

The question has been examined and in supersession of Finance Department Memo. NO. F.13 (10) F.II/53, dated the 23rd December, 1953, it is ordered that no claims and requests for condonation, pay fixation, changes in emoluments, corrections in date of birth changes in service history etc. which affect a person's pension will be entertained by the Government unless such claims had been made 3 years prior to the due date of retirement. Any claim made at the time of or after retirement will be summarily rejected.

This order will not be applicable to those who are due to retire by the 31st March, 1964.

%2. Deleted.

(2) **Apprentice.** -- means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department.

(3) **Constitution.** — means the Constitution of India.

(4) **Cadre.**—means the strength of a service or part of a service sanctioned as a separate unit.

@(4A) **Class IV Service,**---means service in respect of posts carrying Pay Scale No. 2 as contained in the Pay Scale Rules in force.

% Deleted vide F.D. Noti. No. F.I/(27) FD/Gr.2/78, dated 24-1-1979, the following:—

*"2. A case has come to the notice of the Government in which the competent authority changed the date of birth in the official record at his own accord without giving proper opportunity to the Government Servant concerned for making such a change.

The matter has been considered and it has been decided that where the competent authority finds that the date of birth of a Government servant recorded in the official records is incorrect and he desires to correct it in the following circumstances, he should, before doing so, inform the Government servant concerned of his intention to correct the date of birth.

- (1) When the date of birth is recorded in samwat era and its equivalent in Christian era has been wrongly recorded.
- (2) When the date of birth has been recorded on oral evidence or affidavit given by the Government servant, but subsequently it is found to be wrong on the basis of School Certificates or Municipal Birth Register.
- (3) When the entry of date of birth has been tampered with or over-writings have been made and there is proof available that the entry is not correct.
- (4) When different dates of birth given by the Government servants in official records/correspondence.
- (5) Where the service record is lost and no proof of date of birth is available in official records and fresh service record is prepared.

On receipt of intimation, the Government servants within one month would either give his consent for making necessary corrections or represent if he has to say anything against it. If the Government servant does not represent within one month, his consent for change of date of birth may be presumed. The competent authority then will take a final decision

* Inserted vide F.D. Memo, No. F.I (51) F.D. (Rules)/70, dated 6-8-1979

@ Substituted vide F.D. Notification No. F.I (9)FD (Gr-2)/90 17-5-90 for

(4A) Class IV Service—means service in respect of posts enumerated in schedule IV (Class IV services) of Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1958 and all service on posts whose pay (fixed) or maximum pay (if graded or in time scale) does not exceed Rs. + 1025 and which are not mentioned in Appendix XII-Part II of these rule (Appendix XII, Part, Class I service).

(5) **Compensatory Allowance**.—means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

(6) **Competent authority**.—In relation to the exercise of any power, means the Governor or any authority to which the power is delegated by or under these rules.

%A list of authorities which exercise the powers of Competent Authority under the various rule is given in Appendix IX to these rules.

(7) **Consolidated Fund**.—means the Consolidated Fund established under Article 266 of the Constitution.

* (7-A) **Commuted leave**.—means leave taken under sub-rule + (2) of Rule 93.

@ (8) **Duty**.—

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

Substituted vide F.D.Notification No.F.1(54)FD/Gr.2/82,dated 17-2-1983 and shall be deemed to have come into force with effect from 1-9-81 (published in Rajasthan Rajpatra, PartIV(c)(l), Extra-Ordy., dated 17-2-83 at page 71 l)for figures X(310).

X substituted vide F.D.Notification No.F.1(9)FD/Gr.2/77 dated 26-5-78 and deemed to be effective from 1-9-1976 for figures "55"

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

* Inserted vide F.D. Order No.F.10(51)F.II/54 dated 14-6-1954 and effective from 1-4-1951.

@ substituted Vide F.D. Order No. FD.7A (5) F-A (Rules) 60, dated 3-10-1960 for—" (8) Duty-Duty includes:—

- (i) service as a probationer or apprentice, provided that such service is followed by confirmation-
- (ii) Joining time
- (iii) deleted.
- (b) (i) A Course of instruction or training in India declared by Government to be duty.

