

No. 42/2/99-P&PW (G)

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Pension & Pensioners Welfare

New Delhi, the 23rd April, 1999

OFFICE MEMORANDUM

Subject : Grant of dearness relief to Central Government pensioners/Family pensioners—Revised rates effective from 01.01.1999.

The undersigned is directed to refer to this department's O.M. No. 42/3/98-P&PW (G) dated 15.09.98 sanctioning the instalment of dearness relief admissible from 01.07.98 and to say that the President is pleased to decide that dearness relief shall be paid to the Central Government pensioners/family pensioners to compensate them for the rise in cost of living beyond average Consumer Price Index 306.33 (as on 01.01.1996) at the rate of 32% w.e.f. 01.01.1999 in supersession of the rate mentioned in the O.M. dated 15.09.98 referred to above.

2. These orders apply to (i) All Civilian Central Government pensioners/family pensioners (ii) the Armed Forces pensioners, Civilian pensioners paid out of the Defence Services Estimates, (iii) All India Services pensioners (iv) Railway pensioners and (v) The Burma Civilian pensioners/family pensioners and pensioners/families of displaced Government pensioners from Pakistan, who are Indian Nationals but receiving pension on behalf of Government of Pakistan, who are in receipt of ad-hoc ex-gratia allowance of Rs. 1275/- p.m. in terms of this department's O.M. No. 23/1/97-P&PW (B) dated 23.02.1998.

3. Central Government Employees who had drawn lumpsum payment on absorption in PSU/Autonomous body and have become entitled to restoration of 1/3rd commuted portion of pension as well as revision of the restored amount in terms of this department's O.M. no. 4/59/97-P&PW(D) dated 14.07.98 will also be entitled to the payment of DR @ 32% on the restored amount of 1/3rd commuted portion of pension with effect from 01.01.99.

4. The following categories of CPF beneficiaries who are in receipt of Ex-gratia payment in terms of this department's O.M. No. 45/52/97-P&PW (E) dated 16.12.97 will be paid DR @ 24% with effect from 01.01.99.

- (i) The widows and dependent children of the deceased CPF beneficiary who had retired from service prior to 01.01.1986 or who had died while in service prior to 01.01.1986 and are in receipt of Ex-gratia payment of Rs. 605/- p.m.
- (ii) Central Government Employees who had retired on CPF benefits before 18.11.1960 and are in receipt of Ex-gratia payment of Rs. 654/-, Rs. 659/-, Rs. 703/- and Rs. 965/-
- (iii) Central Government Employees who had retired on CPF benefits between the period 18.11.1960 to 1.12.1985 and are in receipt of Ex-gratia @ Rs. 600/- with effect from 01.11.1997.

5. Payment of dearness relief involving a fraction of a rupee shall be rounded off to the next rupee.

6. Other provisions governing grant of dearness relief to pensioners such as regulation of dearness relief during employment/re-employment, regulation of dearness relief where more than one pension is drawn etc, will remain unchanged.

7. In the case of retired Supreme Court and High Court Judges necessary orders will be issued by the Department of Justice separately.

8. In view of the position stated above Central Government Pensioners/family pensioners shall be entitled for payment of dearness relief at a uniform rate of 32% of pension/family pension w.e.f. 1st January, 1999 and CPF beneficiaries be entitled for payment of dearness relief at uniform rate of 24%. As DR will now be at uniform rates of 32% and 24% respectively, it has been decided to dispense with the issue of enclosing ready reckoner alongwith the dearness relief orders. It will now be the responsibility of the pension disbursing authority, including the Nationalised Banks, etc. to calculate the quantum of dearness relief payable in each individual case.

9. The Accountants General and authorised Public Sector banks are requested to arrange payment of relief to pensioner etc. on the basis of above instructions without waiting for any further instructions from the Comptroller and Auditor General of India and the Reserve Bank of India in view of letter No. 528-TA. II/84-80-II dated 23.01.1981 of the Comptroller and Auditor General of India addressed to all Accountants General and

Reserve Bank of India Circular No. GANB No. 2958/GA-64 (ii) (CGL)/81 dated the 21st May, 1981 addressed to State Bank of India and its subsidiaries and all Nationalised Banks.

10. In their application to the employees belonging to Indian Audit and Accounts Department these orders issue in consultation with the C & AG.

11. This issues with the concurrence of Ministry of Finance, Department of Expenditure vide their U.O. No. 404-EV/99 dated 19.04.1999.

(Ganga Murthy)

Director

To,

All Ministries/Departments to the Government of India.

No. 45/86/97-P&PW (A)-III

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Pension and Pensioners' Welfare

Lok Nayak Bhawan

New Delhi, 110003

Date: 08.04.1999

OFFICE MEMORANDUM

Subject : Implementation of Government's decision on the recommendations of the Fifth Central Pay Commission—Revision of pension of Pre and Post-1986 pensioners/family pensioners etc.— Extension of date of submission of application for revision of pension/family pension.

The undersigned is directed to refer to this Department's O.M. of even No. dated 30th September, 1998 extending the date of submission of applications for revision of pension/family pension of pre-1986 pensioners/family pensioners upto 31st March, 1999. Representations have been received in this department for extending the date for submission of applications beyond 31st March, 1999. The matter has been considered in this Department and it has been decided to extend the date of submission of application for revision of pension/family pension in such cases upto 30th September, 1999. However, Defence civilian pensioners will continue to be governed by the orders issued by the Ministry of Defence.

2. Similarly it has also been decided to extend the date of submission of applications for revision of pension/family pension with reference to this Department's Office Memoranda No. (1) 45/86/97-P&PW(A)-Part-IV dated 8th may, 1998 read with O.M. dated 30.11.1998 and dated 17th December, 1998 for submission of applications by the pensioners covered under these Office Memoranda, upto 30th September, 1999.

3. Ministry of Agriculture etc. are requested to bring the contents of these orders to the notice of Heads of Departments/Controller of Accounts, Pay and Accounts Officers

and Attached and Subordinate Offices under them on top priority basis. All Pension Disbursing Authorities are also advised to prominently display these orders on their notice boards for the benefit of the pensioners/family pensioners.

(Ganga Murthy)
Director (Pension)

To,

All Ministries/Departments of the Government of India

Copy to :

1. Office of the C & AG with 200 spare copies.
2. Copy also forwarded to as per list attached.

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

पेंशन तथा पेंशनभोगी कल्याण विभाग

तीसरी मंजिल, लोक नायक भवन

खान मार्किट, नई दिल्ली 110003

दिनांक 08.04.1999

कार्यालय ज्ञापन

विषय : पाँचवें केन्द्रीय वेतन आयोग की सिफारिशों पर लिए गए सरकारी निर्णय का कार्यान्वयन—
1986 से पूर्व तथा बाद के पेंशनभोगियों/कुटुम्ब पेंशनभोगियों इत्यादि की पेंशन को संशोधित करना—पेंशन/कुटुम्ब पेंशन के संशोधन हेतु आवेदन देने की तारीख को बढ़ाना ।

मुझे इस विभाग के दिनांक 30.09.1998 के समसंख्यक का.ज्ञा. का हवाला देने का निदेश हुआ है, जिसमें 1986 से पूर्व के पेंशनभोगियों/कुटुम्ब पेंशनभोगियों के पेंशन/कुटुम्ब पेंशन के संशोधन हेतु आवेदन देने की तारीख बढ़ाकर 31.03.1999 तक कर दिया है । इस विभाग को, आवेदन देने की तारीख को 31.03.1999 से और आगे बढ़ाने के अभ्यावेदन प्राप्त हुए हैं । इस विभाग ने मामले पर विचार किया और यह निर्णय लिया है कि ऐसे मामलों में पेंशन/कुटुम्ब पेंशन के संशोधन हेतु आवेदन देने की तारीख को 30.09.1999 तक बढ़ा दिया जाए । तथापि, रक्षा सिविलियन पेंशनभोगी, रक्षा मंत्रालय के द्वारा जारी आदेशों के द्वारा विनियंत्रित होना जारी रखेंगे ।

2. इसी तरह यह भी निर्णय लिया है कि इस विभाग के दिनांक 08.05.1998 के साथ पठित दिनांक 30.11.98 और दिनांक 17.12.1998 के का.ज्ञा.सं. (i) 45/86/97-पी.एंड पी. डब्ल्यू. (ए) भाग-IV के संदर्भ में इन कार्यालय ज्ञापनों के अन्तर्गत शामिल पेंशनभोगियों के द्वारा पेंशन/कुटुम्ब पेंशन के संशोधन हेतु आवेदन देने की तारीख को बढ़ाकर 30.09.1999 तक कर दिया जाए ।

3. कृषि आदि मंत्रालयों से अनुरोध है कि वे इन आदेशों की विषयवस्तु को विभागाध्यक्षों/लेखा नियंत्रकों, वेतन तथा लेखा अधिकारियों तथा उनके सम्बद्ध और अधीनस्थ कार्यालयों की जानकारी में प्राथमिकता के आधार पर लाएँ ।

सभी पेंशन सौवितरण प्राधिकारियों को, पेंशनभोगियों/कुटुम्ब पेंशनभोगियों के हितार्थ उनके नोटिस बोर्डों पर, इन आदेशों को प्रमुखता देते हुए प्रदर्शित करने का परामर्श भी दिया जाता है ।

ह०/-गंगा मूर्थी
निदेशक (पेंशन)

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग

प्रतिलिपि प्रेषित :-

1. नियंत्रक तथा महालेखाकार 200 अतिरिक्त प्रतियाँ
 2. संलग्न सूची के अनुसार
-

25/2/2018

No. 14021/5/98-AIS(II)

Government of India

Ministry of Personnel, P.G. & Pensions

(Department of Personnel & Training)

New Delhi, the 2nd Feb. 1999

To

The Chief Secretaries,

All the State Governments.

Subject : Implementation of Government's decisions on the recommendations of the Fifth Central Pay Commission relating to retirement benefits.

Sir.

I am directed to refer to this Departments D.O. Letter of even number dated 31st December 1998 on the subject mentioned above and to state that the necessary amendments in Rules 18 and 22-B of AIS (DCRB) Rules, 1958 have been made (copy enclosed).

It is reiterated that it will be the responsibility of all the State Governments to revise the pension/family pension of all pensioners/family pensioners w.e.f. 1st January, 1996 in accordance with the modified provisions and to issue revised pension Payment Order (PPO). Action to revise pension/family pension in terms of the revised orders shall be initiated suo-moto by the concerned State Govts. in cases where the necessary applications have already been received from the pensioners/family pensioners. The State Governments shall make available Form of Application in duplicate annexed with this letter to

all those pensioners/family pensioners who have not so far submitted the necessary application to facilitate revision of their pension/family pension, and if they desire of availing the benefits under these orders, they may be requested to submit applications for revision of their pension/family pension in the prescribed form.

It may also be mentioned that Pension Sanctioning Authority in no case, will ask the Pensioner/family pensioner to surrender his/her original Pension Payment Order (PPO) for issuing revised authority. It may also be ensured that a copy of the revised Pension Payment Order should be invariably endorsed to the pensioner/family pensioner.

Yours faithfully.

(P.K. Gupta)

Deputy Secretary to the Govt. of India

Form of Application

To

(Pension Sanctoining Authority)

Subject : Revision of Pension/Family pension as on 1.1.1996 in terms of Department of Personnel & Training's Notification No. 14021/5/98-AIS-II dated 14.1.1999.

Sir,

Kindly revise my pension/family pension entitlement shown in my PPO (Photo copy enclosed) in terms of the Department of Personnel & Training's Notification No 14021/5/98-AIS II dated 14.1.1999. The requisite particulars are given below :-

1. Name of the applicant in block letters and full postal address.
2. Type of pension admissible.
3. Name of the Pensioner/deceased Government servant (Pensioner) in case of family pension
4. Date of retirement/death of the Government employee.
5. Date from which pension/family pension is being drawn.
6. Pension Payment Order (P.P.O.) No.
7. Office/Department/Ministry in which the pensioner/deceased government servant (pensioner) served last and the post held by him.
8. The scale of pay of the post last held and the last pay drawn.

