

FUNDAMENTAL RULES

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FUNDAMENTAL RULES

PART I

CHAPTER I

EXTENT OF APPLICATION

F.R. 1. These rules may be called the Fundamental Rules. They shall come into force with effect from the 1st January, 1922.

F.R.2. The Fundamental Rules apply, subject to the provisions of Rule 3 to all Government servants whose pay is debatable to Civil Estimates and to any other class of Government servants to which the President may by general or special order, declare them to be applicable.

F.R.3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

F.R.4. Deleted.

F.R. 5 Deleted.

F.R.5A. Where any Ministry or Department of Government is of opinion that the operation of any of these rules may cause undue hardship to any person, that Ministry or Department, as the case may be, may, by order, for reasons to be recorded in writing, relax the requirements of that rule to such extent and subject to such conditions as it may consider necessary for dealing with the case in a just and equitable manner:

Provided that no such order shall be made except with the concurrence of the Ministry of Finance.

F.R.6. The Central Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions:-

(a) all powers to make rules:

(b) the other powers conferred by Rules 6, 9(6)(b), 44, 45-A, 45-B, 45-C, 83, 108-A, 119, 121 and 127(c), and *** [*Powers delegated by The Government of India under different Fundamental Rules, are contained in an Appendix of this Compilation*].

F.R. 7. No powers may be exercised or delegated under these rules except after consultation with the Ministry of Finance. It shall be open to that Ministry to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

F.R. 8. The power of interpreting these rules is reserved to The President.

CHAPTER II DEFINITIONS

F.R. 9. Unless there be something repugnant in the subject or context, the terms defined in this Chapter are used in the rules in the sense here explained-

1. The Act means the Government of India Act.

(1-A) Administrator means an administrator of a Union Territory appointed by the President under Article 239 of the Constitution and includes the Governor of Assam acting as Agent to the President in respect of the North- East Frontier Agency.

(1-B) *Allotment* means grant of a license to a Government servant to occupy a house owned, leased or requisitioned by the Government or a portion thereof, for use by him as residence.

(2) Not Printed.

(3) Deleted.

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

(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 free passage by sea to or from any place outside India.

(6) *Duty*- (a) Duty includes –

(i) service as a probationer or apprentice provided that such service is followed by confirmation: and

(ii) joining time.

(b) A Government servant may be treated as on duty-

(i) during a course of instruction or training in India or

(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.

(6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than the Consolidated Fund of India, or the Consolidated Fund of a state or the Consolidated Fund of a Union Territory whether made directly to the Government Servant or indirectly through the intermediary of Government, but does not include-

(a) unearned income such as income from property, dividends, and interests on securities; and

(b) income from literary, cultural, artistic, scientific or technological efforts and income from participation in sports activities as amateur.

(7) *Foreign Service* means service in which a Government servant receives his pay with the sanction of Government from any source other than the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidated Fund of a Union Territory.

(8) Deleted.

(9) *Honorarium* means a recurring or non recurring payment granted to a Government servant from the Consolidated Fund of India or the Consolidated Fund of a State or the Consolidate Fund of a Union Territory as remuneration for special work of an occasional or intermittent character.

(10) *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 to which he is posted.

(11) Not Printed.

(12) *Leave salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to hold on regular basis, either immediately or on the termination of a period or periods of absence, a post, including a tenure post, to which he has been appointed on regular basis and on which he is not on probation:

Provided that the title to hold a regular post shall be subject to the condition that the juniormost person in the grade will be liable to be reverted to the lower grade if the number of persons so entitled is more than the posts available in that grade.

(14) *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 matters, such as the sanctioning of their budgets, sanction to the creation of filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of anybody which may be specially notified by the President as such.

(15) Deleted.

(16) (a) *Military Commissioned Officer* means a commissioned officer other than -

(i) a departmental commissioned officer;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) *Military Officer* means any officer falling within the definition of Military Commissioned Officer, or included in sub-clause (i) or (ii) of clause (a) above or any warrant officer.

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of the Central Government.

(18) *Month* means a calendar month. In calculating a period expressed in term 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.

(19) *Officiate* - A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. The Central 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.

(20) *Overseas Pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

(21) (a) *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) overseas pay, special pay and personal pay; and**
- (iii) any other emoluments which may be specially classed as pay by the President.**

(b) Not Printed.

(c) Not Printed.

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *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 circumstances, on other personal considerations.

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

(25) *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; or

(b) a specific addition to the work or responsibility.

(26) Deleted.

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

(28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the President under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

NOTE 1. —In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, "substantive pay" shall be deemed to be equivalent to two hundred times his hourly class rate.

NOTE 2. — 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.

(29) Deleted.

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

(30-A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than limited period.

NOTE. — In case of doubt, the Central Government may decide whether a particular post is or is not a tenure post.

(31) (a) *Time-scale pay* means pay which subject to any condition prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

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

(c) 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 degree of responsibility, in a service or establishment or group of establishments, so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(32) *Travelling Allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

PART II
CHAPTER III
GENERAL CONDITION OF SERVICE

F.R. 10 – Except as provided by this rule, no person may be appointed in India to a post in Government service without a medical certificate of health. The Central Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

[For rules made under the Fundamental Rule 10, see Supplementary Rules 3, 4 and 4-A]

F.R. 11 - Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the funds of a body incorporated or not, which is wholly or substantially owned or controlled by the Government.