+Substituted for the words and figures "Sub Rule 1(C)" Vide FD Notification No. F-1 (66) FD/Gr-2/85 dated 30-12-85 effective from 1-1-83

Government of Rajasthan's Decision

The Government servants of the State Education Department under+ going the following courses of study or training within Rajasthan shall be treated as on duty provided they are specially deputed by the Director of education for this purpose: —

B.E.D, Course

S.T.C. Course.

Diploma and Certificate in Physical Education.

Library Service Certificate Course.

Craft Teaching Certificate Course

- (ii) In the case of a student stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.
- (iii) In the case of persons who, on their first appointment to State Service, do not, before they report themselves at the seat of Government or other specified station, in accordance with the

- (a) **Duty includes—**
- (i) Service as a probationer or apprentice, provided that such service is followed by confirmation.
 - (ii) Joining time.
 - (iii) In respect of a Government servant returning from leave the day of taking over charge of the same post from which he proceeds on leave.
 - ⁺(iv) Probationer-trainee

orders of the appointing authority, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

(iv) In the case of a Government servant required to attend an obligatory departmental examination or permitted to present himself at an examination, the passing of which is a condition of preferment in Government service within the normal Scope of the Government servant's department or office the day or days of examination and any reasonable time required for the journey if any, to and from the place of examination.

(v) The period of compulsory waiting by a Government servant returning from leave or after making over charge of his old post for orders of Government posting him to a particular post.

Government of Rajasthan's Decision

Cases have been brought to notice where the Heads of Department have sanctioned payment of salary to certain officers under their administrative control during the period of "awaiting posting orders" by treating them as on duty irrespective of the period involved. Although in Accordance with Rule 7(8)(b)(v) of R.S R. the period of compulsory waiting by a Government Servant returning from leave or after making over charge of his old post or orders of Government posting him to a particular post is treated as on duty, yet Government have not so far delegated any powers to the subordinate authorities to sanction payment of salary to the officers by treating the period as on duty and such being the case, this powers vests in Government in the Finance Department vide Rule 3 *ibid*.

It is quite likely that orders for allowing payment to such officers by treating them as on "awaiting posting orders" have been issued by Heads of Department e.g. Director of Medical & Health Services on the assumption that this power has also been delegated to them under item 9-Medical & Health Department Annexure 'B' to the Revised Schedule of Powers issued under G. A. D. No. 2 (60)GA/A/54, dated 22-4-1955 which is not correct as under this item, power's of transfer of officer in the Medical and Public Health Department below the rank of District Medical & Health Officers only have been delegated. This does not mean that such Government servants can also be treated on 'awaiting posting orders' and allowed pay during such period of duty even though the period may exceed the prescribed limits of joining time.

It is, therefore, clarified that as powers for payment of pay during the period of 'awaiting posting orders' have not been delegated to any authority other than Government and that, these vest only in Government in the Finance Department. All such cases should, therefore, be referred to Finance Department. Before making such reference, reasonsfor keeping a particular Government servant on 'awaiting posting orders' should be clearly Stated.

(vi) During the period occupied in attending an optional examination at which a Government servant is permitted to appear by Competent Authority and during the time reasonably necessary for the journey and from to the place of examination.

Government of Rajasthan's Decision.

(iv) Competent authority for treating Government servant on duty in the case of Accountants Examination which are optional examinations will be the authority competent to make substantive appointments."

⁻ Inserted by Notification No. F. 1 (50) FD (Rules)/70, dated 3-8-1970

⁺ Inserted by Notification No. F.1(2)FD/Rules/2006 dt. 13.3.2006 w.e.f. 20.01.2006

Exception: -In case of taking over charge of District Treasuries at Jodhpur & Jaipur the maximum days shall, for the purpose of this clause be 7 days and for other District Treasuries 3 days.

- (b) **Government may issue orders declaring that in the following circumstance, or in circumstances similar thereto, a Government servant may be treated as on duty.**
- (i) During a course of instruction or training in India.

Government of Rajasthan's Decision

**1. It is ordered that Government servant who deputed for training in the following courses of the Central Emergency Relief Training Institute, Nagpur and National Fire Service College, Nagpur shall be treated as on duty under Rule 7(8)(b) (i) of the Rajasthan Service Rules and they shall be entitled to draw pay and allowances which they would have been entitled to but for their deputation on training.