9. Consolidated final pension/family pension admissible from 1.1.96.
10. Name of the authority which issue PPO.
11. Name of the Pension Disbursing Authority with SBA number wherever applicable.
12. If any documentary evidence is being attached to facilitate settlement of the case, details thereof.

Date :

(Signature of Pensioner/Family Pensioner)

फा. सं. 45/10/98-पी. एंड पी. डब्ल्यू. (ए)

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

पेंशन तथा पेंशनभोगी विभाग

तीसरी मंजिल, लोक नायक भवन,

खान मार्केट, नई दिल्ली-110003

दिनांक : 17 दिसम्बर, 1998

कार्यालय ज्ञापन

विषय : पांचवें केन्द्रीय वेतन आयोग की सिफारिशों पर लिए गए सेवानिवृत्त प्रसुविधाओं संबंधित सरकारी निर्णयों का कार्यान्वयन ।

मुझे यह कहने का निदेश हुआ है कि सरकार को, वैयक्तिकों के साथ-साथ पेंशनभोगियों के संगठनों से बहुसंख्यक अभ्यावेदनों के प्राप्त होने के परिणामस्वरूप, सरकार ने पांचवें केन्द्रीय वेतन आयोग की रिपोर्ट के पैराग्राफ 137.14 और 134.30 में यथा निहित पेंशन/कुटुम्ब पेंशन के संशोधन संबंधी सिफारिशों पर लिए गए अपने निर्णयों पर पुनः विचार किया है । राष्ट्रपति ने अब निर्णय लिया है कि 01.01.1996 से सभी पेंशनभोगियों के पेंशन, उनकी सेवानिवृत्ति की तारीख का ध्यान किए बिना, पेंशनभोगी द्वारा अंतिम धारित पद के 01.01.96 से लागू संशोधित वेतनमान में न्यूनतम वेतन के 50% से कम नहीं होगी । तथापि, नियमावली में विद्यमान अर्हक सेवा और न्यूनतम पेंशन को विनियमित करने वाले उपबंध, उसी प्रकार जारी रहेंगे । इसी प्रकार 01.01.1996 से कुटुम्ब पेंशन, पेंशनभोगी/मृतक सरकारी कर्मचारी के द्वारा धारित अंतिम पद के 01.01.1996 से लागू संशोधित वेतनमान में न्यूनतम वेतन के 30% से कम नहीं होगी । तदनुसार जहां तक केन्द्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के द्वारा विनियमित व्यक्तियों का सम्बन्ध है, इस विभाग के निम्नलिखित कार्यालय ज्ञापनों में निहित समय-समय पर यथासंशोधित आदेशों को, नीचे दिए अनुसार यथा संशोधित समझा जाए ।

(क) दिनांक 27.10.1997 का. ज्ञा. सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए) भाग-1

2. कार्यालय ज्ञापन में "पेंशन" संबंधी पैरा 5 के प्रथम वाक्य के स्थान पर निम्नलिखित रखा जाए :-

“सभी मामलों में पेंशन की गणना, औसत परिलब्धियों के 50% की दर से की जाती रहेगी और बशर्ते कि न्यूनतम, 1275 रु० प्रतिमाह तथा अधिकतम 01.01.1996 से केन्द्र सरकार के शीर्षस्थ वेतन 30,000 रु० प्रतिमाह का 50% तक, से अधिक न हो, किन्तु किसी भी मामले में पेंशन, कर्मचारी के सेवानिवृत्ति के समय उसके द्वारा धारित पद के, 01.01.1996 से लागू संशोधित वेतनमान के न्यूनतम वेतन के 50% से कम नहीं होगी । तथापि, ऐसी पेंशन समुचित यथानुपात तरीके से कम हो जाएगी, जहां पेंशनभोगी ने, पेंशनभोगियों पर उसके/उसकी अधिवार्षिकी/सेवानिवृत्ति की तारीख की स्थिति के अनुसार लागू केन्द्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के नियमानुसार पूर्ण पेंशन हेतु वांछनीय अधिकतम सेवा से कम सेवा की हो और यह किसी भी मामले में 1275 रु० प्रतिमाह से कम नहीं होगी ।”

(ख) दिनांक 27.10.1997 का का. ज्ञा. सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए)-भाग II

3. पैरा 4.1 के उप पैरा के प्रथम वाक्य “उपयुक्त ढंग से अंततः आई राशि समझी जाएगी” के बाद निम्नलिखित स्थापित किया जाए :-

“तथापि ऐसे मामलों में, जहां इस प्रकार समेकित पेंशन को अंतिम पेंशन समझा जाता है तो ऐसी पेंशन, पेंशनभोगी की सेवानिवृत्ति के समय, उसके द्वारा धारित पद के 01.01.1996 से लागू संशोधित वेतनमान के न्यूनतम वेतन के 50% से कम नहीं होगी । ऐसी पेंशन समुचित यथानुपात तरीके से कम हो जाएगी, जहां पेंशनभोगी ने, पेंशनभोगियों पर उसके/उसकी अधिवार्षिकी/सेवानिवृत्ति की तारीख की स्थिति के अनुसार लागू केन्द्रीय सिविल सेवा (पेंशन) नियमावली, 1972 के नियमानुसार पूर्ण पेंशन हेतु वांछनीय अधिकतम सेवा से कम की हो और यह किसी भी मामले में 1275 रु० प्रतिमाह से कम नहीं होगी । इसी प्रकार, जहां इस प्रकार समेकित कुटुम्ब पेंशन को अंतिम पेंशन समझा जाता है तो ऐसी कुटुम्ब पेंशन सम्बंधित पेंशनभोगी/मृतक सरकारी कर्मचारी के द्वारा धारित अंतिम पद के 01.01.96 से लागू संशोधित वेतनमान के न्यूनतम वेतन के 30% से कम नहीं होगी ।”

(ग) दिनांक 10.02.1998 का का. ज्ञा. सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए)-भाग III

4. (क) पैरा 2 के अंतिम वाक्य के स्थान पर निम्नानुसार स्थापित किया जाए :

“इस प्रकार परिकल्पित पेंशन का, इस विभाग के दिनांक 27.10.1997 के का. ज्ञा.सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए) भाग-II के पैरा 4.1 में निहित उपबंधों के अनुसार 01.01.1996 की स्थिति के अनुसार समेकित किया जाएगा । तथापि, ऐसी समेकित पेंशन, सम्बंधित पेंशनभोगी द्वारा धारित अंतिम पद के 01.01.1996 से लागू संशोधित वेतनमान के न्यूनतम वेतन का 50% से कम नहीं होगी । इस समेकित पेंशन को भविष्य में, पेंशन पर महंगाई राहत देने के प्रयोजनार्थ मूल पेंशन समझा जाएगा।”

(ख) पैरा 3 के अंतिम वाक्य के स्थान पर निम्नानुसार रखा जाए :-

“कुटुम्ब पेंशन को, इस विभाग के दिनांक 27.10.1997 के का. ज्ञा.सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए) भाग-II के पैरा 4.1 में निहित उपबंधों के अनुसार 01.01.1996 की स्थिति के अनुसार समेकित किया जाएगा । तथापि,

ऐसी समेकित कुटुम्ब पेंशन, सम्बोधित पेंशनभोगी/मृतक सरकारी कर्मचारी द्वारा धारित अंतिम पद के 01.01.1996 से लागू संशोधित वेतनमान के न्यूनतम वेतन के 30% से कम नहीं होगी ।”

(ग) पैरा 4 के पांचवें वाक्य के बाद निम्नलिखित खण्ड स्थापित किया जाए -

“इस प्रकार परिकलित मूल कुटुम्ब पेंशन, सम्बोधित पेंशनभोगी/मृतक सरकारी कर्मचारी द्वारा धारित अंतिम पद के 01.01.1996 से लागू संशोधित न्यूनतम वेतनमान के, न्यूनतम वेतन के 30% से कम नहीं होगी ।”

(घ) दिनांक 08.05.1998 का का. ज्ञा. सं. 45/86/97-पी. एंड पी. डब्ल्यू. (ए)-भाग IV

5. पैरा 2 (III) अंतिम वाक्य के बाद निम्नलिखित जोड़ा जाए :-

“इस प्रकार परिकलित कुटुम्ब पेंशन, सम्बोधित पेंशनभोगी/मृतक सरकारी कर्मचारी द्वारा धारित अंतिम पद के 01.01.1996 से लागू संशोधित वेतनमान के न्यूनतम वेतन के 30% से कम नहीं होगी ।”

6. बड़ी हुई कुटुम्ब पेंशन की मंजूरी इस विभाग के 15.12.1998 के कार्यालय ज्ञापन संख्या 45/8/98-पी. एंड पी. डब्ल्यू. (ई) में निहित उपबन्धों के अनुसार विनियमित की जाएगी ।

7. सरकारी कर्मचारी, जिस मंत्रालय/विभाग/कार्यालय इत्यादि से सेवानिवृत्त अथवा मृत्यु से पूर्व कार्यरत था के, विभागाध्यक्ष की यह जिम्मेदारी होगी कि वह उपर्युक्त उल्लिखित संशोधित उपबन्धों के अनुसार सभी पेंशनभोगियों/कुटुम्ब पेंशनभोगियों की पेंशन/कुटुम्ब पेंशन को 01.01.1996 से संशोधित करके, संशोधित पेंशन भुगतान प्राधिकार जारी करे । ऐसे मामलों में जहां इस विभाग के द्वारा जारी पूर्व आदेशों के अनुसरण में, पेंशनभोगियों/कुटुम्ब पेंशनभोगियों से पहले ही आवेदन प्राप्त हो गए हों, सम्बोधित विभागाध्यक्ष के द्वारा स्वप्रेरणा से, इन आदेशों के अनुसार पेंशन/कुटुम्ब पेंशन को संशोधित करने की कार्यवाही, इस तथ्य पर ध्यान दिए बिना प्रारम्भ कर दी जाएगी कि उनके मामले पहले ही निपटार जा चुके हैं या निपटार की अंतिम प्रक्रिया में है । 01.01.1986 से 31.12.1995 के बीच सेवानिवृत्तों सहित पेंशनभोगियों/कुटुम्ब पेंशनभोगियों, जिन्होंने अभी तक अपनी पेंशन/कुटुम्ब के संशोधन हेतु आवश्यक आवेदन पत्र नहीं दिया है और इन आदेशों के अनुसार सुविधा के इच्छुक हैं उन्हें चाहिए कि वे, अपने पेंशन मंजूरीदाता प्राधिकरण को, अनुलग्नक में यथा निर्धारित प्रपत्र (दो प्रतियों में) को भरकर, 31.03.1999 तक जमा करा दें । तथापि, रक्षा सिविलियन कर्मचारियों के मामले में रक्षा मंत्रालय द्वारा इस संबंध में निर्धारित की गई प्रक्रिया का अनुपालन किया जाएगा । सभी प्राधिकारियों के द्वारा यह सुनिश्चित करने के संगठित प्रयास किए जाएंगे कि जहां कहीं आवश्यक हो, संशोधित पेंशन भुगतान आदेश तत्काल जारी किए जाएं ।

8. एक बार फिर से दोहराया जाता है कि पेंशन मंजूरीदाता प्राधिकारी किसी भी मामले में, पेंशनभोगी/कुटुम्ब पेंशनभोगी को उसका मूल पेंशन भुगतान आदेश, संशोधित प्राधिकार जारी करने हेतु लौटाने के लिए नहीं कहेगा । यह भी सुनिश्चित किया जाए कि संशोधित पेंशन भुगतान आदेश की एक प्रति सदैव पेंशनभोगी/कुटुम्ब पेंशनभोगी को प्रेषित की जाए ।

9. सशस्त्र सेना कार्मिकों, रेल कर्मचारियों तथा अखिल भारतीय सेवाओं के सम्बंध में क्रमशः रक्षा मंत्रालय, रेल मंत्रालय तथा कार्मिक तथा प्रशिक्षण विभाग के अ.भा.से. प्रभाग के द्वारा अलग से आदेश जारी किए जाएंगे ।

10. इन आदेशों को वित्त मंत्रालय, व्यय विभाग के दिनांक 08.12.1998 की उनकी डा. सं. एस.-46/ईवी/98 के तहत दिए गए अनुमोदन से जारी किया जा रहा है ।

11. जहां तक भारतीय सेवा तथा लेखा परीक्षा विभागों में सेवारत व्यक्तियों पर इन आदेशों के लागू किए जाने का संबंध है, ये आदेश भारत के नियंत्रक तथा महालेखा परीक्षक के परामर्श से जारी किए जाते हैं ।

12. कृषि मंत्रालय इत्यादि से अनुरोध है कि वह इन आदेशों की विषयवस्तु को, अपने प्रशासनिक नियंत्रणाधीन विभागों, लेखा नियंत्रकों, वेतन तथा लेखा कार्यालयों, सम्बद्ध तथा अधीनस्थ कार्यालयों इत्यादि की जानकारी में तत्काल लाएं । सभी पेंशन संचितरण प्राधिकारियों को भी परामर्श दिया जाता है कि इन आदेशों को पेंशनभोगियों/कुटुम्ब पेंशनभोगियों की सूचना तथा मार्गदर्शक हेतु, नोटिश बोर्ड पर प्राथमिकता देते हुए प्रदर्शित करें ।

ह०/-गंगा मूर्ति

निदेशक (पी. पी.)

