976 into pay a question has been raised as to how pay of a Government servant who opted to draw pay in the pay scale of the new post of which he is deputed would be regulated where element of Dearness Allowance sanctioned prior to 1-9-1976 is allowed as a separate element with the pay in the pay scale of borrowing organisation after 1-9-1976.

(3) The matter has been considered and it has been decided that in the cases referred to in para (2) above the option provided in para 4 of the Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I dated 23-1-1976 as amended from time to time shall not be permissible and in such cases a Government servant shall only be allowed to draw pay in the pay scale of the parent department plus usual deputation (duty) allowance and Dearness Allowance as per Government orders. Other allowances shall be regulated in accordance with para 6 of the above referred Memorandum dated 23-1-1976. The pay of Government servants who are already on deputation shall also be regulated in accordance with these orders with effect from 1-9-1976. The Finance Department order dated 23-1-1976, may be deemed to have been amended to this effect with effect from 1-9-1976.

(iv) However, in the case of employees who are already on deputation and drawing pay higher than that admissible under clause (iii) of this para, they shall have to deposit the difference in the Government account from the date of this order till the commencement of further extension, if any, of the period of deputation when their pay shall be fixed in accordance with the provisions of this order.

The State Government employees who are transferred on deputation/foreign service to Central Government or other State Government, public undertaking, autonomous bodies etc., have option either to elect to draw pay in the scale of pay of the new post to which they are deputed or to draw basic pay in the parent department plus deputation (duty) allowance vide para 4 of Finance Department Memorandum No. F.1(3)FD(Gr.2)/76-I dated 23.1.1976/

***Government of Rajasthan's Decision.***

1. Consequent upon introduction of Rajasthan Civil Services (Revised New Pay Scales) Rules, 1976 with effect from 1.9.1976 after merging all elements of Dearness Allowance sanctioned prior to 1.9.1976 into pay a question has been raised as to how pay of a Government servant who opted to draw pay in the pay scale of the new post to which he is deputed would be regulated where element of Dearness Allowance sanctioned prior to 1.9.1976 is allowed as a separate element with the pay in the pay scale of borrowing organisation after 1.9.1976.

2. The matter has been considered and it has been decided that in the cases referred to in para 2 above the option provided in para 4 of the Finance Department Memorandum No.F.1(3)FD(Gr.2)/76-I dated 23.1.1976 as amended from time to time shall not be permissible and in such cases a Government servant shall only be allowed to draw pay in the pay scale of the parent department plus usual deputation (duty) allowance and Dearness Allowance as per Govt. orders. Other allowances shall be regulated in accordance with para 6 of the above referred Memorandum dated 23.1.1976. The pay of Government Servants who are already on deputation shall also be regulated in accordance with those orders with effect from 1.9.1976. The Finance Department order dated 23.1.1976 may be deemed to have been amended to this effect with effect from 1.9.1976.

Inserted vide FD Memo No. F.1(3)FD(Gr.2)/76 dated 27.5.1977.



An employee sent on deputation/foreign service shall be allowed his basic pay in the pay scale of the parent department plus personal pay, if any, plus deputation (duty) allowance at the rates mentioned in para 3 above.]

#### Government of Rajasthan's Decisions

<sup>+</sup>The Governor has been pleased to order that notwithstanding the provisions contained in Finance Department Memorandum No. F. 1 (3) FD (Gr. 2)/76-I, dated 23-1-1976 as amended from time to time the following additional optional terms of deputation shall be allowed to the State Government servants sent on deputation/foreign service to Bhakra Beas Management Board, Water & Power Consistency Services (India) Ltd. and other Central and Inter-State Organisations, namely: —

(1) **Pay on deputation.** —(i) Government servants on deputation/foreign service may elect to draw pay in the pay scale of the post of deputation to which he is deputed as may be fixed under Rule 26 of Rajasthan Service Rules.

(ii) With a view to ensure that a Government servant on deputation does not get abnormal increase in the pay because of the option exercised as at clause (i) above, it has been decided that where the minimum of the scale of pay of the deputation post is substantially in excess of the deputationist basic pay plus deputation (duty) allowance @ 10%, the appointing authority may restrict the pay of the deputationist even below the minimum of the pay of the deputationist post under Rule 36 of Rajasthan Service Rules. In such a case, the pay allowed under Rule 36 of Rajasthan Service Rules should not exceed the basic pay of the deputationists by more than the amount shown below: —

- |     |   |   |
|-----|---|---|
| (a) | for employees in receipt of basic pay above<br>Rs. 1550/- p.m.        | 15% of basic pay or<br>Rs. 225/- whichever is more. |
| b)  | for employees in receipt of basic<br>pay of/and below Rs. 1550/- p.m. | 15% of a basic pay.                                 |

(2) **Dearness Allowance.** —Dearness Allowance will be regulated under the rules of the parent Government or under the rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of post held on deputation.