It is further ordered that they shall be entitled to draw Travelling Allowance for outward and return journey from the place of training at the commencement and end of training at tour rates only. During the period of training they shall be entitled to draw compensatory allowance in accordance with rates provided in order No. 3 appearing in appendix II of the Rajasthan Travelling Allowance Rules (inserted vide Finance Department, Memo No. F. 7d (25)/FD/A/Ru'es/60, dated 19-9-1962 as amended from time to time.)

Name of Courses.

1. Basic Elementary courses for Civil Defence Instructors.
2. Annual Seminar for Senior Officers.
3. Civil Defence Staff Course.
4. Civil Defence Instructors Course.
5. Civil Defence Lady Officers Course.
6. Industrial Civil Defence Course.

@2. It is ordered that Government servants who are deputed for training in the Civil Defense Communications Procedure and Operation Instructors Course at the Mobile Civil Emergency Force Training Centre, Malviya Nagar Extension Area, New Delhi shall be treated as on duty under Rule 7 (8) (b) (i) of Rajasthan Service Rules and they shall be entitled to draw pay and allowances which they would have been entitled to but for their deputation on training.

It is further ordered that they shall be entitled to draw Travelling Allowance for outward and return journey from the place of training at the commencement and end of training at tour rates only. During the period of training they shall be entitled to draw compensatory allowance in accordance with the rates provided in Rajasthan Travelling Allowance Rules.

** Inserted vide F.D. Order No. F. 1 (7)FD (E.R.)/66 dated 1-4-66.

@ Inserted vide F.D. Order No.F.1 (29) FD (Or. 2) 74 dated 19-7-1974

⁺3. The Accountant General, Rajasthan has brought to the notice of this department that in a large number of cases Administrative Departments/Heads of Departments have been deputing officers for higher studies in professional & technical subjects leading to acquisition of diploma and degrees e.g. deputation of C. A. S. doctors for post-graduation courses in various specialities, e.g. deputation of engineers for M.E. courses etc. and treating the period of deputation for such courses as duty under Rule 7(8) (b) of Rajasthan Service Rules, whereas this period should have been covered under study leave.

In this connection, reference is invited to item 1 of Appendix IX of Rajasthan Service Rules, Volume II according to which period spent to attend a course of instruction or training in India could be treated as on duty, if the following conditions were fulfilled:—

- (i) When it is obligatory on the part of Government to send the person for such training or instruction;
- (ii) the training should not be in professional or technical subjects, which are normally brought under the provisions relating to study leave ;
- (iii) the period of training should not exceed one year.

It is, therefore, enjoined on all concerned that deputation of Government servants on duty for higher studies leading to acquisition of degrees or diploma should not be allowed hereafter.

- (ii) In the case of a student stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a University, College or School in India, during the interval between the satisfactory completion of the course and his assumption of duties.
- (iii) In the case of persons who, on their first appointment to State Service, do not, before they report themselves at the seat of Government or other specified station, in accordance with the orders of the appointing authority, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Note:- Period of compulsory waiting by a Government servant returning from leave or after making over charge of his old post for orders of Government posting him to a particular post falls in this clause.

Clarification

* Attention is invited to Finance Department Notification No F.I (18) FD(Gr.2)/74 dated 7-5-1974 under which administrative Departments of the Government were delegated power to issue orders treating a Government servant as on duty during the period of awaiting posting orders provided the period of awaiting posting orders does not exceed 30 days.

⁺ Inserted vide F.D. Memo.F. 1 (9) FD (Gr. 2 /75 dated 30-10-1975.

* Inserted vide F. D. Memo. No. F. 1 (18)FD/Gr.2/74, dated 18-7-1975.

It has been observed that officers are kept under awaiting posting orders for long periods and such cases, in which the period exceeds 30 days and thus require regularisation from Finance Department are also quite frequent. It is needless to point out that such cases of avoidable expenditure on pay and allowances of the officers for the period of 'awaiting posting orders' are commented adversely in Audit Reports; and it is necessary that steps should be taken to avoid such expenditure.

It is, therefore, enjoined on all concerned that it should be ensured that such cases in which officers have to await posting orders do not occur and even if such cases, at times, are altogether unavoidable, the period of awaiting posting orders is kept at the minimum. It is also hereby made clear that hence forth this Department would not agree to the regularisation of such cases unless weighty reasons exist for non-posting of an officer.