सेवा में,

भारत सरकार के सभी मंत्रालय/विभाग आदि ।

प्रतिलिपि प्रेषित :-

1. नियंत्रक तथा महालेखा कार्यालय (200 अतिरिक्त प्रतियां)
2. (संलग्न सूची के अनुसार)

अनुलग्नक

दिनांक 17/12/98 के का. ज्ञा.सं.
45/10/98-पी. एंड पी. डब्ल्यू (ए)
के पैरा 7 में यथा संदर्भित

आवेदन का प्रपत्र

सेवा में,

(पेंशन मंजूरीदाता प्राधिकारी)

अर्थात् विभाग/कार्यालय अध्यक्ष

विषय : पेंशन तथा पेंशनभोगी कल्याण विभाग के दिनांक 17.12.98 के का. ज्ञा. सं. 45/10/98-पी. एंड पी. डब्ल्यू (ए) के अनुसार 01.01.1996 को पेंशन/कुटुम्ब पेंशन का संशोधन ।

महोदय,

कृपया मेरे, पेंशन भुगतान आदेश (फोटो प्रति संलग्न) में दर्शायी पेंशन/कुटुम्ब पेंशन की पात्रता को, पेंशन तथा पेंशनभोगी कल्याण विभाग के दिनांक 17/12/1998 के का. ज्ञा. सं. 45/10/98-पी.एंड पी. डब्ल्यू (ए) के अनुसार संशोधित करें । अपेक्षित ब्यौरे नीचे दिए गए हैं :-

1. आवेदक का नाम तथा पूरा पता :
(स्पष्ट अक्षरों में)
2. अनुज्ञेय पेंशन का प्रकार :
3. कुटुम्ब पेंशन के मामले में पेंशनभोगी/दिवंगत सरकारी कर्मचारी (पेंशनभोगी) का नाम :

4. सेवानिवृत्ति की तारीख/सरकारी कर्मचारी के दिवंगत होने की तारीख :
5. पेंशन/कुटुम्ब पेंशन को आहरित करने की तारीख :
6. पेंशन भुगतान आदेश संख्या :
7. पेंशनभोगी/दिवंगत सरकारी कर्मचारी (पेंशनभोगी) के अंतिम सेवारत कार्यालय विभाग/मंत्रालय का नाम तथा उसके द्वारा धारित पदनाम
8. अंतिम धारित पद का वेतनमान तथा अंतिम आहरित वेतन :
9. 01.01.1996 से अनुज्ञेय शर्तों की अंतिम पेंशन/कुटुम्ब पेंशन
10. पेंशन भुगतान आदेश जारी करने वाले प्राधिकरण का नाम :
11. पेंशन संचितरण प्राधिकरण का नाम, बचत खाता संख्या सहित, जहां कहीं लागू हो
12. यदि मामले के सरल निपटान हेतु कोई दस्तावेज साक्ष्य संलग्न किया हो तो उसका ब्योरा :

दिनांक :

(पेंशनभोगी/कुटुम्ब पेंशनभोगी के हस्ताक्षर)

F.No. 11020/15/97/AIS-III

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel and Training)

New Delhi, the 14 Dec. 1998

To

The Chief Secretaries of all the State Governments

Sub : Grant of Extra-ordinary Leave on personal ground—clarification regarding.

Sir,

I am directed to say that this Department has been receiving references from the State Governments seeking clarifications whether it is necessary to seek prior approval of the Govt. of India for grant of extra-ordinary leave to a member of the All India Services for going abroad on personal grounds. It is hereby clarified that in such cases prior approval of the Government of India is necessary.

Yours faithfully,

(Bharat Prasad)

Under Secretary to the Govt. of India

Tel No. 3012285

No. 11020/15/97-AIS-III

New Delhi, the 14 Dec., 1998

A copy each is forwarded for information to :—

1. All Ministries/Deptt. of Govt. of India.
2. Secretary, UPSC, New Delhi.
3. The Director, Lal Bahadur Shastri National Academy of Adm. Mussoorie.
4. AIS-I/AIS-II/RO(CM). FA. (UN)
5. 10 spare copies

(Bharat Prasad)

Under Secretary to the Govt. of India.

भारत सरकार
कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक 14 दिसंबर, 1998

सेवा में,

सभी राज्य सरकारों के मुख्य सचिव ।

विषय : निजी कारणों से असाधारण छुट्टी लिए जाने की मंजूरी के बारे में स्पष्टीकरण ।

महोदय,

मुझे यह कहते का विदेश हुआ है कि राज्य सरकारें इस विभाग से इस आशय के स्पष्टीकरण मांग रही हैं कि असाधारण भारतीय सेवा के सदस्य को निजी कारणों से विदेश जाने के लिए असाधारण छुट्टी प्रदान किए जाने की अंजूरी हेतु भारत सरकार का पूर्वानुमोदन लेना आवश्यक है । एतद् द्वारा यह स्पष्ट किया जाता है कि ऐसे मामलों में भारत सरकार का पूर्वानुमोदन लेना आवश्यक है ।

भवदीय,

(भरत प्रसाद)

अवर सचिव, भारत सरकार

दूरभाष : 3012285

दिनांक 14 दिसंबर, 1998

संख्या 11020/15/97-अ.भा.से.-III

निम्नलिखित को एक प्रति सूचनार्थ प्रेषित :

1. भारत सरकार के सभी मंत्रालय/विभाग ।
2. सचिव, संघ लोक सेवा आयोग, नई दिल्ली ।
3. निदेशक, लाल बहादुर शास्त्री राष्ट्रीय प्रशासन अकादमी, मसूरी ।
4. अ. भा. से.-I, अ. भा. से.-II/आर. ओ. (सी. एम.)/एफ. ए. (यू. एन.)
5. 10 अतिरिक्त प्रतियाँ ।

(भरत प्रसाद)

अवर सचिव, भारत सरकार

F. No. 45/86/97 (A) -Pt. IV

Government of India

Ministry of Personnel, Public Grievances & Pensions

Department of Pension & Pensioners Welfare

New Delhi, dated the 30th November, 1998

OFFICE MEMORANDUM

Subject :- Implementation of Government's decision on the recommendation of the Fifth Central Pay Commission—Revision of pension of pre-1996 pensioners/family pensioners etc.—extension of date of submission of application for revision of family pension.

The undersigned is directed to refer to Para 4 of this department's O.M. of even No. 45/86/97-P&PW(A) Part-IV dated 8th May, 1998 according to which pre-1996 pensioners/family pensioners who were in receipt of pension/family pension as on 1.1.1996 were required to apply for revision of their family pension in the prescribed form (in duplicate) to their Pension Sanctioning Authority viz Ministry/Department/Office etc. within a period of 180 days from the date of issue of these orders. A number of representations from Pensioners Associations as well as individuals have been received in this Department to the effect that since the orders of this Department have not come to the notice of a number of pensioners/family pensioners residing in far flung areas, it has not been possible for them to apply for revision of their pension/family pension within the stipulated period. The matter has been considered in this Department and it has been decided to extend the date of submission of application for revision of family pension in such cases upto 31st March, 1999. However, Defence civilian pensioners will continue to be governed by the orders issued by the Ministry of Defence.

2. Ministry of Agriculture etc. are requested to bring the contents of these orders to the notice of Heads of Departments/Controller of Accounts, Pay and Accounts Officers and Attached and Subordinate Offices under them on top priority basis. All Pension

Disbursing Authorities are also advised to prominently display these orders on their notice boards for the benefit of the pensioners/family pensioners.

3. Hindi version will follow.

(S. Lakshminarayanan)

Additional Secretary (Pension)

To,

All Ministries/Departments of the Govt. of India.

Copy to :

1. Office of Comptroller & Auditor General with 200 spare Copies

Copy also forwarded to : (As per list attached).

1. President's Secretariat
2. Vice President's Secretariat
3. Prime Minister's Office
4. Lok Sabha Secretariat
5. Rajya Sabha Secretariat
6. Cabinet Secretariat
7. Secretary, U.P.S.C., New Delhi
8. Supreme Court of India
9. Election Commission
10. Planning Commission
11. Secretariats of Governments/Lt. Governors of all States/Union Territories.
12. All India Services Division, Department of Personnel and Administrative Reforms.
13. Ministry of Finance (E.V. Branch)
14. Ministry of Defence (Dy. Secy., Pension)
15. All Integrated Financial Adviser to Ministries/Departments
16. Ministry of Railways (Railway Board)
17. Ministry of Defence (Fin. AG)
18. All Branches of Ministry of Personnel, PG & Pensions
19. Ministry of Defence (Est. 1/Gp. 1)
20. Naval Headquarters/Directorate of Supplies/Pension Section
21. Air Headquarters/PP&R
22. Army Headquarters/Prash (Ps.-4 (b))
23. Director General of Posts and copies for all PMG's
24. Department of Telecommunications
25. All State Governments and Union Territories
26. All Finance Secretaries of State Governments and Union Territories.
27. Chief Controllers/Controllers/Principal Accounts Officers of Ministry/Department.
28. Controller General of Defence Accounts
29. Controller General of Accounts
30. Director of Accounts, Cabinet Secretariat
31. Controller of Accounts, Ministry of Finance (Department of Expenditure)
32. CDA (P), Allahbad.

IMMEDIATE

Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training
North Block, New Delhi

F. No. 14015/30/97-AIS (I)

Dated the 6th October, 1998.

To

The Chief Secretaries

of all the State Governments, etc.

Subject: IAS / IPS / IFS - provisional inclusion in the Select Lists - Appointments from the Select Lists - regarding.

Sir,

I am directed to refer to the provisions contained in proviso to sub-regulation (5) of Regulation 5, proviso to sub-regulation (3) of Regulation 7 and second proviso to sub-regulation (1) of Regulation 9 of the I.A.S. (Appointment by Promotion) Regulations, 1955 and to say as follows.

2. In accordance with the above mentioned provisions, an officer provisionally included in the Select List, subject to (i) outcome of disciplinary proceedings pending against him; (ii) grant of integrity certificate by the State Govt. and (iii) expunction of adverse remarks, can be considered for appointment to the Indian Administrative Service, only if his name is made 'unconditional' in the Select list by the Commission on the recommendations of the State Government during the period the Select List remains in force in terms of sub-regulation (4) of Regulation 7.