2. These order shall take effect from 1-2-1985 and shall also be applicable to those Government servants who are already on deputation on this date,

@5. Deleted.

\*Inserted vide F.D. Memorandum No. F.1 (3) FD (Gr.2)/76 dated 22-8-1977.

2. The Governor is pleased to order that Finance Department Memorandum No.F.1(3)FD(Gr.2)/76 dated 27.5.1977 on the subject cited above may be deemed to have been revoked with effect from 1.6.1983

Deleted vide FD Memo No. F.1(47)FD(Gr.2)/82 dated 10.6.83

<sup>+</sup> Inserted vide F.D. Memo. No. F. 1 (47) FD (Gr. 2)/82, dated 6-9-85.

@ Deleted vide F. D. Memorandum No. F. 1.(3) FD (Gr. 2) 76 dated 5-2-81, These order shall also applicable to Govt. servants already on deputation, the following; —

%5. **Restriction on continuation of deputation:**

Where the basic pay of a Government servant at the time of his proposed deputation exceeds the maximum of the pay scale of the new post to which he is deputed or the fixed pay he should not be sent on deputation. If the basic pay of an employee exceeds the maximum pay of post held on the deputation or fixed pay of the post at any time subsequent to his deputation, the period of the deputation of the employee shall be restricted to a period of six months from the date his pay thus exceeds the maximum and the employee should be reverted to the parent department."

<sup>^</sup>Para 5 kept in abeyance vide F. D. Memo F. 1(3) F.D. (Gr. 2)/76 dated 1-12-1976 & restored vide F.D. Office Memorandum No. F.1(3) FD (Gr.2)/76-I dated 20-6-1980.

=Inserted vide FD Memo No.F.1(3)FD (Gr.2)76 dated 2-12-1980.

## 6. Compensatory Allowances:

<sup>†</sup>[(i) *Dearness Allowance* : Dearness Allowance will be regulated under the rules of the parent department.]

(ii) *House Rent Allowance*: House Rent Allowance shall be admissible according to the rules of borrowing Government foreign employer or under the rule of parent Government whichever is more beneficial.

(iii) *Travelling Allowance*: Travelling allowance shall be admissible according to the rules of borrowing Government foreign emp,

(iv) *Compensatory (City) Allowance*; Compensatory (City) Allowance shall be admissible according to the rules or the parent Government of borrowing authority whichever is more beneficial.

(v) *Medical Concession*: Medical concession shall be admissible according to the rules of borrowing Government foreign employer or under the rules of parent Government whichever is more beneficial.

(vi) *Project Allowance*: Project allowance admissible in a Project area shall be admissible in addition to the deputation (duty) allowance.

<sup>@</sup>***Government of Rajasthan's Decision.***

It has been provided in the Finance Department Memorandum No. F.1 (3) FD (Gr.2)/76-I dated 23-1-1976 on the subject noted above that an employee who sent on deputation/foreign service may elect to draw compensatory allowances other than D.A. either according to the rules applicable to in him his parent Government/Organisation or according to the rules of the borrowing Government or authority whichever is advantageous to him.

(2) It has been brought to the notice of the Government that an employee who is on deputation from Government of India or other State Government or other organisation and who has opted to draw pay in the pay scale of parent Department with deputation allowance are placed in a disadvantageous position in the matter of entitlement to compensatory allowance according to the rules of State Government as compared to State Government servants drawing pay in the Revised Pay Scales, 1976 on account of consequential changes made in the rules regulating compensatory allowance like T.A., H.R. A., C.C.A., Project Allowance etc. On introduction of Revised New Pay Scales Rules, 1976 after merging of all components of D.A.