- (iv) In the case of a Government servant required to attend an obligatory departmental examination or permitted to present himself at an examination, the passing of which is a condition of preferment in Government service within the normal scope of the Government servant's department or office, the day or days of examination and any reasonable time required for the journey, if any, to and from the place of examination.
- (v) During the period occupied in attending an optional examination at which a Government servant is permitted to appear by competent authority and during the time reasonably necessary for the journey, to and from place of examination.

Government of Rajasthan's Decision.

@It is ordered that Government servants who are called upon to deliver lectures or participate in Seminars at the National Academy of Administration and similar National Institutions engaged on staff training maintained by the Government of India or by some All India organisation sponsored by the Government of India, may be treated as on duty under Rule 7(8) of R.S.R. provided that—

- (i) the period spent outside headquarters does not exceed 7 days at a time, and
- (ii) travelling and daily allowance is paid by the institution and the officer does not claim the same from the Government.

It is further ordered to exempt all Government servants from operation of rule 47 of R.S.R., in respect of remuneration fee received by them for the aforesaid work from such Institutions.

+ This is effective from 1-9-1968,

(9) **Fee.**--means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund % [of the State or the Consolidated Fund of India or another State] whether made

@ Inserted vide F.D. Order No.F. 1(15)FD/Rules/71 dated 8-3-1971 and 26-3-71.

+ Inserted vide FD. Order No. F.1(15)FD(Rules/71 dated 26-3-1971.

% Added vide F.D. Order No.4639/59/F.7A(31)F.D A(Rules)57 dated 24-9-1959.

directly to the Government servant or indirectly through the intermediary of Government,* but does not include—

- (a) un-earned income such as income from property, dividends and interest on securities; and
- (b) income from literary, cultural or artistic efforts if such efforts are not aided by the knowledge acquired by the Government servant in the course of his service.

Clarification

Literary, cultural and artistic efforts aided by knowledge acquired in the course of service will require prior permission of the competent authority and any income derived therefrom is to be treated as fee, but writing of reports or studies on selected subjects for international bodies like the United Nations Organisation, U. N. E. S. C. O etc., and literary contribution to both Indian and foreign magazines will be covered by clause (b) if this is done unaided by knowledge acquired in the course of service.

** (9A) First ten/twenty years of service "Next ten years of service" "Completed years of service" and "one year's continuous service" means continuous service of the specified duration under the Government of Rajasthan and any of its Covenanting States, and includes period spent on duty as well as on leave including extraordinary leave.

Government of Rajasthan's Decision

§ The term "completed year of service" as defined in Rajasthan Service Rules includes also periods spent on leave including extraordinary leave.

A doubt has been expressed as to whether a Government servant who is already on leave can avail of half pay leave in continuation of his leave if he earns the half pay leave during that spell of leave on account of the completion of his year of service.

Government have considered the matter and it has been held that such half pay leave earned by a Government servant in respect of a completed year of service can be availed of by him in continuation of a spell of leave or any extension thereof within which the date of anniversary of service falls.

(10) Foreign Service.— means a service in which a Government servant receives his substantive pay with the sanction of Government from a source other than from the Consolidated Fund.

%(10A) **A Gazetted Officer is one who is either** (i) a member of an All India Service or (ii) is the holder of any of the posts shown in Schedule I (State Service) of the Rajasthan Civil Service (Classification, Control and Appeal) Rules, 1958 or (iii) is a person appointed in accordance with the terms of a contract or agreement and whose appointment is gazetted by Government and or (iv) is a Government servant holding a post which may

* Inserted by F.D. Order No.4492/57 F.I(40)F.D.(Rules,s56dated 18-7-57

** Inserted by F.D, Order No.F.10(51)F.I 1/54 dated 14-6-1954. Effective from 1-4-1951.

§ Inserted by F.D. Memo. No. F. 10(5-11) F.II/54 dated 28-10-1955.

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

be declared by Government to be a Gazetted post. (Appendix XII, Part II, State Service).