3. Of late, several instances come to notice where the name of a State Service Officer was included provisionally in the Select List of the previous years by a Review Selection Committee convened pursuant to the directions of the Court to consider the name of such an officer for promotion to the All India Service. There are no executive instructions covering this aspect of the matter under the Promotion Regulations in respect of the three All India Services. When the case of a State Civil Service Officer is considered

retrospectively for promotion to the IAS from the Select List of a previous year by a Review Selection Committee the following exigencies may arise:-

- (a) There was a disciplinary case pending against an officer considered by the Selection Committee on the date of meeting of the Original Committee but the case was concluded during the period the original Select List remains in force.
- (b) There was a disciplinary case pending against an officer considered as on the date of the meeting of the Original Selection Committee, which continued beyond the period of the validity of the original Select List.
- (c) The case of the officer was clear during the validity period of the original Select List, but there are cases pending against the officer as on the date of meeting of the Review Selection Committee due to which his integrity cannot be certified by the State Government.
- (d) There was no case against the officer during the validity period of the Original Select List, neither there is any case against the officer on the date of meeting of the Review Selection Committee. But subsequently disciplinary proceedings are initiated against him before his actual appointment to the IAS from the Review Select List.

4. The above mentioned exigencies may be dealt with in the manner indicated below :

- (i) In the type of cases mentioned at (a) above, the Review Selection committee considering the case of the officer if he is to be included in the select list on the basis of the grading accorded by the committee while inter-alia considering the outcome of the proceedings pending against him during the period of validity of the Select List for promotion to the IAS his name may be unconditionally included in the original Select List at the appropriate place and he would be entitled to consequential benefits on the basis of such inclusion. Where he is not so found fit for inclusion in the original Select List the Committee will consider him for promotion to the IAS from the subsequent Select List and so on.
- (ii) In the type of cases mentioned at (b) above in case the officer has been fully exonerated in the disciplinary proceedings which continued beyond the period of validity of the original Select List on the basis of the grading accorded to the officer by the Selection Committee, if he is found fit for inclusion in the Select List, his name may be included unconditionally and he would be entitled

to consequential benefits on the basis of such inclusion to the extent of actual promotion to the Service against the next immediately available vacancy in the promotion quota of the State cadre and be considered for seniority/year of Allotment in the Service on the basis of the date of promotion of the immediate junior in the Select List from which he was promoted to the Service. However the cases wherein the disciplinary proceedings are concluded with the imposition of a penalty the officer may be assessed by the Review Selection Committee taking into consideration the penalty imposed.

(iii) In the type of cases mentioned at (c) above, on the basis of the merit grading the officer should be considered for inclusion in the original Select List on provisional basis, subject to the outcome of the proceedings pending against him/grant of integrity certificate by the State Government. However, there are two types of cases possible under this category:

(i) In some cases the officer whose case is considered by the Review Committee for inclusion in the Select List of a previous year, had been promoted to the IAS in the meanwhile on the basis of his inclusion in a subsequent Select List;

(ii) In other cases the officer remains in the State Civil Service and is yet to be promoted and appointed to the IAS.

In situations covered by (1) above, on the basis of his inclusion in the substantive part of the original Select List, the officer would be entitled to consequential benefits as he is already subject to AIS Rules by virtue of his appointment to the IAS already. That a case is pending against him on the date of meeting of the Review Committee is immaterial for the purpose. However, in cases of the type at (2) above, the inclusion of the Officer in the Review Select List will remain provisional and his appointment to the IAS can be considered by the State Government only after his name is made 'unconditional' in the Select List by the Commission, on the recommendations of the State Government, against the available next available vacancy in the promotion quota of the State Cadre. He will, however, be entitled to consequential benefits of seniority on a notional basis with regard to his inclusion in the Select List.

(iv) In the type of case mentioned at (d) above, the Officer may be included unconditionally in the Review Select List on the basis of merit grading accorded by the Review Selection Committee. If the Officer has already been appointed to the IAS and he is subject to IAS Rules, consequential benefits and action will have to be taken on the basis of such inclusion in the original Select List as in para (ii) above. The initiation of

disciplinary proceedings against him is hardly material in his case for the purpose of benefits flowing from his inclusion in the previous Select List. However, in those cases where the officer is yet to be promoted to the IAS, his name will become 'deemed provisional' in the Review Select List and the question of his appointment will have to be considered on the basis of outcome of the disciplinary proceedings initiated against him and without prejudice to the action under AIS Rules. Whereas the officer is subject to the All India Service Rules in the former case, in case of the latter it is possible that the outcome of the proceedings against him are material and relevant to decide the question of his very induction into the Service.

5. The above mentioned clarifications are applicable mutatis mutandis to the cases of promotion of the State Police Service/State Forest Service Officers to the Indian Police Service/Indian Forest Service respectively. The clarification furnished in this circular will apply prospectively. Receipt of this communication may kindly be acknowledged.

Yours faithfully,

(R. VAIDYANATHAN)

Under Secretary to the Govt. of India.

F. No. 14015/30/97- AIS (I)

Dated the 6th October, 1998.

Copy for information and necessary action to :

1. The Secretary, Union Public Service Commission, Dholpur House, New Delhi (Shri N. Namasivayam, Under Secretary).
2. Ministry of Home Affairs, IPS-I Section, North Block New Delhi [(Shri Naresh Kumar, Deputy Secretary (Police))].
3. Ministry of Home Affairs, UTS Section, North Block, New Delhi. [(Shri Jalaj Shrivastava, Director (CPS))]
4. Ministry of Environment and Forests, CGO Complex, Paryavaran Bhawan, Lodhi Road, New Delhi (Shri R. Sanhwal, US (Forests)).

(R. VAIDYANATHAN)

Under Secretary to the Govt. of India.

(भारत के राजपत्र के भाग II खण्ड 3 के उपखण्ड (1) में प्रकाशनार्थ)

सं० 11018/3/97-अ०भा०से० (III)

भारत सरकार

कार्मिक, लोक शिकायत तथा पेंशन-मंत्रालय

(कार्मिक और प्रशिक्षण-विभाग)

नई दिल्ली, दिनांक 13-7-98

अधिसूचना

सा.का.नि सं०----- केन्द्रीय सरकार अखिल भारतीय सेवा अधिनियम, 1951 (1951 का 61) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, संबंधित राज्य सरकारों से परामर्श के उपरांत, एतद द्वारा अखिल भारतीय सेवा (अनुशासन एवं अपील) नियम, 1969 में आगे और संशोधन करने के अभियोजन से निम्नलिखित नियम बनाती है, अर्थात् :-

1. (1) इन नियमों का नाम अखिल भारतीय सेवा (अनुशासन एवं अपील) संशोधन नियम, 1998 है ।
(2) ये राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे ।
2. अखिल भारतीय सेवा (अनुशासन एवं अपील) नियम, 1969 (इसके पश्चात मुख्य नियम के रूप में संदर्भित) के नियम 3 में -

(क) उप-नियम (1) में, द्वितीय परन्तुक के स्थान पर निम्नलिखित परंतुक प्रतिस्थापित किए जाएंगे, अर्थात् :-

"परन्तु यह कि जहां सेवा के किसी सदस्य को, जिसके विरुद्ध अनुशासनिक कार्यवाहियां किए जाने का विचार है, निलम्बित कर दिया जाता है; उस निलम्बित सदस्य के निलम्बन की तारीख के 90 दिन की अवधि की समाप्ति से पहले यदि उसके विरुद्ध अनुशासनिक कार्यवाहियां आरम्भ नहीं की जातीं तो उसका ऐसा निलम्बन वैध नहीं होगा :

परन्तु यह भी कि केन्द्रीय सरकार, उक्त नब्बे दिन की अवधि की समाप्ति से पहले किसी भी समय और अनुशासनिक कार्यवाहियां आरम्भ किए जाने की विशेष परिस्थितियों जिन्हें लेखबद्ध किया जाना होगा, पर विचार करने के बाद, अनुशासनिक कार्यवाहियां आरम्भ न किए जाने के 90 दिन की अवधि के बाद भी निलम्बन आदेश जारी करने दे सकती है ।"

(ख) उप नियम (7) में, खण्ड (ख) के स्थान पर निम्नलिखित खण्ड प्रतिस्थापित किया जाएगा, अर्थात् :-

“(ख) जहाँ सेवा के किसी सदस्य को, किसी अनुशासनिक कार्यवाही के सिलसिले में या अन्यथा, निलम्बित किया जाता है अथवा उसे निलम्बित किया गया मान लिया जाता है और उस निलम्बन के जारी रहने की अवधि के दौरान उसके विरुद्ध कोई अन्य अनुशासनिक कार्यवाही आरम्भ कर दी जाती है तो उसे निलम्बनाधीन रखने वाले सक्षम प्राधिकारी, कारणों को लेखबद्ध करते हुए सेवा के सदस्य को यह निर्देश दे सकता है कि वह उप नियम (8) के अध्वधीन निलम्बन के अधीन ही रहेगा।”

(ग) उप-नियम (7) के उपरान्त, निम्नलिखित उप नियम अन्तःस्थापित किया जाएगा, अर्थात् :-

“(8) (क) इन नियम के अन्तर्गत पारित कोई निलम्बन आदेश, जिसकी समयावधि बढ़ाई न गई हो, केवल नब्बे दिन की अवधि के लिए वैध होगा और निलम्बन का वह आदेश जिसकी समयावधि बढ़ाई गई हो, आगे किसी एक समय अधिकतम एक सौ अस्सी दिन की अवधि के लिए वैध रहेगा जबतक कि उसे इस अवधि से पहले निरस्त न कर दिया गया हो।

(ख) निलम्बन का कोई आदेश जो पारित किया गया हो अथवा पारित हुआ समझा गया हो अथवा जारी रखा गया हो की समीक्षा सक्षम प्राधिकारी द्वारा संबंधित समीक्षा समिति की सिफारिशों पर की जाएगी।

(ग) समीक्षा समितियों की संरचना और कार्य और उनके द्वारा अपनाए जानेवाली प्रक्रिया इन नियमों के साथ संलग्न अनुसूची में यथा-विनिर्दिष्ट अनुसार होगी।

(घ) उप-नियम (1) के अन्तर्गत निलम्बन की अवधि संबंधित समीक्षा समिति की सिफारिशों पर एक बार और आगे एक सौ अस्सी दिन के लिए बढ़ायी जा सकती है :-

“बशर्ते कि जहाँ इस खण्ड के अन्तर्गत, कोई आदेश पारित नहीं किया गया है, निलम्बन का आदेश समीक्षा किए जा रहे आदेश की समाप्ति की तारीख से ही निरस्त समझा जाएगा।”

(घ) नए उप-नियम (8) के उपरान्त, निम्नलिखित उप-नियम अन्तःस्थापित किया जाएगा, अर्थात् :-

“(9) निलम्बन और निरस्तीकरण का प्रत्येक आदेश, इन नियमों के साथ संलग्न उपयुक्त मानक प्रपत्र में यथासंभव व्यवहार्य रूप में पारित किया जाएगा।”

3. मुख्य नियमों में नियम 31 के पश्चात् निम्नलिखित अनुसूची और फॉर्म जोड़े जाएंगे, अर्थात् :-

अनुसूची

(नियम 3 (8) (ग) देखिए)

1. समीक्षा समिति की संरचना :-

(क) केन्द्रीय सरकार द्वारा गठित समीक्षा समिति में निम्नलिखित शामिल होंगे :-

- (i) संबंधित मंत्रालय/विभाग में भारत सरकार के सचिव — अध्यक्ष
- (ii) संबंधित मंत्रालय/विभाग का प्रशासन प्रभारी अपर सचिव/संयुक्त सचिव — सदस्य
- (iii) संबंधित मंत्रालय/विभाग का कोई अन्य अपर सचिव/संयुक्त सचिव — सदस्य

टिप्पणी :- समिति यदि आवश्यक समझे, तो वह सचिव (कार्मिक), कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय के अनुमोदन से, कार्मिक और प्रशिक्षण विभाग के किसी अधिकारी को सहयोजित कर सकती है।