F.R. 12. Deleted

F.R. 12-A. Unless in any case it is otherwise provided in these rules a government servant on acquiring a lien on a post will cease to hold the lien previously acquired on any other post.

F.R. 13. A Government servant who has acquired lien on a post retains the lien on that post;

(a) while performing the duties of that post;

(b) while on foreign service, or holding a temporary post, or officiating in another post;

(c) during joining time on transfer to another post, unless he is transferred along with his title to a post on lower pay, in which case his lien is

transferred to the new post from the date on which he is relieved of his duties in the earlier post;

(d) while on leave; and

(e) while under suspension.

Provided that no lien of a Government servant shall be retained:

(i) Where a Government servant has proceeded on immediate absorption basis to a post or service outside his service/cadre/post in the Government from the date of absorption; and

(ii) On foreign service/deputation beyond the maximum limit admissible under the orders of the Government issued from time to time

F.R. 14. Deleted.

F.R. 14-A. (a) Except as provided in Rule 13 and Clause (d) of this *Rule*, a Government servant's lien on a post may in no circumstances be terminated, if the result will be to leave him without a lien upon a regular post.

(b) Deleted.

(c) Deleted.

(d) A Government servant's lien on a post shall stand terminated on his acquiring a lien on another post (whether under the Central Government or State Government) outside the cadre on which he is borne.

F.R. 14-B. Subject to the provisions of Rule 15, the President may transfer to another post in the same cadre, the lien of a Government servant who is not performing the duties of the post to which the lien relates.

F.R. 15. (a) The President may transfer Government servant from one post to another provided that except-

- (1) on account of inefficiency or misbehaviour, or
- (2) on his written request,

...

a Government servant shall not be transferred to, or except in a case covered by Rule 49, appointed to officiate in a post carrying less pay than the pay of the post on which he holds a lien.

(b) Deleted.

F.R.16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the President may by order prescribe.

F.R. 17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties:

Provided that an officer who is absent from duty without any authority shall not be entitled to any pay and allowances during the period of such absence.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

F.R. 17-A. Without prejudice to the provisions of Rule 27 of the Central Civil Services (Pension) Rules, 1972, a period of an unauthorized absence—

(i) in the case of employees working in industrial establishments, during a strike which has been declared illegal under the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force;

(ii) in the case of other employees as a result of action in combination or in concerted manner, such as during a strike, without any authority from, or valid reason to the satisfaction of the competent authority; and

(iii) in the case of an individual employee, remaining absent unauthorizedly or deserting the post,

shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in departmental examinations, for which a minimum period of continuous service is required.

EXPLANATION 1.— For purposes of this rule, “strike” includes a general, token, sympathetic or any similar strike, and also participation in a bandh or in similar activities.

EXPLANATION 2.— In this rule, the term "Competent Authority" means the "Appointing Authority".

F.R. 18. Unless the President, in view of the exceptional circumstances of the case otherwise determines, no Government servant shall be granted leave of any kind for a continuous period exceeding five years.

CHAPTER IV

Pay

F.R. 19. Except in the case of personal pay granted in the circumstances defined in Rule 9 (23) (a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

F.R. 20. In respect of any period treated as duty under Rule 9 (6) (b), a Government servant may be granted such pay as Government may consider equitable but in no case exceeding the pay which the Government servant would have drawn had he been on duty other than duty under Rule 9 (6) (b).

F.R.21. DELETED

FR 22. (I) The initial pay of a Government servant who is appointed to a post on a time-scale of pay is regulated as follows: -

(a) (1) Where a Government servant holding a post, other than a tenure post, in a substantive or temporary or officiating capacity is promoted or appointed in a substantive, temporary or officiating capacity, as the case may be, subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules, to another post carrying duties and responsibilities of greater importance than those attaching to the post held by him, his initial pay in the time-scale shall be fixed by giving one increment in the level from which the Government servant is promoted and he or she shall be placed at a cell equal to the figure so arrived at in the level of the post to which promoted or appointed and if no such cell is available in the level to which promoted or appointed, he shall be placed at the next higher cell in that level.

Save in cases of appointment on deputation to an ex cadre post, or to a post on *ad hoc* basis or on direct recruitment basis, the Government servant shall have the option, to be exercised within one month from the date of promotion or appointment, as the case may be, to have the pay fixed under this rule from the date of such promotion or appointment or to have the pay fixed initially at the next cell in the level of the post to which he or she is promoted on regular basis and subsequently, on the date of accrual of next increment in the level of the post from which Government servant is promoted, his pay shall be re-fixed and two increments (one accrued on

account of annual increment and the second accrued on account of promotion) shall be granted in the level from which the Government servant is promoted and he or she shall be placed, at a cell equal to the figure so arrived in the level of the post to which he or she is promoted; and if no such cell is available in the level to which he or she is promoted, he or she shall be placed at the next higher cell in that level.