@(10B) **Half Pay leave**, -means leave earned in respect of completed years of service. "Half pay leave due" means the amount of half pay leave calculated as prescribed in Rule 93 for the entire service diminished by the amount of leave on private affairs and leave on medical certificate or any other kind of leave on half pay taken before 1-4-1951 and half pay [or half average pay*] leave taken on or after that date.

(11) **Head of a department.**—means any authority which the Government may by order declare to be the head of a Department for the purpose of these rules. (Appendix XIV).

(12) **Holiday.** —means—

- (a) a holiday prescribed by or under the Negotiable Instruments Act, and
- (b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette to be closed for transaction of Government business without reserve or qualification.

(13) **Honorarium.**—means a recurring or non-recurring payment granted to a Government servant from the Consolidated Fund [§][of the State or the Consolidated Fund of India or of another State] as remuneration for special work of an occasional or intermittent character.

NOTES

** (1) No honorarium should be paid in respect of any work which can fairly be regarded as part of the legitimate duties of the Government servant concerned.

(2) It is one of the liabilities of Government servants to have to work outside office hours in exceptional times and circumstances. No honoraria should ordinarily be given on this account, but continuous working out of office hours may justify a claim to honoraria or to special pay.

(14) **Joining time.**—means the time allowed to a Government servant in which to join a new post or to travel to or from a station which he is posted.

(15) **Leave.**—includes Privilege leave, Half pay leave, Commuted leave, [%][Special Disability leave, Study leave, Maternity leave and Hospital leave], Leave not due and Extraordinary leave.

(16) **Leave Salary.**—means the monthly amount paid by Government to a Government servant on leave.

(17) **Lien.**--means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods

@ Inserted by F.D. Order No. F. 10 (51) F 11/54, dated 27-10-1955 and effective from 1-4-1951.

* Inserted by F. D. Order No. 10 (5-1)R/54, dated 8-3-1956 and effective from 1-4-1951

[§] Inserted by FD order No.4639/59/F.7A(31)FD-A/Rules/57 dated 24-09-1959

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

[%] Inserted by F.D. Order No.6146/F9 (3)FD(R)56, dated 14-12-1956

of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(18) **Local Fund.**— means—

- (a) Revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceeding generally or to specific matter such as the sanctioning of their budgets, sanction to the creation, or filling up of particular posts or the enactment of leave, pension similar rules; and
- (b) the revenues of any body which may be specially notified by Governor as such.

(19) **Ministerial servant.**—means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servants specially defined as such by general or special order of Government (Appendix XII, Part II, Ministerial Service).

**** (20) Month means a calendar month**—In calculating a period expressed in terms of months and days, complete calendar months should be calculated and the odd number of days added thereto.

Illustration— (a) To calculate 3 months and 20 days on and from the 25th January, the following method should be adopted:—

	Y.	M.	D.
25th January to 31st January	0	0	7
February to April	0	3	0
1st May to 13th May	0	0	13
Total	0	3	20

(b) The period commencing on 30th January and ending with the 2nd March should be deemed as 1 month and 4 days as indicated below—

	Y.	M.	D.
30th January to 31st * (January)	0	0	2
February	0	1	0
1st March to 2nd March	0	0	2
Total	0	1	4

** Substituted vide F.D. Notification No.F.1 (18) FD (Rules)/71, dated 27-3-1971 for—

(20) Month—means a Calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

* Substituted for the word "March" vide FD Corr. No. F. 1(18) FD/(Rules)/71 dated 19-5-1971.

NOTE

In calculating a period of 3 months and 20 days from the 25th January, 3 months should be taken as ending on 24th April and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire in an ordinary year (in which February is a month of 28 days), on the last day of February, because a period of 29 days cannot obviously exceed a period of full calendar month and leave for two months from 1st January would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

£"(c) The period commencing on 2nd January and ending on 1st March should be deemed as 2 months and 1 day treating 30 days month of odd number of day's as indicated below —

	Y.	M.	D.
2nd January to 31st January	0	0	30
February	0	1	0
1st March	0	0	1
Total	0	1	31
or say two months 1 day			

@(21) Deleted

(22) **Official in permanent employ.**—means a Government servant who holds substantively a permanent post or who holds a lien on a permanent post or would hold a lien on a permanent post had the lien not been suspended.