(ख) राज्य सरकार द्वारा गठित समीक्षा समिति में निम्नलिखित शामिल होंगे :-

- (i) मुख्य सचिव - अध्यक्ष
- (ii) राजस्व बोर्ड का वरिष्ठतम अपर मुख्य सचिव/अध्यक्ष, वित्तीय आयुक्त अथवा समतुल्य रैंक और हैसियत वाला कोई अधिकारी-सदस्य
- (iii) राज्य सरकार के अन्तर्गत, कार्मिक विभाग का सचिव- सदस्य-सचिव

- टिप्पणी :-
- (i) जहाँ कहीं भारतीय पुलिस सेवा के किसी सदस्य से संबंधित मामले पर विचार किया जाना हो तो वहाँ संबंधित राज्यों के गृह सचिव/महानिदेशक (पुलिस) को सहयोजित किया जाए।
 - (ii) जहाँ कहीं समिति द्वारा भारतीय वन सेवा के किसी सदस्य से संबंधित मामले पर विचार किया जाना हो तो वहाँ संबंधित राज्य सरकार के वन सचिव/प्रधान मुख्य वन संरक्षक को सहयोजित किया जाए।
 - (iii) ऐसे राज्यों, जहाँ सिविल सेवा बोर्ड गठित किए गए हैं, वहाँ समीक्षा समिति का कार्य राज्य सरकार, बोर्डों को सौंप सकती है।

2. कार्य :-

- (क) समीक्षा समिति/सिविल सेवा बोर्ड निलम्बनाधीन अधिकारियों के मामलों की यह निर्धारित करने के लिए समीक्षा करेगी कि क्या निलम्बन जारी रखे जाने के संबंध में पर्याप्त आधार हैं।
- (ख) प्रत्येक मामले में, निलम्बन आदेश की समीक्षा इसके जारी किए जाने की तारीख से 90 दिन के भीतर की जाएगी। ऐसे मामले में जिसमें निलम्बन की अवधि बढ़ा दी गई हो, उसमें अगली समीक्षा अंतिम समयावधि बढ़ाने की तारीख से 180 दिन के भीतर की जाएगी।

3. प्रक्रिया :-

- (क) समीक्षा समिति/सिविल सेवा बोर्ड किसी निलम्बन की अवधि को और आगे जारी रखे जाने के संबंध में औचित्य का निर्धारण करते समय, निर्लंबित अधिकारी के विरुद्ध की जा रही जाँच/अन्वेषण की प्रगति का जायजा, आरोपों की जाँच/अन्वेषण कर रहे प्राधिकारियों से संगत जानकारी प्राप्त करके लेगी।

(ख) समीक्षा समिति/सिविल सेवा बोर्ड किसी मामले की जाँच-पड़ताल करते समय निलंबित अधिकारी द्वारा साक्ष्य से छेड़छाड़ किए जाने, जाँच-पड़ताल अथवा अन्वेषण की प्रक्रिया को प्रभावित किए जाने और निलम्बन के दौरान अधिकारी को पदच्युत किए जाने की संभावना के संबंध में भी विचार करेगी।

(ग) समीक्षा समिति/सिविल सेवा बोर्ड सिफारिशों और निलम्बन जारी रखने संबंधी इन सिफारिशों पर पहुँचने के कारणों का स्पष्ट उल्लेख करते हुए एक विस्तृत रिपोर्ट सक्षम प्राधिकारी को प्रस्तुत करेगी।

मानक फार्म

(नियम 3 (9) देखिए)

टिप्पणी :-

1. आदेश सक्षम प्राधिकारी द्वारा स्वयं हस्ताक्षरित किया जाना चाहिए।
2. जहाँ कोई आदेश भारत के राष्ट्रपति/राज्य के राज्यपाल के नाम से जारी किया जाना हो, तो वहाँ "राष्ट्रपति/राज्य के राज्यपाल के नाम से तथा उनके आदेश द्वारा" वाक्यांश हस्ताक्षरों के ऊपर अन्तःस्थापित किया जाना चाहिए। ऐसा कोई आदेश सूचना उपयुक्त मंत्रालय/विभाग के किसी ऐसे अधिकारी द्वारा हस्ताक्षरित होनी चाहिए, जिसे संविधान के अन्तर्गत, भारत के राष्ट्रपति/राज्य के राज्यपाल की ओर से आदेश अभिप्रमाणित करने के संबंध में प्राधिकृत किया गया हो।
3. फार्म का प्रयोग यथावत् रूप से नहीं किया जाना चाहिए। जहाँ कहीं आवश्यक हो, किसी मामले-विशेष की आवश्यकताओं को देखते हुए फार्म में उपयुक्त संशोधन किए जाने चाहिए।

फॉर्म ।

निलंबन-आदेश के लिए मानक फॉर्म

आदेश

जब कि श्री ----- (नाम व पदनाम) जब कि श्री -----
के विरुद्ध अनुशासनिक कार्यवाही अपेक्षित/ (नाम एवं पदनाम) के विरुद्ध आपराधिक
लंबित है। मामले के संबंध में जांच/जांच-पड़ताल/विचारण
चल रहा है।

अतः अब ----- (निलंबित करने वाला सक्षम प्राधिकारी) अखिल भारतीय सेवा (अनुशासन
और अपील) के नियम 3 के उप-नियम (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा उपर्युक्त
श्री ----- को तत्काल प्रभाव से निलंबित करते हैं।

इसके अतिरिक्त यह आदेश दिया जाता है कि इस आदेश के लागू रहने तक श्री -----
का मुख्यालय ----- (स्थान का नाम) रहेगा और उक्त श्री -----
अधोहस्ताक्षरी की अनुमति लिए बिना उपर्युक्त मुख्यालय नहीं छोड़ेंगे।

हस्ताक्षर -----

निलंबन प्राधिकारी का नाम एवं पदनाम

सं० ----- दिनांक -----

प्रतिलिपि श्री ----- (नाम एवं पदनाम) । निलंबन की अवधि के दौरान उन्हें स्वीकार्य
निर्वाह-भत्ते संबंधी आदेश अलग से जारी किए जाएंगे।

टिप्पणी :- प्रतिलिपियां, वेतन एवं लेखा अधिकारी को, जिसे उनके वेतन के आहरण का प्राधिकार होता है;
विभाग के रोकड़ एवं लेखा अनुभाग; स्थापना अनुभाग को सेवा पुस्तिका में प्रविष्टि करने के लिये, नियुक्ति प्राधिकारी
को, यदि आदेश किसी अन्य प्राधिकारी द्वारा किया गया हो; तथा (उधार लिए गए अधिकारी) बॉरोव्ड ऑफीसर (के
संबंध में) उधार देने वाले प्राधिकारी (लेंडिंग अथॉरिटी) को पृष्ठांकित की जाए। निलंबन के कारणों से, नियुक्त
प्राधिकारी और उधार लेने वाले प्राधिकारी (लेंडिंग अथॉरिटी) को, अलग से गोपनीय पत्रों द्वारा अवगत कराया जाए।

फार्म II

समझे गए निलंबन-आदेश का मानक फार्म

आदेश

जब कि श्री ----- (सेवा के सदस्य का नाम एवं पदनाम) के विरुद्ध एक आपराधिक मामले के संबंध में जांच/जांच-पड़ताल/विचारण चल रहा है; तथा जबकि उपर्युक्त श्री ----- को दिनांक ----- को अड़तालीस घंटे से अधिक की अवधि तक हिरासत में रखा गया था;

अतः अब उपर्युक्त श्री ----- को अखिल भारतीय सेवा (अनुशासन और अपील) नियम, 1969 के नियम 3 के उप-नियम ----- के तहत दिनांक ----- से नियुक्ति-प्राधिकारी के आदेश द्वारा, अगले आदेशों तक निलंबित किया हुआ समझा जाता है।

हस्ताक्षर -----

नियुक्ति प्राधिकारी का नाम एवं पदनाम

प्रतिलिपि : श्री ----- (नाम एवं पदनाम) को, निलंबन की अवधि के दौरान उन्हें स्वीकार्य निर्वाह-भत्ते के संबंध में आदेश अलग से जारी किए जाएंगे।

टिप्पणी :- प्रतिलिपियां, वेतन एवं लेखा अधिकारी को, जिसे उसके वेतन के आहरण का प्राधिकार होता है; विभाग के रोकड़ एवं लेखा अनुभाग; स्थापना अनुभाग की सेवा पुस्तिका में प्रविष्टि करने के लिये, नियुक्ति प्राधिकारी को, यदि आदेश किसी अन्य प्राधिकारी द्वारा किया गया हो, तथा (उधार लिए गए अधिकारी) बॉरोव्ड आफीसर (के संबंध में) उधार देने वाले प्राधिकारी (लेंडिंग अथॉरिटी) को पृष्ठांकित की जाए। निलंबन के कारणों से, नियुक्त प्राधिकारी और उधार देने वाले प्राधिकारी (लेंडिंग अथॉरिटी) को, अलग से गोपनीय पत्रों द्वारा अवगत कराया जाए।

फार्म III

निलंबन- आदेश निरस्तीकरण मानक फार्म

आदेश

जबकि श्री ----- (नाम एवं पदनाम) को निलंबित करने का एक आदेश दिनांक ----- को ----- के द्वारा पारित किया गया था/पारित किया हुआ समझा गया था;

अतः अब राष्ट्रपति/अधोहस्ताक्षरी, नियम ----- (यहाँ संबद्ध नियम का उल्लेख किया जाए) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा, उक्त निलंबन-आदेश को तत्काल प्रभाव से निरस्त करते हैं।

हस्ताक्षर -----

निलंबन-आदेश निरस्त करने के लिए

सक्षम प्राधिकारी का नाम एवं पदनाम

सं० -----

दिनांक -----

प्रतिलिपि : श्री ----- (निलंबित अधिकारी का नाम, पदनाम और पता)

[प्रतिलिपियाँ, कोषाधिकारी/वेतन एवं लेखा अधिकारी; विभाग के रोकड़ एवं लेखा अनुभाग; स्थापना अनुभाग को सेवा पुस्तिका में प्रविष्टि करने के लिए; नियुक्ति प्राधिकारी को, यदि आदेश किसी अन्य प्राधिकारी द्वारा पारित किया गया हो; तथा उधार लिए गए अधिकारी (बॉरोवूड ऑफिसर) के मामले में उधार देने वाले प्राधिकारी (लेंडिंग अथोरिटी) को भी पृष्ठांकित की जाए।]

ह०/- ए० के० सरकार

निदेशक (सेवाएं)

टिप्पणी :- मुख्य नियम, भारत के राजपत्र, 1969 भाग-II खंड-I, उप-खंड (i) पृष्ठ-1023-1037 में अधिसूचना संख्या-7/15/60 -अ० भा० से० (II) दिनांक 20 मार्च, 1969 द्वारा प्रकाशित किए गए थे तथा बाद में निम्नलिखित अधिसूचनाओं द्वारा संशोधित किए गए :-

(i) अधिसूचना संख्या 12/2/69-अ० भा० से० (III) दिनांक 13.4.71

(ii) अधिसूचना संख्या 13/4/71-अ० भा० से० (III) दिनांक 11.1.72

(iii) अधिसूचना संख्या 31/7/72-अ० भा० से० (III) दिनांक 22.5.73

(iv) अधिसूचना संख्या 6/9/72-अ० भा० से० (III) दिनांक 5.7.75

- (v) अधिसूचना संख्या 6/9/73 -अ०भा०से०(III) दिनांक 26.7.75
- (vi) अधिसूचना संख्या 6/5/74-अ०भा०से०(III) दिनांक 28.7.75
- (vii) अधिसूचना संख्या 11018/4/76-अ०भा०से०(III) दिनांक 25.2.77
- (viii) अधिसूचना संख्या 11018/12/76-अ०भा०से०(III) दिनांक 12.7.77
- (ix) अधिसूचना संख्या 11018/12/77-अ०भा०से०(III) दिनांक 31.5.78
- (x) अधिसूचना संख्या 11018/6/78-अ०भा०से०(III) दिनांक 16.11.78
- (xi) अधिसूचना संख्या 11018/13/78-अ०भा०से०(III) दिनांक 4.1.79
- (xii) अधिसूचना संख्या 11018/11/78-अ०भा०से०(III) दिनांक 16.6.79
- (xiii) अधिसूचना संख्या 11018/7/79-अ०भा०से०(III) दिनांक 11.11.80
- (xiv) अधिसूचना संख्या 11018/15/78-अ०भा०से०(III) दिनांक 13.10.81
- (xv) अधिसूचना संख्या 23013/2/78-अ०भा०से०(III) दिनांक 12.1.82
- (xvi) अधिसूचना संख्या 11018/18/81-अ०भा०से०(III) दिनांक 3.8.83
- (xvii) अधिसूचना संख्या 11018/19/81-अ०भा०से०(III) दिनांक 3.2.84
- (xviii) अधिसूचना संख्या 11018/2/87-अ०भा०से०(III) दिनांक 9.2.88
- (xix) अधिसूचना संख्या 11018/7/87-अ०भा०से०(III) दिनांक 26.02.88

(ए० के० सरकार)

निदेशक (सेवाएं)

No. 29018/3/97-AIS (II)

Government of India

Ministry of Personnel, Public Grievances & Pensions

(Department of Personnel & Training)

New Delhi, dated 10 August, 1998

To,

The Secretaries of all the Ministries/Departments etc. of Government of India.