In cases where an *ad hoc* promotion is followed by regular appointment without break, the option is admissible from the date of initial appointment or promotion, to be exercised within one month from the date of such regular appointment.

In cases where an officer has retired as *ad hoc* before being regularized to that post and later on has been assessed during the process of regularization and found fit by the Competent Authority along with his or her juniors, who are still in service and are eligible to avail of the option facility from a date on which the retired employee, was still in service, the same option facility shall also be extended to the retired employee to be exercised within three months from the date when his or her junior became eligible to avail of option facility and in cases where such retired employee was himself the junior most, he or she may exercise the option facility within three months from the date when his or her immediate senior became eligible to avail of option facility.

Provided that where a Government servant is, immediately before his promotion or appointment on regular basis to a higher post, drawing pay at the maximum of the level of the lower post, his initial pay in the level of the higher post shall be fixed at the cell equal to the figure so arrived at in the level of the post to which promoted or appointed by increasing his pay in respect of the lower post held by him on regular basis by an amount equal to the last increment in the level of the lower post and if no such cell is available in the level to which he is promoted or appointed, he shall be placed at the next higher cell in that level.

(2) When the appointment to the new post does not involve such assumption of duties and responsibilities of greater importance, he shall draw as initial pay, the stage of the time-scale which is equal to his pay in respect of the old post held by him on regular basis, or, if there is no such stage, the stage next above his pay in respect of the old post held by him on regular basis:

Provided that where the minimum pay of the time-scale of the new post is higher than his pay in respect of the post held by him regularly, he shall draw the minimum as the initial pay;

Provided further that in a case where pay is fixed at the same stage, he shall continue to draw that pay until such time as he would have received an increment in the time-scale of the old post, in cases where pay is fixed at the higher stage, he shall get his next increment on completion of the period when an increment is earned in the time-scale of the new post.

On appointment on regular basis to such a new post, other than to an *ex cadre* post on deputation, the Government servant shall have the option, to be exercised within one month from the date of such appointment, for fixation of his pay in the new post with effect from the date of appointment to the new post or with effect from the date of increment in the old post.

(3) When appointment to the new post is made on his own request under sub-rule (a) of Rule 15 of the said rules, and the maximum pay in the time-scale of that post is lower than his pay in respect of the old post held regularly, he shall draw that maximum as his initial pay .

(b) If the conditions prescribed in Clause (a) are not fulfilled, he shall draw as initial pay on the minimum of the time-scale:

Provided that, both in cases covered by Clause (a) and in cases, other than the cases of re-employment after resignation or removal or dismissal from the public service, covered by Clause (b), if he-

(1) has previously held substantively or officiated in

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post or a temporary post (including a post in a body, incorporated or not, which is wholly or substantially owned or controlled by the Government) on an identical time-scale; or

(2) is appointed subject to the fulfilment of the eligibility conditions as prescribed in the relevant Recruitment Rules to a tenure post on a time-scale identical with that of another tenure post which he has previously held on regular basis:

then the initial pay shall not, except in cases of reversion to parent cadre governed by proviso (1)(iii), be less than the pay, other than special pay, personal pay or any other emoluments which may be classed as pay by the President under Rule 9(21)(a) (iii) which he drew on the last occasion, and

he shall count the period during which he drew that pay on a regular basis on such last and any previous occasion for increment in the stage of the time-scale equivalent to that pay. If, however, the pay last drawn by the Government servant in a temporary post had been inflated by the grant of premature increments, the pay which he would have drawn but for the grant of these increments shall unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post which he had held on a regular basis. The service rendered in a post referred to in proviso (1) (iii) shall, on reversion to the parent cadre count towards initial fixation of pay, to the extent and subject to the conditions indicated below-

(a) the Government servant should have been approved for appointment to the particular grade or post in which the previous service is to be counted;

(b) all his seniors, except those regarded as unfit for such appointment, were serving in posts carrying the scale of pay in which benefit is to be allowed or in higher posts, whether in the Department itself or elsewhere and at least one junior was holding a post in that Department carrying the scale of pay in which the benefit is to be allowed, and

(c) the service will count from the date his junior is promoted on a regular basis and the benefit will be limited to the period the Government servant would have held the post in his parent cadre had he not been appointed to the *ex cadre* post.

(II) The President may specify posts outside the ordinary line of service the holder of which may, notwithstanding the provisions of this rule and subject to such conditions as the President may prescribe, be given officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay whether with or without any special pay attached to such posts as they would have received if still in the ordinary line.

(III) For the purpose of this rule, the appointment shall not be deemed to involve the assumption of duties and responsibilities of greater importance, if the post to which it is made is on the same scale of pay as the post, other than a tenure post, which the Government servant holds on a regular basis at the time of his promotion or appointment or on a scale of pay identical therewith.

(IV) Notwithstanding anything contained in this rule, where a Government servant holding an *ex cadre* post is promoted or appointed regularly to a

post in his cadre, his pay in the cadre post will be fixed only with reference to his presumptive pay in the cadre post which he would have held but for his holding any *ex cadre* post outside the ordinary line of service by virtue of which he becomes eligible for such promotion or appointment.