(3) The matter has been examined and it has been decided that as a result of introduction of Rajasthan Civil Serviceuan (Revised New Pay Scales) Rules, 1976 aforesaid employee on deputation to *State* Government may be given fresh opportunity to exercise option in respect of compensatory allowances admissible to them under para 6 of the aforesaid order so that they may elect to be government the rules applicable to them in the parent department or according to the rules of borrowing authority whichever proves more advantageous to them. The option would be deemed to have

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=In partial modification of the Finance Department Memo of even number dated 20-6-1980, the Governor is pleased to order that the existing Government servants who are already on deputation on the date of issue of these orders would be exempted from the operation of these orders till they remain on deputation to these Corporations.

&The existing para 5 deleted for FD Memo No.F.1(3)FD(Gr.2)/76 dated 5-2-1981 –

**&Restriction on continuation of deputation:** Where the basic pay of a government servant at the time of his proposed deputation exceeds the maximum of the pay scale of the new post to which he is deputed or the fixed pay he should not be sent on deputation. If the basic pay of an employee exceeds the maximum pay of post held on the deputation or fixed pay of the post at any time subsequent to his deputation the period of the deputation of the employee shall be restricted to a period of six months from the date his pay thus exceeds the maximum and the employee should be reverted to the parent department..

<sup>+</sup> Substituted vide FD Order No. F. 1(47) FD (Gr.2)/82 dated 19-2-1985 [with the conditions specified under footnote of para 3(i)], for: —

"(i) *Dearness Allowance*: — Dearness Allowance will be regulated under the rules of the parent Government or under the rules of borrowing Government/foreign employer according as pay is drawn in the parent pay scale or in pay scale of post held on deputation."

<sup>@</sup> Inserted vide F.D. Memorandum No. F.1 (3) FD (Gr.2) 76 dated 25-5-1977.

been exercised with effect from 1-9-1976 and their claims in respect of compensatory allowances regulated accordingly.

(4) The Project allowance \*[including Desert Allowance] in case of persons referred to in para 3 above shall be regulated in accordance with the rules of the State Government in force from time to time.

***Government of Rajasthan's Decision.***

\*[It has been provided in the Finance Department Memorandum No. F.1 (3) FD (Gr.2) 76-I dated 23-1-1976 on the subject noted above that an employee who was sent on deputation/foreign service may elect to draw compensatory allowances other than dearness allowance either according to the rules applicable to him in his parent Government /Organisation or according to the rules of the borrowing Government or authority whichever is advantageous to him.

2. It has been brought to the notice of the Government that an employee who is on deputation from Government of India or other State Government or other Organisation and who has opted to draw pay in the pay scale of parent department with deputation allowance are placed in disadvantageous position in the matter of entitlement to compensatory allowances according to the rules of State Government as compared to State Government servants drawing pay in the Rajasthan Civil Services (Revised Pay Scales) Rules, 1983 on account of consequential changes made in the rules regulating compensatory allowance like Travelling Allowance, House Rent Allowance, Compensatory (City) Allowance, Project Allowance etc. on introduction of Rajasthan Civil Services(Revised Pay Scales) Rules, 1983 after merging of dearness allowance on basic pay at the rates in force on 1-7-1980.

3. The matter has been examined and it has been decided that as a result of introduction of Rajasthan Civil Services (Revised Pay Scales) Rules, 1983, aforesaid employees on deputation to State Government may be given fresh opportunity to exercise option in respect of compensatory allowances admissible to them under para 6 of the aforesaid order so that they may elect to be governed by the rules applicable to them in the parent department or according to the rules of borrowing authority whichever proves more advantageous to them. The option would be deemed to have been exercised with effect from 1-9-1981 and their claims in respect of compensatory allowances regulated accordingly.

4. The Project Allowance including Desert Allowance in case of persons referred to in para 3 above shall be regulated in accordance with the rules of the State Government in force from time to time.

**7. Joining time pay and Transfer Travelling Allowance:**

He will be entitled to travelling allowance and joining time both on joining the post on deputation or on reversion therefrom to the parent department under the rules of the Government, foreign employer to which he is deputed. The expenditure on this account shall be borne by the borrowing authority/foreign employer.

**8. Leave and Pension contribution:**

During the period of deputation he will be governed by leave and pension rules of the lending authority or parent employer applicable to him before such transfer. The leave salary and pension contribution shall be paid by the borrowing authority/foreign employer in accordance with the provisions contained in the Rajasthan Service Rules.

**9. Beginning and end of deputation:**

The deputation will commence from the date on which he hands over the charge of the post under Government and on the date he assumes charge of a post under Govt.