(23) **Officiate.**—A Government servant officiates in a post when, he performs the duties of a post on which another person holds a lien. Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

(24) **Pay.**—means the amount drawn monthly by a Government servant as:—

- (i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and
- (ii) special pay and personal pay, and
- (iii) any other emoluments which may be specially classed as pay by the Governor.

NOTES

1. In the case of a piece worker in a Government press when appointed to a post on a time-scale pay shall be deemed to be equivalent to 200 times his hourly class rate.

£ Inserted vide FD.Notification No. F.1(66)FD(Gr.2)85 dated 30-12-85.

@ Deleted vide F.D. Notification No. F.1(53)FD/A(Rules)61, dated 1-1-1965, For-

(21) *Official in quasi-permanent employ*—means a Government servant, who has been appointed to a temporary or officiating vacancy on the understanding given to him in writing before he took up appointment that the vacancy is expected to become permanent but is not confirmed after completion of 3 years' continuous service:

Provided that a Government servant will be treated as quasi-permanent only after a declaration to this effect is made in writing by the authority competent to make substantive appointment. In respect of Gazetted Officers the declaration may be communicated to the Accountant General and in respect of others recorded in the service book.

2. Literacy allowance granted to Police Constables and other staff is of the nature of pay.

*3. Non-practicing allowance or Non-clinical allowance drawn by a Medical Officer under Schedule V of the Rajasthan Civil Service (Revised Pay) Rules, 1961 (inserted vide Finance Department Notification No. F.2 (b) (18) FD (E-R)/65-I, dated 28th July, 1966) shall be treated as pay for the purpose of :—

- (i) Pension & Gratuity.
- (ii) Leave salary.
- (iii) Deputation in Foreign Service, if the post in Foreign Service/ deputation has no scope for private practice.
- (iv) Training under rule 7 (8) (b).
- (v) Emoluments as defined in Rules 35 of the Rajasthan Civil Services (Determination and Recovery of Rent of Residential Accommodation) Rules, 1958.
- § (vi) Deleted
- § (vii) Deleted
- ^ (viii) Deleted
- ** (ix) Joining time.
- % (x) Training abroad under Rule 51 of R.S.R.

@4. A medical Officer who is sanctioned non-practising allowance from time to time shall not undertake private practice in any form whatsoever. He shall record a certificate in the following manner in the pay bill in which the non-practising allowance is claimed:—

It is certified that no private practice was undertaken during the period for which the non-practising allowance has been claimed in the bill.

@@5. Rural allowance drawn by C.A.S. in terms of Finance Department Order No. 2 b (1) (3) F.D. (E-R) 65-II dated 6-2-1965 and No. F.2 (b)

* Inserted vide F.D. Notification No. F.2 (b) (18) F. D. (E.R) /65-1 II, dated 28-7-1966 effective from 1-4-1966.

§ Deleted vide FD Notification No. F1(9)FD Gr.2 (90) dated 07-06-90 the entries "(vi) house rent allowance rules content in appendix XVII of Rajasthan Service Rules volume II and (vii) dearness allowance".

§ Deleted vide FD Notification No. F1(9)FD Gr.2 (90) dated 07-06-90 the entries "(vi) house rent allowance rules content in appendix XVII of Rajasthan Service Rules volume II and (vii) dearness allowance.

^ Deleted vide FD order No.F.2(b)(18)FD/ER/65-I dated 1-11-1973 w.e.f. 1-9-1971 the entry "(viii) trailing and daily allowance".

** Inserted vide F.D.Notification No.F.2(b)(18)F.D.(Rules)63,dated 6-8-1970 and effective from 1-4-1966 vide order dated 19-12-1970.

% Inserted vide F.D. order No.2.(b)(1)FD/Gr2/74, dated 25-9-1974.

@ Inserted vide F.D. Notification No.l(47)FD/Rulss/68 dated 16-9-1968.

@@ Inserted vide F.D.Notification No.F.2(b)(18)FD/ER//65-I, dated 29-11-1973 w.e.f. 1-10-1973.

(67) FD/E-R/66-II dated 29-11-1973 shall be treated as pay for the purpose specified in %%(Note 3).

*** (25) **Pension**.—Except when the term "Pension" is used in contraction to gratuity and/or death-cum-retirement gratuity, pension includes gratuity and or death-cum-retirement gratuity.