F.R. 22-A. Not printed.

F.R. 22-B. (1) Notwithstanding anything contained in these Rules, the following provisions shall govern the pay of a Government servant who is appointed as a probationer in another service or cadre, and subsequently confirmed in that service or cadre—

(a) during the period of probation, he shall draw pay at the minimum of the time-scale or at the probationary stages of the time-scale of the service or post, as the case may be:

Provided that if the presumptive pay of the permanent post on which he holds a lien or would hold lien had his lien not been suspended, should at any time be greater than the pay fixed under this clause, he shall draw the presumptive pay of the permanent post;

(b) on confirmation in the service or post after the expiry of the period of probation, the pay of the Government servant shall be fixed in the time-scale of the service or post in accordance with the provisions of Rule 22 or Rule 22-C, as the case may be:

Provided that the pay of Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

(2) The provisions contained in sub-rule (1) shall apply *mutatis mutandis* to cases of Government servants appointed on probation with definite conditions against temporary posts in another service or cadre where recruitment to permanent posts of such service or cadre is made as probationers, except that in such cases the fixation of pay in the manner indicated in Clause (b) of sub-rule (1) shall be done under Rule 31 of these Rules immediately on the expiry of the period of probation and on regular officiating appointment to a post, either permanent or temporary, in the service or cadre.

(3) Notwithstanding anything contained in these Rules, a Government servant appointed as an apprentice in another service or cadre shall draw—

(a) during the period of apprenticeship, the stipend or pay prescribed for such period, provided that if the presumptive pay of the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended, should at any time be greater than the stipend or pay fixed under this Clause, he shall draw the presumptive pay of the permanent post.

(b) on satisfactory completion of the apprenticeship and regular appointment to a post in the service or cadre, the pay as fixed in the time-scale of the service or post under Rule 22 or 22-C or 31, as the case maybe, of these Rules:

Provided that the pay of the Government servant shall not be so fixed under Rule 22 or Rule 22-C with reference to the pay that he would have drawn in the previous post which he was holding in a temporary capacity, but he shall continue to draw the pay in the time-scale of the service or post.

F.R. 22 C Deleted

F.R. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred, to a new post on the new pay:

Provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

F.R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by the Central Government or by any authority to whom the Central Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

F.R. 25. Not Printed

FR. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale:—

(a) All duty in a post on a time-scale counts for increments in that time-scale:

Provided that, for the purpose of arriving at the date of the next increment in that time-scale, the total of all such periods as do not count for increment in that time-scale, shall be added to the normal date of increment.

(b) (i) Service in another post, other than a post carrying less pay referred to in Clause (a) of Rule 15, whether in a substantive or officiating capacity, service on deputation out of India and leave except extraordinary leave taken otherwise than on medical certificate shall count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the timescale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

(ii) All leave except extraordinary leave taken otherwise than on medical certificate and the period of deputation out of India shall count for increment in the time-scale applicable to a post in which a Government servant was officiating at the time he proceeded on leave or deputation out of India and would have continued to officiate but for his proceeding on leave or deputation out of India:

Provided that the President may, in any case, in which he is satisfied that the extraordinary leave was taken for any cause beyond the Government servant's control or for prosecuting higher scientific and technical studies, direct that extraordinary leave shall be counted for increments under Clause(i) or (ii).

(c) (i) If a Government servant, while officiating in a post of holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, or is appointed or reappointed to a post on the same time-scale of pay, count for increments in the time-scale applicable to such lower post. The period of officiating service in the higher post which counts for increment in the lower post is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher post. This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated in such

lower post or in a post on the same time-scale of pay had he not been appointed to the higher post.

(ii) If a Government servant on reversion from an *ex cadre* post to the parent cadre is appointed to a post on a scale lower than that of the *ex cadre* post but not on the same time-scale as the post held at the time of his transfer to the *ex cadre* post, the service rendered on the higher scale in the *ex cadre* post shall count for increments in the time-scale applicable to the cadre post, subject to the same conditions as are laid down for cases falling under proviso (1) (iii) to Rule 22.

(d) Foreign service counts for increments in the time-scale applicable to—

(i) the post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold lien had his lien not been suspended,

(ii) the post in Government service in which the Government servant was officiating immediately before his transfer to foreign service, for so long as he would have continued to officiate in that post or a post on the same time-scale but for his going of foreign service, and

(iii) any post in the parent cadre in a lower scale of pay to which the Government servant is appointed on reversion from the *ex cadre* post, subject to the fulfilment of the conditions mentioned in proviso (1) (iii) to Rule 22.

(e) Joining time counts for increment—

(i) If it is under Clause (a) or Clause (c) of Rule 105, in the time-scale applicable to the post on which a Government servant holds a lien or would hold a lien had his lien not been suspended as well as in the time-scale applicable to the post, the pay of which is received by a Government servant during the period; and

(ii) If it is under Clause (b) of Rule 105, in the time-scale applicable to the post / posts on which the last day of leave before commencement of the joining time counts for increments.