**\*[10. Payment of Bonus or ex-gratia:**

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\* Added vide F.D. Memo. No. F. 1 (47) FD (Gr.2) 82 dated 17-9-1983.

\*\* Substituted vide F.D. Order No.F.1 (47) FD (Gr.2)/82,dated 19-2-1985 [with the conditions specified under footnote of para 3 (i)], for: —

**"10. Payment of Bonus or ex-gratia:**

(i) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertakings or Cooperative Societies/Institutions etc. which are legally required to pay bonus under the Payment of Bonus Act, 1965 may be allowed to accept bonus declared by such Undertakings, Cooperative Societies/Institutions etc.

(ii) Where payment of bonus is not a legal obligation and Public Sector Undertakings or Cooperative Societies/Institutions declare ex-gratia award, it may be allowed to be accepted by the Government servant on deputation to those Undertakings or Cooperative Societies/Institutions provided that the pay of the deputationist does not exceed Rs. 1600/- per month. In future, such ex-gratia award declared by Public Sector Undertakings, which are not under a legal obligation to pay bonus under the Payment of Bonus Act, 1965 would be available only to those deputationist who are drawing pay not exceeding Rs. 1600/—in the scale prescribed for the deputation post in the Public Sector Undertakings/Cooperative Societies/Institutions and not to those who draw their grade pay admissible under Government with deputation allowance.

(iii) The term "pay" used in clause (ii) & (i) above shall have the same meaning as "salary or wage" as defined in Section 2 (21) of the Payment of Bonus Act, 1965 and shall include pay, special pay, if any, and dearness allowance. As deputation (duty) allowance has been classified as special pay, it should also be taken into account for purposes of paragraph (i) & (ii) above. City Compensatory Allowance, House Rent Allowance etc. should not be taken into account for the purpose.

(iv) The grant of Bonus or ex-gratia award under paragraphs (i) & (ii) above will be further subject to the following restrictions: —

(a) Where the payment of bonus or ex-gratia award as the case may be under paragraphs (i) & (ii) above is allowed to an employee drawing salary exceeding Rs. 750/- the ex-gratia award or bonus shall be calculated as if the salary was Rs. 750/-p.m,

(b) The maximum, amount of bonus or ex-gratia awards payable under paragraphs (i) & (ii) of this para read with clause (iv) (a) of this para, as the case may be, to a Government employee on deputation in such undertaking should be limited to 20 % of the salary not exceeding Rs. 750/- p.m.

(v) Government servants affected by provisions contained in sub-para (ii) above may exercise option either to continue on deputation allowance where it is admissible without eligibility for ex-gratia awards or to opt for the scale of pay of the post under the Public Sector Undertakings/ Co-operative Societies/Institutions and be eligible for the ex-gratia award, Option should be exercised within 3 months of the date of issue of these orders.

(vi) For the facility of the Government servants it is clarified that payment of bonus is not a legal obligation in the Rajasthan Financial Corporation, Rajasthan State Electricity Board and the Rajasthan State Road Transport Corporation.

(vii) Payment of bonus or ex-gratia award for the current accounting year or subsequent years will be regulated under these orders. Past cases in which payment has not been allowed may also be disposed of under these orders. No bonus or ex-gratia award will be allowed under these orders for service rendered on deputation for any period prior to the year in which Payment of Bonus Act, 1965 was promulgated.

\* (Viii) Deleted.

(ix) A Government servant who elects to draw pay in the scale of pay of the post to which he is deputed under clause (i) of para 4 of this order shall be entitled to receive payment of bonus or ex-gratia payment, as the case may be, from the foreign employer or the organisation to which he is on deputation; and to retain it. But where a Government servant who is in receipt of pay of his post in the parent department plus deputation allowance under clause (ii) of para 4 of the order is entitled to receive bonus under the Payment of Bonus Act while on deputation, he shall be required to credit the amount of bonus payment so received to the Government Account. The authority making payment of bonus shall also ensure that the amount of bonus made to him has been credited by the Government servant to the Government Account."

\* Deleted vide F.D. Office Memorandum No. F. 1 (3) FD (Gr.-2)/76 dated 4-9-1980, with effect from 23-1-1976.