(26) **Permanent Post**:—means a post carrying a definite rate of pay sanctioned without limit of time.

(27) **Personal Pay** .—means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure; or

(b) *in* exceptional circumstance, on other personal considerations.

(28) **Privilege Leave**.—means leave earned in respect of periods spent on duty.

"Privilege leave due" means the amount of privilege leave calculated as prescribed in Rules 91, 92 or 94 diminished by the amount of privilege leave taken.

(29) **Presumptive pay of a post**.—When used with reference to any particular Government servant, means the pay to which he would be entitled if he held the Post substantively and were performing its duties, but it does not include special pay unless the Government servant performs or discharges the work or responsibility or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

* (30) **Probationer**.—means a person appointed provisionally against a substantive vacancy in the cadre of a service or on a substantively vacant post.

NOTES

@(1) This term does not, however, cover a Government servant who holds substantively a permanent post in a cadre and is merely appointed 'on probation' to another post.

(2) No person appointed substantively to a permanent post in a cadre is a probationer unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

%% Substituted by F.D. corrigendum No.F.2(b)(18)FD/ER/65-I, dated 23-1-1974 for words & figures "Note 4."

*** Substituted by F.D. Order No.F.35(4)/52, dated 21-4-1952 for:—

"[Pension— Excent when the term 'Pension is used in contradistinction to Gratuity, pension includes gratuity]."

* Substituted vide F.D. Order No. F.I (14)FD (E.R)/66, dated 18-5-1966. "(30) *Probationer*:— means a Government servant employed on probation in or against a substantive vacancy in the cadre of Department."

@ Inserted by F.D. Order No, F.7 (7) R/55, dated 29-7-1955,

- (3) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribed otherwise.

Audit Instruction

The instructions in notes (1) and (2) above are to be taken as complementary and not as mutually exclusive. Taken together, they contain the essence of the tests for determining when a Government servant should be regarded as a 'probationer' or as merely 'on probation' irrespective of whether he is already a permanent Government servant or is merely a Government Servant without a lien on any permanent post. While a probationer is one appointed in or against a post substantively vacant with definite conditions of probation, a person on probation is one appointed to a post (not necessarily vacant substantively) for determining his fitness for eventual substantive appointment to that post. There is nothing in these Audit Instructions to prevent a Government servant substantively in one cadre (e.g. a First Division Assistant holding a lien on a post borne on the Imperial Secretariat Service, Class II) from being appointed (either through selection by a departmental committee or as a result of competitive examination through U.P.S.C.) as a 'probationer' in or against a post borne on another cadre (like the Indian Audit and Account Service, the Imperial Customs Service and the Income Tax Services, Class I), when definite conditions of probation such as the passing of departmental examinations are prescribed. On such a case, the Government servant should be treated as a 'probationer', and (subject to specific rules, if any, to the contrary) allowed only, as initial and subsequent pays, the rates of pay prescribed for the probationary period, irrespective of whether those rates are actually included in or shown separately from the time-scales of the services concerned. The case of departmental candidates of the same Department promoted by selection (e.g. an S.A.S. (Central Service, Class III) Superintendent or an A.A.O. of the Indian Audit Department promoted by selection to the Indian Audit and Account service within the quota for such promotion) is, however, different. If the Departments of the Government of India concerned consider it expedient, these 'promoted' men may properly be put 'on probation' for a period to see if they make good in the actual work of a Class I Officer and have liens (active or suspended) retained for them on their former posts meanwhile to provide for their possible reversion, but, whatever the departmental arrangements to test their capacity, etc. during the 'on probation' period, their initial pay should be fixed under the operation of the normal rules regulating pay fixation.

- #(30A) **Probationer-trainee:** means a person appointed through direct recruitment against a clear vacancy in the cadre of service and placed under training on fixed remuneration for a period of two years or extended period, if any."

Inserted vide FD Notification No. F.1(2)FD/Rules/2006 dt. 13.3.2006 w.e.f. 20-01-2006

- * (31) **Special Pay**—means and addition, of the nature of pay, to the emoluments of a post of a Government servant, granted in consideration of—
- (a) the specially arduous nature of the duties;
 - or
 - (b) a specific addition to the work or responsibility.