Subject : All India Services—standard terms and conditions of deputation—regarding.

Sir,

I am directed to say that the Central Ministries/Departments refer the proposed terms and conditions of appointment of IAS officers going on deputation to the Public Sector Undertakings for vetting by this Department. Cases of the IAS officers going on deputation on foreign service terms to the international organisations, autonomous bodies and private organisations are also referred for the same purpose. Vetting in the cases of I.P.S. and I.F.S. officers is done by the Ministry of Home Affairs and Ministry of Environment & Forests respectively, who are the Cadre Controlling authorities in respect of these All India Services.

2. In order to bring in an element of uniformity in the matter, the questions of laying down the standard terms and conditions of deputation has been considered and accordingly, a set of such conditions—covering various aspects of such appointments, has been prepared, a copy of which is enclosed. This has been done on the basis of the standard terms and conditions of deputation laid down in respect of the Central Government employees, as given in the Fundamental Rules, read with the consolidated instructions on deputation issued by this Department from time to time and the terms of such appointments allowed in the past in respect of the officers belonging to the Indian Administrative Service.

3. It has further been decided that for streamlining the procedure involved and to cut short the avoidable delays in getting the terms of deputation of the IAS officers concerned

from this Department, the administrative Ministries and Departments of the Government of India may be delegated the power to frame and finalise these terms and conditions themselves, in respect of the IAS officers serving under them on the basis of the enclosed standard terms, without seeking concurrence of the Department of Personnel and Training in each and every case. In case, however, there is a deviation from these standard terms in respect of one or more of the terms proposed to be allowed in a particular case, it would be necessary to make a reference to this Department and seek prior approval in the matter.

4. The Cadre Controlling Authorities in respect of the officers belonging to the Indian Police Service and Indian Forest Service Viz. Ministry of Home Affairs and Ministry of Environment and Forests respectively, are being advised to frame the standard terms and conditions of deputation for these officers on the said lines.

Yours faithfully,
(A. K. Sarkar)
Director

Copies for information and suitable action to :-

1. Ministry of Home Affairs, Police Division (with 10 spare copies)
2. Ministry of Environment & Forests, I.F.S. Division (with 10 spare copies).

Copies for information also to :-

1. Chief Secretaries of all State Governments and UTs.
2. Accountants General of all the State Governments.

Spare copies - 200.

(A. K. Sarkar)
Director

STANDARD TERMS & CONDITIONS FOR IAS OFFICERS GOING ON DEPUTATION TO CPSUs. etc.

1. Period of Deputation : From to

(Details is to be given)

2. Pay : During the period of deputation, a member of the service will draw pay as for a to the Government of India. For this purpose, the post in the borrowing organisation will be equated with the scheduled post of to the Government of India mentioned in Schedule of the IAS (Pay) Rules, 1954 as required under rule 9(1) *ibid*.

[N. B. : For equating the post held on deputation, equivalence will be w.r.t. the level of post for which the officer stands empanelled under the Central Staffing Scheme. In cases of deputations under rule 6(2) (ii) of the Cadre Rules and for appointment as CVOs/ E.D. (Vigilance), however, equations will be w.r.t. the grade in which the officer, prior to his coming on deputation, has been drawing pay in his state cadre and also keeping in view the level of the post at the Centre thus offered.]

3. Dearness Allowance : A member of the service will be governed by the provisions of the All India Services (Dearness Allowance) Rules, 1972.

4. City Compensatory Allowance and House Rent Allowance : To be regulated under the rules of the borrowing organisation. If any residential accommodation is hired/ owned by the organisation, 10% of the pay plus D.A./D.P. and C. C. A. will be payable by the officer for availing of such accommodation and in that case, his entitlement to draw House Rent Allowance will also cease. In the cases of deputation to PSUs, for this purpose, detailed orders issued by the Department of Public Enterprises from time to time will apply. For deputation to Autonomous Bodies and international organisations, orders issued by the Department of Personnel and Training and Ministry of Finance from time to time will be applicable.

5. Transfer T.A./Joining Time : A member of the service will be entitled to T.A. and Joining Time both on joining the post on deputation and on reversion under the rules of the organisation to which he is deputed and which shall not be inferior to the relevant provisions of the AIS Rules. The expenditure on this account will be borne by the organisation.

6. Conduct, Discipline & Appeal Rules : A member of the service will continue to be governed by the All India Services (conduct) Rules, 1968 and All India Services (Discipline & Appeal) Rules, 1969.

7. T.A. and D.A. for journey on duty : A member of the service will be paid Travelling Allowance and Daily Allowance by the borrowing organisation under its own rules for the journeys undertaken by him in connection with the official work under that organisation.

8. Leave and Pension : During the period of deputation, a member of the service will continue to be governed by the AIS (Leave) Rules, 1955 and the AIS (DCRB) Rules, 1958. The entire expenditure in respect of leave taken during or at the end of deputation shall be borne by the borrowing organisation. In latter cases, the leave and its period will be regulated by the orders of the Central Government issued on the subject. He will not be allowed to join any of the pension schemes of the Organisation.

9. Provident Fund : During the period of foreign service, a member of the service will continue to subscribe to the AIS Provident Fund Scheme to which he was subscribing at the time of proceeding on foreign service in accordance with the rules of such Fund.

10. Medical Facilities : The foreign body shall afford to a member of service medical facilities not inferior to those which are admissible to an AIS officer of the same status under the Central Government rules on the subject.

11. Transport Facility : A member of the service will be entitled to the use of official car for private purposes in accordance with the orders issued by the Ministry of Finance D.P.E., from time to time, if the concerned organisation have no rules to this effect.

12. Leave Travel Concession : The organisation shall allow Leave Travel Concession to a member of the service as admissible under its rules provided these are not inferior to those admissible to him under the A.I.S (L.T.C.) Rules, 1975. The whole expenditure in this regard will be met by the borrowing organisation. This, however, is subject to the condition that the officer had not already, before proceeding on deputation, availed of the concession during that particular block of years.

13. Disability Leave : The borrowing organisation will be liable to pay leave emoluments in respect of disability leave, if any, granted to a member of the service on account of any disability incurred in and through foreign service even though such disability manifests itself after termination of foreign service. The relevant AIS rules will be applicable in such cases.

14. Leave Salary/Pension Contributions : The organisation will pay to the Government of the parent cadre of the member of the service leave salary and pension contributions at the rates in force from time to time in accordance with the orders issued by the President under F.R. 116. The payment of these contributions must be paid annually within 15 days from the end of each financial year or at the end of foreign service if the deputation expires before the end of a financial year. Delayed payment will attract liability of payment of interest in terms of the instructions contained in the Ministry of Finance's Notification No. F. 1(1)- E.III/83 dated the 10th August, 1983, as amended from time to time. Pending intimation of the rates of leave salary and Pension Contributions by the concerned Accountant General, the organisation shall pay leave salary and pension contributions provisionally at the prescribed rates.

15. Group Insurance : If the member of the service has not opted out of the Central Government Employees Group Insurance Scheme, 1980, before 31.12.1981, the said scheme as appended to the Schedule to the A.I.S. (Group Insurance) Rules, 1981 shall be applicable to him. In that case, an amount of Rs. 120/- p.m. deducted from his salary as subscription towards the Insurance Scheme shall be remitted to the concerned Accountant General by the organisation. If at any time the recovery of subscription fail in arrears, the same shall be recovered with interest admissible under the Scheme on the accretions to the Saving Fund.

16. Residuary Matters : In all matters relating to conditions of service and benefits/facilities and perks in the borrowing organisation not covered by items 1 to 15 above, a member of the service shall be governed by the rules, regulations and orders applicable to a member of the All India Services serving in connection with the affairs of the Union.

17. The above mentioned terms and conditions would be applicable till the member of the service remains on deputation with the borrowing organisation. On reversion from deputation, he/she will be governed by the relevant rules laid down for the All India Service Officers.

भारत सरकार
कार्मिक, लोक शिकायत और पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, दिनांक 10-08-1998

सेवा में,

भारत सरकार के सभी मंत्रालयों/विभागों इत्यादि के सचिव ।

विषय :- अखिल भारतीय सेवाएं-प्रतिनियुक्ति की मानक सेवा-शर्तें ।

महोदय,

मुझे यह कहने का निदेश हुआ है कि केन्द्र सरकार के मंत्रालय/विभाग सार्वजनिक क्षेत्र के प्रतिष्ठानों में प्रतिनियुक्ति पर जाने वाले भारतीय प्रशासनिक सेवा के अधिकारियों की नियुक्ति संबंधी प्रस्तावित सेवा-शर्तों को इस विभाग के पास विधिक्षा के लिए भेजते हैं । अंतर्राष्ट्रीय संगठनों, स्वायत्त निकायों और गैर-सरकारी संगठनों में बाह्य सेवा पर प्रतिनियुक्ति पर जाने वाले भारतीय प्रशासनिक सेवा के अधिकारियों के मामले को भी इसी प्रयोजन के लिए भेजा जाता है । भारतीय पुलिस सेवा तथा भारतीयवन सेवा के अधिकारियों के मामलों की विधिक्षा क्रमशः गृह मंत्रालय और पर्यावरण एवं वन मंत्रालय द्वारा की जाती है जो इन अखिल भारतीय सेवाओं के संवर्ग नियंत्रक प्राधिकारी हैं ।

2. इस मामले में एकरूपता लाने के मद्देनजर, प्रतिनियुक्ति की मानक सेवा शर्तें निर्धारित करने के प्रश्न पर विचार किया गया है तथा तदनुसार, ऐसी नियुक्तियों के विभिन्न पहलुओं को शामिल करते हुए ऐसी सेवा-शर्तों का एक सेट तैयार किया गया है, जिसकी एक प्रति संलग्न है । ऐसा सेट इस विभाग द्वारा प्रतिनियुक्ति के संबंध में समय-समय पर जारी समेकित अनुदेशों के साथ पठित, केन्द्रीय सरकार के कर्मचारियों के संबंध में मूल-नियमों में यथा-निर्दिष्ट प्रतिनियुक्ति की मानक सेवा-शर्तों, तथा भारतीय प्रशासनिक सेवा के अधिकारियों की पूर्व में की गई ऐसी नियुक्तियों की सेवा-शर्तों के आधार पर, तैयार किया गया है ।