EXPLANATION.— For the purposes of this rule, the period treated as duty under sub-clause (b) of Clause (6) of Rule 9 shall be deemed to be duty in a post, if the Government servant draws pay of that post during such period.

F.R. 27. Subject to any general or special orders that may be made by the President in this behalf, an authority may grant a premature increment to a Government servant on a time-scale of pay, if it has power to create a post in the same cadre on the same scale of pay.

F.R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper:

Provided that the pay allowed to be drawn by a Government servant under this rule shall not exceed the pay which he would have drawn by the operation of Rule 22 read with Clause (b) or Clause (c), as the case may be, of Rule 26.

F.R. 29. (1) If a Government servant is reduced as a measure of penalty to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent.

(2) If a Government servant is reduced as a measure of penalty to a lower service, grade or post or to a lower time-scale, the authority ordering the reduction shall specify,—

- (a)** the period for which the reduction shall be effective;
- (b)** whether, on restoration, the period of reduction shall operate to postpone future increments and, if so, to what extent; and
- (c)** whether the Government servant shall regain his original seniority in the higher service, grade or post or time-scale on his restoration to the service, grade or post or time-scale from which he was reduced.

F.R. 29-A. Where an order of penalty of withholding of increment of a Government servant or his reduction to a lower service, grade or post, or to a lower time-scale, or to a lower stage in a time-scale, is set aside or modified by a Competent Authority on appeal or review, the pay of the Government servant shall, notwithstanding anything contained in these rules, be regulated in the following manner:—

- (a)** If the said order is set aside, he shall be given for the period such order has been in force, the difference between the pay to which he

would have been entitled had that order not been made and the pay he had actually drawn;

(b) If the said order is modified, the pay shall be regulated as if the order as so modified had been made in the first instance.

EXPLANATION.— If the pay drawn by a Government servant in respect of any period prior to the issue of the orders of the Competent Authority under this rule is revised, the leave salary and allowances (other than Travelling Allowance), if any, admissible to him during that period shall be revised on the basis of the revised pay.

FR.30. Deleted

F.R.31. Deleted

F.R. 31-A. Notwithstanding the provisions contained in these rules, the pay of a Government servant whose promotion or appointment to a post is found to be or to have been erroneous, shall be regulated in accordance with any general or special orders issued by the President in this behalf.

F.R. 32. Deleted.

F.R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, the Central Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

F.R. 34. Deleted.

F.R. 35. The Central Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

F.R. 36. The Central Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9(6) (b).

F.R. 37. *Personal Pay.*— Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amounts by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

F.R. 38. *Deleted.*

F.R. 39. *Pay of temporary posts.*— When a temporary post is created which may have to be filled by a person *not* already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F.R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the Central Government with due regard to—

- (a) the character and responsibility of the works to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

F.R.41. – Cancelled.

F.R. 42. - Cancelled.

F.R.43. – Cancelled.

CHAPTER V
Additions to Pay

F.R. 44. *Compensatory allowance.*—Subject to the general rule that the amount of compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, the Central Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

F.R. 45. The Central Government may make rules or issue orders laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Central Government may make available for the purpose. Such rules or orders may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

F.R. 45-A I. *Deleted.*

II. For the purpose of the assessment of licence fee, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings; and shall be either—

(a) the cost of acquiring or constructing the residence including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(b) the present value of the residence, including the value of the site.

NOTE. — The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

- (i) the Central Government may make rules providing the manner in which the present value of residence shall be determined;
- (ii) the Central Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;

- (iii) the Central Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital costs, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) the Central Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
 - 1. when a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or
 - 2. when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (iv) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, the Central Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard licence fee of a residence shall be calculated as follows: -

(a) in the case of a leased residence and a requisitioned residence, which is according to and within the entitlement of an officer, the standard licence fee shall be the same as in the case of residence of similar range of living area owned by the Government. The condition (No. 9) mentioned in Column 4 against Item No. 16 of the Annexure to Schedule V of Delegation of Financial Powers Rules, 1978, will be kept in mind while hiring the private accommodation.

(b) in the case of residences owned by Government, the standard licence fee shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the President *plus* an addition for municipal and other taxes in the nature of house or property tax payable by

Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which the-Central Government may make, or

(ii) 6 per cent per annum of such capital cost, whichever is less.

(bb) In the case of a residence gifted to Government or leased on a nominal licence fee or on a licence fee-free basis to Government, the standard licence fee shall be the same as in the case of a residence owned by Government;

(c) In all cases, standard licence fee shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual licence fee as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, the Central Government may fix a standard licence fee to cover a period greater than one month, but not greater than one year. Where the Central Government takes action under this proviso, standard licence fee so fixed shall not be a larger proportion of the annual licence fee than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1. —For the purpose of sub-clauses *(a)*, *(b)* and *(bb)* above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso *(iv)* to Clause II.

NOTE 2. —The Central Government may, by rule, permit minor additions and alterations the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the licence fee of the residence being increased.

IV. When Government supplies an officer with a residence leased or requisitioned or owned by Government, the following conditions shall be observed:—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) licence fee for the residence, such licence fee being the standard licence fee as defined in Clause III above or 10 per cent of his monthly emoluments, whichever is less:

(ii) Deleted.