NOTE

A provision in the contract of a Government servant appointed to a particular post that he should "also do all things that may be required of him" does not contemplate his being required to perform onerous additional duties in another post without remuneration.

(32) **Superior Service**—means any kind of service which is not Class IV.[£]

(33) **Subsistence Grant**— means a monthly grant made to a Government servant who is not in receipt of pay or leave salary.

(34) **Substantive pay**— means the pay other than special pay, personal pay or emoluments classed as pay by Governor under Rule 7(24) (iii) to which a Government servant is entitled on account, of post to which he has been appointed substantively or by reason of his substantive position in a cadre.

NOTES

1. In the case of a piece-worker in a Government press when appointed to a post on a time scale substantive pay shall be deemed to be to equivalent to 200 times his hourly class rate.

*2. Substantive pay includes the pay drawn by a probationer in a post to which he has been appointed on probation.

**3. In the case of a person with a lien on a permanent post under a State Government 'substantive pay' means the 'substantive pay' as defined in the relevant rules of the State Government concerned.

*** (34-A) **Substantive Appointment**—means the appointment of a Government servant on a permanent post and on which he acquires a lien.

* Substituted by F.D. Notification No. F. 1(64) F.D. (Rules)/68, dated 22-2-1969 for—

"(31) *Special Pay*—means an addition of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

- (a) the specially arduous nature of the duties;
- (b) a specific Addition to the work or responsibility; or
- (c) the unhealthiness of the locality in which the work is performed."

[£] Deleted vide F.D. Notification No. F.1(9)FD(Gr.2)/90 dt. 17-5-90 for (Appendix XII, Part II).

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

** Inserted by F.D. Order No. D.3549/F.7a(4)F.D.-A Rules 57 dated 19-6-1957.

*** Added vide F.D. Order No. F.1(14)FD(E.R. /66, dated 18-5-1965.

(35) **Temporary post**—means a post carrying a definite rate of pay sanctioned for a limited time.

NOTES

@1. Deleted

@2. Deleted

3. An extension of a temporary post necessary to cover the period of leave granted to its holder is expedient only when the grant of leave involves "no expense to Government" but improper in the absence of this condition.

(36) **Tenure Post**—means a permanent post which an individual Government servant may not hold for more than a limited period.

NOTE

In case of doubt Government will decide whether a particular post is or is not a tenure post.

(37) **Time Scale Pay** — means pay which, subject to any conditions prescribed in these Rules, rises by periodical increments from a minimum to a maximum.

Time scales are said to be identical if the minimum, maximum, the period of increment and the rate of increment of the time-scales are identical.

A post is said to be on the same time scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degrees responsibility, in a service or establishment or group of establishment, so that the pay of the holder of any particular posts is determined by his position in the cadre or class and not by the fact that he holds that post.

(38) **Transfer**—means the movement of a Government servant from one headquarter station in which he is employed to another such station, either—

(a) to take up the duties of a new post, or

(b) in consequence of a change of his headquarters.

(39) **Vacation Department**—A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

%Exception - (Deleted).

@ Deleted by F.D. Order No. 5317/56/F.8(47) F.D./R/55, dated 12-11-1956

% Inserted vide FD Notification No.F.1(62) FD(R)/68, dated 17-12-1968 and deleted vide FD Notification No. F. 4 (62) FD (Rules)/68, dated 18-8-1969 effective from 17-12-1968.

"Exception.- The following specialities of the Ayurvedic Colleges will not be treated as a vacation department:—

(1) Kayachikitsa (काय चिकित्सा)

(2) Shalya Shakya (शल्य शालाक्य)

* (40) **Non pensionable Establishment**—means an establishment whose salaries are not paid out of provision for "Pay of Officers" and "Pay of establishment" in the Budget but in any other manner.

(3)	Prasooti	(प्रसूती)
(4)	Istri Rog	(स्त्री रोग)
(5)	Kaumar Bhritya	(कोमार भृत्य)
(6)	Agat Tantra	(अगत तन्त्र)
(7)	Vikriti Vigyan	(विकृति विज्ञान)
(8)	Sharit Kriya	(शरीर क्रिया)
(9)	Ras Bshhajya	(रस भेषज्य)

* Inserted vide FD Notification No. F. 1(14) FD(Exp. Rules)/67, dated 21-8-1967.