3. आगे यह निर्णय लिया गया है कि इस प्रक्रिया को सरल एवं कारगर बनाने तथा इस विभाग से संबंधित भारतीय प्रशासनिक सेवा के अधिकारियों की प्रतिनियुक्ति की सेवा-शर्तों को प्राप्त करने में होने वाले परिहार्य विलंब को कग से कम करने के प्रलोभन से, भारत सरकार के प्रशासनिक मंत्रालयों तथा विभागों को अपने अधीन कार्यरत भारतीय प्रशासनिक सेवा के अधिकारियों के संबंध में हरेक मामले में कार्मिक तथा प्रशिक्षण विभाग की सहमति लिए बिना, संलग्न मानक सेवा-शर्तों के आधार पर स्वयं सेवा शर्तें तैयार करने तथा उनको अंतिम रूप देने संबंधी शक्तियां प्रत्यायोजित की जाएं । तथापि, यदि किसी मामले विशेष में अनुमत की जाने वाली एक या एक से अधिक प्रस्तावित

सेवा शर्तें मानक सेवा-शर्तों से अलग है तो यह आवश्यक होगा कि उस मामले को इस विभाग को भेजा जाए और पूर्वानुमति ली जाए ।

4. भारतीय पुलिस सेवा तथा भारतीय वन सेवा के अधिकारियों के संवर्ग नियंत्रक प्राधिकारी अर्थात् क्रमशः गृह मंत्रालय और पर्यावरण एवं वन मंत्रालय को यह सलाह दी जा रही है कि वे इन अधिकारियों की प्रतिनियुक्ति संबंधी मानक सेवा-शर्तें उक्त आधार पर तैयार करें ।

भवदीय,

ह०/- ए० के० सरकार

निदेशक

प्रति-सूचना तथा आवश्यक कार्रवाई के लिए निम्नलिखित को प्रेषित :

1. गृह मंत्रालय, पुलिस प्रभाग (10 अतिरिक्त प्रतियों सहित)
2. पर्यावरण और वन मंत्रालय, आई० एफ० एस० प्रभाग

(10 अतिरिक्त प्रतियों सहित)

प्रति, निम्नलिखित को भी सूचना के लिए प्रेषित :

1. सभी राज्य सरकारों और संघ राज्य क्षेत्रों के मुख्य सचिव।
2. सभी राज्य सरकारों के महालेखाकार (अतिरिक्त प्रतियों - 200)

ह०/- ए० के० सरकार

निदेशक

F. No. 25011/8/97-AIS-II

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, dated the 25th May, 1998

To,

The Chief Secretary of All the States/UTs.

Subject : Notification regarding enhancement in the age of superannuation from 58 years to 60 years.

Sir,

I am directed to forward herewith a copy each of Gazette Notification GSR No. 249 (E) dated 13.5.98, No. 25011/8/97-AIS-II dated 13.5.98, No. 25011/8/97-AIS-II dated 22.5.98 (GSR No. 259 (E) dated 22.5.98) regarding enhancement of age of superannuation of AIS officers from 58 years to 60 years for information and necessary action.

Yours faithfully,

(A. K. Sarkar)

Director (s)

Copy to :

1. Secretary, Ministry of Home Affairs.
2. Secretary, Ministry of Environment & Forests.

(TO BE PUBLISHED IN PART II, SECTION 3, SUB-SECTION (I) OF THE GAZETTE
OF INDIA EXTRAORDINARY DATED 13.05.1998)

No. 25012/2/97-Estt. (A)

Government of India
Ministry of Personnel, Public Grievances & Pensions
(Department of Personnel & Training)

New Delhi, the 13th May, 1998.

NOTIFICATION

G.S.R. No. (E). In exercise of the powers conferred by the proviso to Article 309 and Clause (5) of Article 148 of the Constitution and after consultation with the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules, namely :-

- (1) These Rules may be called the Fundamental (Amendment) Rules, 1998.
- (2) They shall come into force from the date of their publication in the Official Gazette.
- (3) In the Fundamental Rules, In Rule 56,

- (a) For clause (a), the following clause shall be substituted, namely :-

"(a) Except as otherwise provided in this rule, every Government servant shall retire from service on the afternoon of the last day of the month in which he attains the age of Sixty years :

Provided that a Government servant whose date of birth is the first of a month shall retire from service on the afternoon of the last day of the preceding month on attaining the age of sixty years."

- (b) Clause (c) and (cc) shall be omitted.

- (c) For clause (d), the following clause shall be substituted, namely —

- "(d) No Government servant shall be granted extension in service beyond the age of retirement of 60 years:

Provided that a Government servant dealing with budget work full time member of a Committee which is to be wound up within a short period of time may be granted extension of service for a period not exceeding three months in public interest :

Provided further that a specialist in medical or scientific fields may be granted extension of service upto the age of sixty-two years if such extension is in public interest and the grounds for such extension are recorded in writing :

Provided also that the appropriate authority shall have the right to terminate the extension of service before the expiry of such extension by giving a notice in writing of not less than three months in the case of a permanent or a quasi-permanent Government servant, or, of one month in the case of temporary Government servant, or, pay and allowances in lieu of such notice."

(d) clause (e), (g) and (h) shall be omitted;

(e) for clause (l) the following clause shall be substituted, namely :-

"(l) A military officer in a Civil Department shall cease to be in civil employment on the date he attains the age of sixty years."

(Harinder Singh)

Joint Secretary to the Govt. of India.

To

The Manager

Government of India Press

Mayapuri, New Delhi

TO BE PUBLISHED IN PART II SECTION 3, SUB-SECTION (I)
OF THE GAZETTE OF INDIA

No.11019/6/97-AIS(III)

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi 9th March, 1998.

NOTIFICATION

G.S.R. In exercise of the powers conferred by sub-section (1) read with sub-section (IA) of section 3 of the All India Services Act, 1951 (61 of 1951), the Central Government, after consultation with the Governments of the States concerned, hereby makes the following rules to further amend the All India Services (Leave) Rules, 1955, namely :-

1. (1) These rules may be called the All India Service (Leave) Second Amendment Rules, 1998.
(2) They shall be deemed to have come into force on the 7th day of October, 1997.
2. In the All India Services (Leave) Rules, 1955-
 - (a) in rule 18, for the figures "90" , the figures "135" shall be substituted :
 - (b) After rule 18, the following rule shall be inserted, namely :-

"18B. Paternity Leave :- A male member of the Service with less than two surviving children may be granted paternity leave for a period not exceeding fifteen days during the confinement of his wife :

Provided that, notwithstanding anything contained in rule 3, paternity leave under this rule shall not ordinarily be refused."

- (c) after rule 20B, the following rule shall be inserted, namely :

"20C. Encashment of earned leave at the time of availing Leave Travel Concession :-

(1) A member of the Service may be sanctioned encashment of ten days of earned leave out of the total earned leave at his credit while availing and leave travel concession if :-

(i) the total earned leave encashed under this rule during the entire service of such member does not exceed sixty days;

(ii) such member of service avails himself of earned leave for a period at least equivalent to the period for which encashment is availed of;

(iii) a balance of at least thirty days, earned leave remains at the credit of the member of the Service after availing of the earned leave during leave travel concession.

(2) The earned leave encashed under this rule shall be deducted from the total earned leave encashable by a member of the Service at the time of superannuation, resignation or death, as the case may be.

(3) The amount admissible in case of encashment of earned leave under sub-rule (1) shall be equal to the corresponding leave salary.

(A.K. Sarkar)

Director(S)

EXPLANATORY MEMORANDUM

On the recommendation of the Fifth Central Pay Commission, the Government of India in the Department of Personnel and Training vide their Office Memorandum Nos. 13018/1/97-Estt (L) and 14028/7/97-Estt (L) dated 7th October, 1997 have extended the benefits of enhancement of quantum of Maternity Leave and allowed Paternity Leave and encashment of earned leave at the time of availing Leave Travel Concession to all Central Government employees. This benefit has been made applicable with effect from the 7th October, 1997. Since the entitlement of members of All India Services are normally kept at par with those of Central Government Group 'A' Officers, the Central Government has decided to extend the provisions contained in the said Office Memorandum to the members of All India Services from the 7th October, 1997 that is, with retrospective effect. It is certified that no member shall be adversely affected by retrospective operation of the amendments.

(A. K. Sarkar)

Director(S)

NOTE : Principal rules were notified vide Notification No. 5/2/53-AIS (II) dated 12.9.1955, published in Gazette of India dated 17.9.1955 under G.S.R. No. 1979, subsequently amended by :-

Sl. No.	Notification No.	Date	G.S.R. No.	Date of Publication
1.	14/9/66-AIS (III)	19.10.66	1633	29.10.1966
2.	14/2/68-AIS (III)	05.09.68	1562	14.9.1968
3.	7/1/73-AIS (III)	02.01.75	39	18.1.1975
4.	1/9/74-AIS (III)	10.06.75	754	21.06.1975
5.	11019/7/76-AIS (III)	20.06.77	815	25.06.1977
6.	11019/7/76-AIS (III)	20.06.77	816	26.6.1977
7.	25011/46/76-AIS (III)B	28.3.78	451	08.04.1978
8.	11019/9/76-AIS (III)	17.7.76	1109	31.7.1976
9.	11019/13/77-AIS (III)	01.07.1977	431(E)	01.07.1977
10.	11019/3/1977-AIS (III)	28.6.1978	894	15.07.1978
11.	11019/14/1978-AIS (III)	27.01.1979	190	10.02.1979
12.	25011/34/77-AIS (II)B	12.2.78	254	18.02.1978
13.	11019/40/77-AIS (III)	22.02.79	366	10.03.1979
14.	11019/5/78-AIS (III)	19.04.1980	475	03.05.1980
15.	11019/17/79-AIS (III)	28.04.80	950	29.09.1980
16.	11019/25/90-AIS (III)	04.11.82	931	20.11.1982
17.	11019/24/81-AIS (III)	13.04.83	338	30.04.1983
18.	11019/25/83-AIS (III)	03.02.84	153	18.02.1984
19.	11019/10/84-AIS (III)	15.11.85	1111	30.11.1985
20.	11019/16/85-AIS (III)	26.5.86	411	07.06.1986
21.	11019/10/86-AIS (III)	14.5.87	406	30.5.1987
22.	11019/11/88-AIS (III)	29.03.1989	397(E)	29.3.1989
23.	11019/4/88-AIS (III)	08.01.90	45	27.01.1990

24.	11019/6/90-AIS (III)	11.04.91		
25.	11019/2/90-AIS (III)	06.02.92	94(E)	11.2.1992
26.	11019/6/91-AIS (III)	03.05.93	252	22.05.93
27.	11019/3/91-AIS (III)	02.09.92	422	26.09.92
28.	11019/7/93-AIS (III)	22.12.93	52	22.12.99
				Sd/-
				(A. K. Sarkar)
				Director(s)

To

The Manager,
Govt. of India Press,
Ring Road, Mayapuri,
New Delhi.

A copy for information to :

No. 11019/6/96-AIS (III)

New Delhi, the 9th March, 1998

1. The Chief Secretaries to the Govt. of All States.
2. All Ministries/Departments of the Govt. of India.
3. Ministry of Home Affairs. (i) IPS Section, (ii) UTs Division with 10 spare copies.
4. Department of Forest and Wildlife.
5. The Lok Sabha Sectt. (Committee Branch), New Delhi
6. The Rajya Sabha Sectt. (Committee Branch), New Delhi
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8. The UPSC, Shahjahan Road, New Delhi.

Sd/-

(A. K. Sarkar)

Director(s)

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P.S. to Secretary and JS (S)

P.S. to director (S)

All officers/Section in DOP & T.

Endorsements as per Standard List.

TO BE PUBLISHED IN THE GAZETTE OF INDIA PART-II SECTION 3,
SUB-SECTION (1)

No. 11020/14/97-AIS(III)

Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

Delhi, the 23 Feb.' 98.