'(iii) Deleted.

(c) Notwithstanding anything contained in sub-clause (b) above, the Central Government may—

(i) at any time, after the standard licence fees have been calculated under the provisions of Clause III above, group a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of licence fee, subject to the following conditions being fulfilled:—

- 1. that the basis of assessment is uniform; and**
- 2. that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments;**

(ii) prescribe flat rate of monthly licence fee applicable throughout the country based on the cost of construction and plinth area, living area of the type of accommodation allotted to the employees, subject to the condition that the amount taken from any officer shall not exceed 10 per cent of his monthly emoluments.

(iii) by general or special order, provide for taking a licence fee in excess of that prescribed in sub-clause (b) or sub-clause (c) (i) above from an officer—

- (1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or**
- (2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or**
- (3) who is in receipt of a compensatory allowance granted on account of dearness of living, or**
- (4) who is permitted to sub-let the residence supplied to him, or**
- (5) who sub-lets without permission the residence supplied to him, or**
- (6) who does not vacate the residence after the cancellation of allotment, or**
- (7) at whose request additions or alterations are made in the residence supplied to him.**
- (8) who or any member of his family owns a house or has any interest in a house belonging to a Hindu undivided family of which he is a member,**

EXPLANATION. - For the purpose of Item (8), —

(a) "house", in relation to an officer or member of his family, means a building or part thereof used for residential purposes and situated within the jurisdiction of a local municipality or of any municipality contiguous to a local municipality;

NOTE. —A building, part of which is used for residential purposes, shall be deemed to be a house notwithstanding that any part of it is used for non-residential purposes;

(b) "local municipality", in relation to an officer, means the municipality within whose jurisdiction his office is located;

(c) "member of his family", in relation to an officer means the wife or husband, as the case may be, or a dependent child of the officer;

(d) "municipality" includes a municipal corporation, a municipal committee or board, a town area committee, a notified area committee and a cantonment board;

(d) When licence fee has been recovered short through an error in calculation of standard licence fee or through mistake or inadvertence, the Government servant shall pay the deficiency on demand made within 12 months from the date on which the short recovery was made, in such number of instalments as the Government may direct;

(e) (i) Where a standard licence fee of a residence cannot be determined for reasons to be recorded in writing at the time of its allotment, the Government servant shall pay such licence fee as may be fixed by the Government on the basis of the actual expenditure on the construction or the cost of acquisition of the building, the cost of fittings therein and the known and anticipated liabilities relating thereto *plus* 10% of the amount so arrived at or 10% of his monthly emoluments, whichever is less:

(ii) The licence fee so fixed shall remain effective until the last date of the calendar month in which the standard licence fee for that residence is determined.

(iii) In addition to the licence fee referred to in sub-clause **(e) (i)**, a Government servant shall pay municipal and other taxes payable by the Government in respect of the residence, not being in the nature of house or property tax, and compensation for the charges payable by the Government in respect of the services provided for the residence.

(f) Notwithstanding anything contained in sub-clause **(e) (i)**, if recovery for licence fee is made from a Government servant in respect of the residence allotted to him in accordance with that - sub-clause or on any other basis adopted before the 4th June, 1963, in respect-of that residence and the standard licence fee for that residence has not been determined, the licence fee so recovered shall be deemed to be the licence fee for that residence recoverable under the rules.

V. In special circumstances, for reasons which should be recorded, the Central Government—

(a) may, by general or special order, grant licence fee-free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce- the amount of licence fee to be recovered from any officer, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or - property tax, to be recovered from any officer or class of officers.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government, licence fee shall be charged for these in addition to the licence fee payable under Clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. The Central Government may make rules prescribing how the additional licence fees and charges shall be determined, and such rules may also authorize the remission or reduction of the additional licence fee or charge in special circumstances for reasons which should be recorded.

VII. Deleted.

VIII. Deleted;

F.R. 45-B. I. This rule applies to Government servants other than those to whom Rule 45-A applies or than those occupying residences belonging to the Indian Railway or rented at the cost of railway revenues.

II. For the purpose of sub-clause-(b) Clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain, and shall be either—

(a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(b) the present value of the residence including the value of site.

NOTE. — The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) the Central Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;

(ii) the Central Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;

(iii) the Central Government may, for reasons which should be recorded, authorize a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;

(v) the Central Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, the Central Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard licence fee of a residence shall be calculated as follows: —

(a) (i) In the case of a leased residence, the standard licence fee shall be the sum paid to the lessor;

(ii) In the case of a requisitioned residence, the standard licence fee shall be the compensation payable to the owner of the building;

Plus in both cases an addition determined under rules which the Central Government may make, for meeting, during the period of lease or requisition, as the case may be, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for interest on such capital expenditure as also for municipal and other taxes in the nature of, house or property tax, payable by Government in respect of such residence.

(b) In the case of residences owned by Government, the standard licence fee shall be calculated on the capital cost of the residence (including cost of additions or alterations, if any) and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the President *plus* an addition for municipal and other taxes in the nature of

house or property tax payable by Government in respect of the residence and for both ordinary and special maintenance and repairs, such addition being determined under rules which the Central Government may make.