(i) A Government servant drawing pay not exceeding Rs. 1600/-p.m. on deputation to Public Sector Undertaking or Cooperative Society/ Institution etc. which is legally required to pay bonus under the Payment of Bonus Act, 1965, may be allowed to accept bonus declared by such Undertaking, Cooperative Society / Institution etc. but he shall be required to credit the amount of bonus payment so received to the Government Account. The authority making payment of bonus shall also ensure that the amount of bonus admissible to him is credit by the Government servant to the Government Account.

(ii) Where payment of bonus is not a legal obligation under the Payment of Bonus Act, 1965 and public sector undertaking or Cooperative Society/Institution declare bonus ex-gratia, such award shall not be admissible to the deputationist.

(iii) For the facility of the Government servants, it is clarified that payment of bonus is not a legal obligation in the Rajasthan Financial Corporation, Rajasthan State Electricity Board and the Rajasthan State Road Transport Corporation.]

**+11. Duration of Deputation:** The maximum period for which a Government servant may remain on deputation shall in no case exceed three years, provided that in case where it is considered absolutely necessary in the public interest and in special circumstance to extend the period of deputation on foreign service beyond the maximum period of three years; —

- (a) No deputation allowance or deputation pay shall be payable even if the period of deputation is extended with the prior approval of Finance Department.
- (b) No proposal for extension in the period of deputation shall be considered even without deputation allowance/ deputation pay, if the proposal for extension in the existing terms of deputation is not moved at least two months before the expiry of the term of deputation giving full justification.
- (c) If no request is received within the time limit prescribed in the (b) above, the competent authority should issue the posting orders at least 15 days before the expiry of the period of deputation. The Government servant on deputation will seek permission 15 days before the

(viii) A member of an All India Service, who is on deputation to a Public Sector Undertaking, in which not less than 51% of the paid-up share Capital is held by the Rajasthan Government, may be allowed to accept bonus or ex-gratia declared by such Undertakings in respect of the year 1973-74 and onwards, provided-

- (a) the undertaking has been earning profits;
- (b) the payment is made from the employers' share of the available surplus of 40% as per payment of Bonus Act, 1965;
- (c) the payment of Bpmis (ex-gratia) shall be calculated on the basis of actual salary drawn except that in the case of a member of service drawing salary of Rs. 1600/- or more, the salary shall be deemed to be Rs. 1600/- p.m.

The existing para 11 substituted vide FD Memo F.1(47)FD(Gr.2)/82 dated 6-8-1985 with effect from 1-8-1985.

+ (i) The maximum period for which a Government servant may remain on deputation shall in no case exceed three years. Where it is considered absolutely necessary in the public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of three years prior approval of Finance Department should always be obtained atleast two month's before the expiry of the term of deputation giving full justification in this regard.

(ii) In case a Government servant continues to remain on deputation beyond the maximum period of three years without seeking formal extension as envisaged in sub-para (i) of this para, he shall after the expiry of the period of three years, draw pay and allowance in the pay scale applicable to his parent cadre/service to which he would have been entitled to had he not continued to remain on deputation after three years irrespective of whether he has exercised option to draw pay in the scale of pay of the deputation post or his pay in the parent department plus deputation allowance under para 4 above.

<sup>+</sup> Substituted vide FD Memorandum No. F. 1(3) FD (Gr. 2)/76-I dated 28-8-1981. These orders shall also apply to Government servants who are already on deputation: —

**"11. Duration of Deputation.** —The maximum period for which a Government servant may remain on deputation should not exceed three years at a time."

expiry of period of deputation from the lending authority for reporting back to the parent department and shall act according to the directions received.

2. These orders shall take effect from 1-8-1985. These orders shall also be applicable to Government servants who are already on deputation but in cases where Government servants are already on extended period of deputation duly approved by Finance Department. These orders shall be applicable from the date of expiry of existing terms of extended period of deputation.

***Government of Rajasthan's Decision***

The undersigned is directed to refer the provisions contained in Finance Department Memorandum No.F.1(3)FD(Gr.2)/76-I dated 23.1.1976 as amended from time to time incorporated as Government of Rajasthan decision below Rule 144A of Rajasthan Service Rules Para 11 of this order provides that the maximum period for which a Government servant in any remain on deputation shall in no case exceed 3 years. It has been further provided that in cases where it is considered absolutely necessary in the public interest and in special circumstances to extend the period of deputation on foreign service beyond the maximum period of 3 years, no deputation allowance or deputation pay is payable. No proposal for extension in the period of deputation even without deputation allowance or deputation pay shall be considered if the proposal for extension in the existing term of deputation is not moved at least 2 months before the expiry of the term of deputation with full justification. If no request is received within this time limit, the competent authority is required to issue the posting orders at least 15 days before the expiry of the period of deputation.