NOTIFICATION

GSR..... In exercise of the powers conferred by sub-section (1) of section 3 of the All India Services Act, 1951 (61 of 1951) read with sub-rule (1) of rule 17 of the All India Services (Leave) Rules, 1955, the Central Government, in consultation with the Governments of the States concerned hereby makes the following regulations further to amend the All India Services (Study Leave) Regulations, 1960, namely:

1. (i) These regulations may be called the All India Services (Study Leave) Amendment Regulations, 1998.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In regulation 3 of the All India Services (Study Leave) Regulations, 1960, in sub-regulation (4) in clause (1) the word 'ordinarily' shall be omitted.

Sd/-
(A. K. Sarkar)
Director (Services)

NOTE : Principal Regulation were published vide Notification No. 8/1/56-AIS.III dtd. 10.6.60, GSR No. 666 Gazette of India dtd. 18th June, 1960, Part.II Section 3, sub-section (i) at page 899-904, subsequently amended by

S. No.	Notification number	Date	G.S.R.	Date
I.	16/2/61-AIS (III)	16.7.62	965	21.7.62
II.	13/2/64-AIS (III)	7.12.64	1747	12.12.64
III.	14/8/66-AIS (III)	4.10.67	1595	28.10.67

IV.	14/6/68-AIS (III)	16.7.69	1746	26.7.69
V.	14/13/68-AIS (III)	9.11.71	1857	11.12.71
VI.	12/4/71-AIS (III)	11.1.72	840	25.1.72
VII.	1/3/72-AIS (III)	16.5.72	666	10.6.72
VIII.	3/1/72-AIS (III)	14.12.72	1617	30.12.72
IX.	11020/3/75-AIS (III)	15.11.75	2779	13.12.75
X.	3/3/74-AIS (III)	28.10.75	2691	22.11.75
XI.	11020/2/77-AIS (III)	1.10.77	1393	22.10.77
XII.	11020/24/79-AIS (III)	4.10.80	1673	18.10.80
XIII.	11020/4/81-AIS (III)	21.12.81	6	2.1.82
XIV.	11020/18/83-AIS (III)	25.11.83	930	10.12.83
XV.	11020/27/83-AIS (III)	25.10.85	1040	5.11.85
XVI.	11020/21/84-AIS (III)	23.6.86	496	5.7.86
XVII.	11020/10/84-AIS (III)	23.7.86	584	9.8.86
XVIII.	11017/38/87-AIS (III)	6.6.89	658(E)	30.6.89
XIX.	11020/9/91-AIS (III)	6.2.92	70	22.2.92

Sd/-

(A. K. Sarkar)
Director (S)

To

The Manager
Govt of India Press
Mayapuri, Ring Road,
New Delhi
No. 11020/14/97-AIS (III)

New Delhi, the 23 Feb.' 98.

Copy to :

1. Chief Secretaries to the Govt. of All States.
2. Ministries/Deptt. of the Govt. of India.
3. M/O Home Affairs (I) IPS Section (II) UTs Section
4. M/O Environment & Forest.

Sd/-

(A. K. Sarkar)
Director (s)

Immediate

No. 16012/7/97-Estt (Allowances)

Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

New Delhi, dated 18th February, 1998.

OFFICE MEMORANDUM**Subject : Scheme of engagement of Consultants—Revision of guidelines regarding.**

Normally, appointments are made in the Govt. against sanctioned posts. However, occasions may arise where for undertaking specific jobs of a specialised nature, specialists have to be appointed as Consultants. Such consultants may be appointed either on a full-time or a part time basis. In the case of a full-time Consultant, he is not allowed to take up any other assignment during the period of consultancy. In the case of a part-time Consultant, since the services are not availed of on a whole-time basis, there is no objection to his undertaking other jobs. Further, the Officers engaged as Consultants could be either non-officials (outside experts) or retired Govt. servants.

2. The question of further streamlining the guidelines on the scheme of engagement of Consultants including the revision of fee payable to Consultants has been under consideration of the Government in the context of the revision of pay-scales of Central Govt. employees on the recommendations of the Fifth Central Pay Commission and it has now been decided that henceforth engagement of consultants (retired Govt. servants as well as outside experts) should be limited to skills which are not available within the cadre or in respect of specific and time-bound jobs like preparation of Project Reports etc. and no Consultant should be engaged for routine day-to-day work, for which regular staff is available, or to work as Personal staff of Senior Officers and Ministers if the job can be performed by a serving cadre Officer. Accordingly, in modification of the existing guidelines issued as per this Department's O.M. No. 16011/6/93-Estt. (Allow) dated the 21st December, 1993, the different aspects of the scheme of engagement of Consultants, including the payment of fee to them, will henceforth be regulated as under :-

(a) Criteria & Number of Consultants

Consultants should be engaged only to undertake specific jobs of a specialised nature and should not be appointed for the regular work of the Ministries/Departments. Engagement of any Consultant (whether outside experts, i.e. those who have not been in Govt. service, or retired Govt. Servants) should hence-forth be limited to tapping of skills which are not available within the cadre or for attending to specific and time-bound jobs like preparation of Project Reports etc. and engagement of Consultants should not at all be allowed for routine day-to-day work for which the Ministries/Departments have regular staff support.

The strength of Consultants should be restricted to 10% of the total number of posts at the level of Joint Secretary and above within the Ministry/Department, including attached/subordinate offices, except in case of the Planning Commission, where the maximum number of consultants can be upto 25. When retiring/retired Govt. servants are engaged as consultants, the number of such Govt. servants shall not exceed two at any time. In exceptional cases, where a consultant is engaged for performing regular work, the post earmarked for such work should be kept vacant till he completes the work as Consultants.

In respect of Ministries/Departments having special problems, where appointment of retired/retiring employees in large number is unavoidable, proposals may be made separately for such appointment beyond the permissible limit to the Department of Personnel & Training and Ministry of Finance.

(b) Period of engagement

Consultants may be engaged for the minimum period required. The maximum period of engagement should not exceed two years in case of outside experts. (An outside expert is one who has not been in Govt Service.) However, in case of retiring/retired Govt. servants, the period of engagement as Consultants should not exceed six months. To ensure this, Consultants should not be engaged for jobs which cannot be completed within a period of two years or six months, as the case may be.

(c) Age limit

No retired Govt. servant should be engaged as Consultant beyond the age of 62 years. No relaxation of age limit shall henceforth be allowed by the Department of Personnel & Training.

(d) Fee

The consolidated fee payable may be decided in each case by Ministries/Departments in consultation with their Financial Advisers after taking into account all the relevant factors including the level of the post which the individual held on the date of his retirement.

In the case of non-officials (outside experts), the fee will henceforth be subject to a ceiling of Rs. 26,000 p.m. (with no DA, HRA, CCA or any other relief) if the engagement as Consultant is on a whole-time basis and of Rs. 13,000/- p.m. (with no DA, HRA, CCA or any other relief) if the engagement is on a part-time basis. In the case of retiring/retired Govt. servants engaged as full-time consultants, the fee will be fixed subject to a ceiling of Rs. 13,000/- p.m.. They will also draw their pension and relief thereon in addition. If the retiring/retired Govt. servant is engaged as a part-time consultant the fee will be subject to a ceiling of Rs. 6500/-p.m. (without any adjustment of the pension drawn by him). In case of any Ministry/ Department wishes to appoint any retired Govt. servant as a consultant at a fee higher than the limit prescribed, it should obtain the approval of the Appointments Committee of the Cabinet by following the procedure prescribed in this regard.

Special care should be taken to ensure that henceforth the fee is fixed at an appropriate amount and is not fixed at the maximum, as has been the tendency hitherto, when the fee was routinely fixed at Rs. 4000/8000. Further, in the case of a retired Govt. servant engaged as a full-time consultant, it should be ensured that the fee plus pension drawn by him should not exceed the last pay drawn, provided that in the case of a pre- 1.1.96 retiree the notional pay he would have drawn as on 1.1.96 in the revised pay scale on the basis of the last pay drawn by him before retirement in the pre-revised pay scale shall be treated as the last pay drawn. In the case of a retired Govt. servant engaged as a part-time consultant, the fee should not exceed half the amount of last pay drawn, or deemed to have been drawn, as the case may be. Wherever it is considered appropriate, Ministries/ Departments could consider the payment of fee on a lumpsum basis in two or three instalments, keeping in view the quantum of work handled by the Consultant.

3. The provisions regarding payment of TA, DA and the facility of Telephone and Accomodation will continue to be the same as prescribed under this Department's O.M. dated 21.12.93.

4. The Financial Advisers of the Ministries/Departments should ensure that no consultant (outside expert or retired Govt. servant) is engaged/ continued to be engaged in violation of these instructions so that there is no case for seeking ex-post-facto approval for regularizing any infringement thereof. No extension of consultancy should be allowed without the prior approval of the Deptt. of Personnel and Training. Proposals for extension

of consultancy, if at all required in any case in public interest, as also for any other relaxation of the conditions, should be forwarded through the Financial Adviser of the concerned Ministry/Department. To facilitate proper/timely scrutiny of the proposal for extension of consultancy in any genuine case, upto date information regarding the Consultants in position in the Ministry/Department as a whole (as per prescribed proforma) should be forwarded, on file. However, no relaxation of the period of the consultancy of retired Govt. servants beyond a total period of one year and the age limit of 62 years in their case shall henceforth be considered/allowed in any case.

5. Ministries/Departments are also requested to ensure that to facilitate Central monitoring of a scheme of engagement of consultants, the information about the consultants employed in the Ministries/Departments including subordinate offices, as on 1 Jan. and 1 July of every year should be forwarded to this Department in the prescribed proforma well in time. The Financial Advisers may also adopt appropriate procedures for the requisite monitoring of the scheme within the Ministry/Department.

6. These orders take effect from 1st December, 1997. The fee of the consultants who are engaged on or after 1.12.97 as also of those engaged earlier but whose consultancy is continued beyond that date, with proper approval, may be refixed w.e.f. 1.12.97, keeping in view the provision of para 2 (d) above.

Hindi version will follow.

Sd/-

(B. Gangar)

Under Secretary to the Govt. of India.

To.

All Ministries/Departments of the Govt. of India.

(As per standard List)

No. 16012/7/97-Estt (Allowances)

New Delhi, the 13th February, 1998.

Copy forwarded to Comptroller & Auditor General of India.

Copy also forwarded to :-

1. Controller General of Accounts/Controller of Accounts, Ministry of Finance.
2. Union Public Service Commission/Supreme Court of India/Election Commission/ Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Office/Planning Commission.

3. Department of Personnel & Training (AIS Divison, JCA, Administration Section).
4. All State Governments and Union Territories Administration.
5. Secretaries to Governors of all States/Lt. Governors of Union Territories.
6. Secretary, National Council (Staff side), 13-C, Feroz Shah Road, New Delhi.
7. All Members of the Staff Side of National Council of JCM/Departmental Council.
8. All Officers/Sections of the Department of Personnel and Training/Deptt. of Administrative Reforms & Public Grievances/Department of Pensions & Pensioners Welfare.
9. Ministry of Finance, Deptt. of Expenditure (E-III-A) Branch.
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Sd/-

(B. Gangar)

Under Secretary to the Govt. of India

FAX/CAMP BAG

ELECTION COMMISSION OF INDIA

Nirvachan Sadan, Ashoka Road, New Delhi-110 001

K. R. Prasad

Secretary (Planning-II)

No. 437/6/98-PLN-III

Dated 23rd January, 1998

To,

The Chief Secretaries of all

States and Union Territories.

Sir,

It has come to the notice of the commission that there are several instances of officers belonging to the Indian Administrative Service, Indian Police Service and Other State Government Senior Officials whose spouse are active in the political arena either as candidates in elections or as active members of political parties.

The Commission in the interest of free and fair poll, directs that in all such cases the concerned officers should not leave their Headquarters either on leave or on tour till the elections are complete in all respects.

If for some reason they are requested to leave their Headquarters then specific written permission of the Chief Secretary has to be obtained before they leave their Headquarters during the election period who should ensure that such officers do not get involved in any way with the political activities of their spouses.

Receipt of this letter may kindly be acknowledged.

Yours faithfully

Sd/-

(K. R. Prasad)

Copy to —

The Chief Electoral Officers of All States and Union Territories.