(bb) In the case of a residence gifted or leased on a nominal licence fee or a licence fee-free basis to Government, the standard licence fee for the residence shall be calculated as in the, case of residence owned by Government;

(c) In all cases, standard licence fee shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual licence fee as calculated above, subject to the proviso that, in special localities or 'in respect of special classes of residence, the Central Government may fix a standard licence fee to cover a period greater than one month, but not greater than one year. Where the Central Government takes action under this proviso, standard licence fee so fixed shall not be a larger proportion of the annual licence fee than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1. — For the purpose of sub-clauses (a), (b), and (bb) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to Clause II.

NOTE 2. —The Central Government may, by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the licence fee of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or requisitioned or owned by, Government, the following conditions shall be observed: —

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

(b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) licence fee for the residence, such licence fee being the standard licence fee as defined in Clause III above or 10 percent of his monthly emoluments, whichever is less;

(ii) municipal and other taxes payable by the Government in respect of the residence not being in the nature of house or property tax; and

(iii) compensation for the charges payable by the Government in respect of the services provided for the residence.

(c) Notwithstanding anything contained in sub-clause (b) above, the Central Government may—

(1) at any time, after the standard licence fees have been calculated under the provisions of Clause III above, group a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of licence fee, subject to the following conditions being fulfilled:

—

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments.

(ii) by general or special order, provide for taking a licence fee in excess of 10 per cent of his emoluments from a Government servant—

(1) who is not under his own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

(d) When licence fee has been recovered short through an error in calculation of standard licence fee or through mistake or inadvertence, the Government servant shall pay the deficiency on demand made within 12 months from the date on which the short recovery was made, in such number of instalments as the Government may direct;

(e) (i) Where the standard licence fee of a residence cannot be determined for reasons to be recorded in writing at the time of its allotment, the Government servant shall pay such licence fee as may be fixed by the Government on the basis of the actual expenditure on the construction, or the cost of fittings therein and the known and anticipated liabilities relating thereto plus 10% of the amount so arrived at or 10% of his monthly emoluments, whichever is less:

(ii) The licence fee so fixed shall remain effective until the last date of the calendar month in which the standard licence fee for that residence is determined.

(iii) In addition to the licence fee referred to in sub-clause (e) (i), a Government servant shall pay municipal and other taxes payable by the Government in respect of the residence, not being in the nature of house or property tax, and compensation for the charges payable by the Government in respect of the services provided for the residence.

(f) Notwithstanding anything contained in sub-clause (e) (i), if recovery for licence fee is made from a Government servant in respect of the residence allotted to him in accordance with that sub-clause or on any other basis

adopted before the 4th June, 1963, in respect of that residence and the standard licence fee for that residence has not been determined, the licence fee so recovered shall be deemed to be the licence fee for that residence recoverable under the rules.

V. In special circumstances, for reasons which should 'be recorded, the Central Government—

(a) may, by general or special order, grant licence fee-free accommodation to any Government servant or class of Government servants, or

(b) may, by special order, waive, or reduce the amount of licence fee to be recovered from any Government servant, or

(c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax to be recovered from any Government servant or class of Government servants.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court or garden maintained at the cost of Government, licence fee shall be charged for these in addition to the licence fee payable under Clause IV. The tenant will also be required to pay the cost of the water, electric energy, etc., consumed. The Central Government may make rules prescribing how the additional licence fee and charges shall be determined, and such rules may also authorize the remission or reduction of the additional licence fee or charge in special circumstances for reasons which should be recorded.

VII. Deleted.

F.R. 45-C. For the purpose of Rules 45-A and 45-B, "emoluments" means—

(i) Pay;

(ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorized remuneration of a post;

(iii) Compensatory allowances, other than travelling allowance, Children's Educational allowance, uniform allowance, clothing allowance, outfit allowance, special outfit allowance, uniform grant and grant for horse and saddlery, whether drawn from the Consolidated Fund of India or of a State or from a local fund;

(iv) Exchange Compensation Allowance;

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended;

(vi) In the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that, if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the licence fee recovered on the basis of the subsistence grant and the licence fee due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Indian Police Medal.

NOTE 1. — The emoluments of a Government servant paid at piece-work rates shall be determined in such a manner as the Central Government may prescribe.

NOTE 2. —The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

NOTE 3. —The amount of pension to be taken into account will be the amount originally sanctioned, i.e., before commutation, if any, and will also include the pension equivalent of retirement gratuity and other forms of retirement benefits, if any, e.g., Government's contribution to a Contributory Provident Fund, commuted value of pension, etc.

F.R. 46. (a) Fees.—Subject to any rule made under Rule 46-A and & Rule 47, a Government servant may be permitted, if this can be done without detriment to his official duties and responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund and to receive a remuneration therefor, if the service be material, a non-recurring or recurring fee.

NOTE.--- This clause does not apply to the acceptance of fees by medical officers in civil employ, for professional attendance which is regulated by the orders of the President.

(b) Honoraria. — The Central Government may grant or permit a government servant to receive an honorarium as remuneration for work performed which is occasional or intermittent in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing, exist for a

departure from this provision, sanction to the grant of acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the Central Government and its amount has been settled in advance.