It has been observed that Government servants have been allowed to remain on deputation beyond 3 years without the permission of the Finance Department in contravention of the aforesaid provisions. Some of the departments have misinterpreted Government orders in providing extensions beyond 3 years without Finance Department's concurrence.

The intention of the aforesaid orders of the Government are that lending authorities, i.e. Administrative Departments and Heads of Departments are to ensure repatriation of the Government servants on completion of 3 years on deputation period and should issue posting orders 15 days before expiry of the deputation term. For this purpose, they should keep necessary data on record in such a way as to be able to know sufficiently in advance the expiry of the deputation term.

It is, therefore, enjoined on all competent authorities,-

1. to issue posting orders at least 15 days before the expiry of the maximum period of deputation of 3 years;
2. no extension in the term of deputation beyond 3 years is granted without the concurrence of the Finance Department;
3. it should be ensured that officers are not allowed to continue on deputation without competent sanction beyond 3 years; and
4. no proposal for extension in the period of deputation beyond 3 years should be considered if the proposal for extension is not moved by the borrowing authority at least 2 months before the expiry of term of deputation.

It may be clarified that no deputation allowance or deputation pay is permissible to Government servants on deputation beyond the maximum period of 3 years whether the continuance beyond 3 years is with or without concurrence of Finance Department. Normally, no extension in the terms of deputation shall be permitted by the Finance Department except in very exceptional cases in the public interest and hence proposal for extension in the terms of deputation beyond 3 years should not be sent to Finance Department in a routine way. The proposal where necessary should be sent well in time prior to the expiry of the existing term of deputation with full justification about the exceptional circumstances and the public interest to be served. Acquiring of experience and knowledge about the job will not be treated as a sufficient justification, as this is a common feature of all cases.

It has also been observed that the officers are allowed to continue on deputation without any formal orders till such time as they are absorbed. This is a wrong practice. In

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<sup>^</sup> Inserted vide FD Circular No. F.1(47)FD(Gr.2)82 dated 30.9.1985.

future, the Government servant will not be allowed to be absorbed, if formal extension to the deputation term has not issued.

@[11.A. A Government servant who has already served on deputation foreign service to other Governments, Public Sector Undertakings, Autonomous Bodies, Corporations etc. shall ordinarily be not allowed to proceed on deputation to some other Government/foreign organisation again unless he has worked for a minimum period of two years on a post in his parent department subsequent to reversion.

**11.B.** A Government servant on deputation shall only draw pay and allowances as permitted by the lending authority in accordance with the terms and conditions of deputation prescribed in his case; and any payment in the nature of pay or allowances or remuneration or fee or compensation etc. by whatever name called, which is not authorised by his terms and conditions of deputation, shall not be received by him without prior sanction of the Government in the Finance Department.]

**12. Non—applicability:**

These orders shall not apply to:

- (i) Government servants sent on deputation to Panchayat Samities and Zila Parishads;
- (ii) A Government servant who is appointed by the Government as an Administrative /Executive Officer/Municipal Commissioner or in any other capacity or whose services are placed on deputation to a superseded Municipal Council or Board.
- \*(iii) Government servants of Cooperative Department sent on deputation to Cooperative Institutions registered in the State.
- (iv) Government servants, sent on deputation whose terms are regulated under specific statutory rules or orders.

13. This order is being issued in supersession of all previous orders/circulars etc. on the subject. This will take effect from 1-3-1976 and shall also apply to Government servants already on deputation.

14. In certain cases Government servants could only be sent on foreign service after their consent had been obtained as required under rule 141 of Rajasthan Service Rules. In such cases some of the existing deputationists might prefer to seek reversion on account of changes in their terms and conditions of deputation made under this order. The authority competent to send such Government servants on deputation may, therefore, give them a notice in writing atleast one month in advance of the date from which this order is applicable, so that in case they want to seek reversion to their parent department, they may do so at their option not later than 1-3-1976.

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@ Inserted vide FD Memorandum No. F. 1(3) FD (Gr. 2)/76 dated 28-8-1981. These orders shall also applicable to Government servants who are already on deputation

\* Added vide F.D. Memorandum No. F. 1(3) FD (Gr. 2)/76 dated 9-7-1976 w.e.f. the date of issue.