(c) Fees and honoraria. — In the case of both fees and honoraria, the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11 and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

F.R. 46-A. The President may make rules prescribing the conditions and limits subject to which a fee may be received by a Medical Officer in civil employ for services other than professional attendance.

F.R. 47. Subject to the provisions of the rules made by the President under Rule 46-A, the Central Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees other than the acceptance of fees by Medical Officers in civil employ for professional attendance.

F.R. 48. Any Government servant is eligible to receive and, except as otherwise provided by a general or special order of the President, to retain without special permission—

- (a) the premium awarded for any essay or plan in public competitions;
- (b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice;
- (c) any reward in accordance with the provisions of any Act or Regulation or rules framed thereunder;
- (d) any reward sanctioned for services in connection with the administration of the customs and excise laws; and
- (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

F.R. 48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, cause or permit any other person to apply for or obtain a patent for an invention made by such Government servant save with the permission of the Central Government and in accordance with such conditions as the Central Government may impose.

F.R. 48-B. If a question arises whether a Government servant is a Government servant to whom Fundamental Rule 48-A applies, the decision of the Central Government will be final.

CHAPTER VI

Combination of Appointments

F.R. 49. The Central Government may appoint a Government servant already holding a post in a substantive or officiating capacity to officiate, as a temporary measure, in one or more of other independent posts at one time under the Government. In such cases, his pay is regulated as follows: -

(i) where a Government servant is formally appointed to hold full charge of the duties of a higher post in the same office as his own and in the same cadre/line of promotion, in addition to his ordinary duties, he shall be allowed the pay admissible to him, if he is appointed to officiate in the higher post, unless the Competent Authority reduces his officiating pay under Rule 35; but no additional pay shall, however, be allowed for performing the duties of a lower post;

(ii) where a Government servant is formally appointed to hold dual charges of two posts in the same cadre in the same office carrying identical scales of pay, no additional pay shall be admissible irrespective of the period of dual charge:

Provided that, if the Government servant is appointed to an additional post which carries a special pay, he shall be allowed such special pay;

(iii) where a Government servant is formally appointed to hold charge of another post or posts which is or are not in the same office, or which, though in the same office, is or are not in the same cadre/line of promotion, he shall be allowed the pay of the higher post, or of the highest post, if he holds charge of more than two posts, in addition to ten per cent of the presumptive pay of the additional post or posts, if the additional charge is held for a period exceeding 45 days but not exceeding 3 months:

Provided that if in any particular case, it is considered necessary that the Government servant should hold charge of another post or posts for a period exceeding 3 months, the concurrence of Department of Personnel and Training shall be obtained for the payment of the additional pay beyond the period of 3 months;

(iv) where an officer is formally appointed to hold full additional charge of another post, the aggregate of pay and additional pay shall in no case exceed Rs 2,25,000 ;

(v) no additional pay shall be admissible to a Government servant who is appointed to hold current charge of the routine duties of another post or posts irrespective of the duration of the additional charge;

(vi) if compensatory or sumptuary allowances are attached to one or more of the posts, the Government servant shall draw such compensatory or sumptuary allowances as the Central Government may fix:

Provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

CHAPTER VII
Deputation out of India

F.R. 50. No deputation of Government servant out of India shall be sanctioned without the previous approval, of the Central Government.

F.R. 51(1) When a Government servant is, with proper sanction, temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed, he may be allowed by the President to draw during the period of deputation the same pay which he would have drawn had he remained on duty in India:

Provided that a Government servant, who is placed on deputation while already on leave out of India on average pay, may be required by the President to continue to be on leave, in which case he shall be given during that period, in addition to his leave salary, an honorarium of one- sixth of the pay which he would have drawn had he remained on duty in India; the cost of passages from and to India shall be borne by him.

NOTE. — The portion of the pay which a Government servant may be permitted to draw in foreign currency while on deputation abroad will be determined in accordance with orders issued by the President in this regard from time to time.

(2) A Government servant on deputation may also be granted a compensatory allowance in a foreign country of such amount as the President may think fit.

(3) The foreign exchange equivalent of the pay, honorarium or Compensatory Allowance admissible under sub-rule (1) or sub-rule (2) shall be calculated at such rate of exchange as the President may by order prescribe.

F.R. 51-A. When a Government servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or quasi-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Central Government.

CHAPTER-VIII

Dismissal, Removal and Suspension

F.R. 52. The pay and allowances of a Government servant who is dismissed or removed from service cease from the date of such dismissal or removal.

F.R. 53. (1) A Government servant under suspension or deemed to have been placed under suspension by an order of the appointing authority shall be entitled to the following payments, namely:-

(i) in the case of a Commissioned Officer of the Indian Medical Department or a Warrant Officer in Civil employ who is liable to revert to Military duty, the pay and allowances to which he would have been entitled had he been suspended while in military employment;

(ii) in the case of any other Government servant-

(a) a subsistence allowance at an amount equal to the leave salary which the Government servant would have drawn, if he had been on leave on half average pay or on half-pay and in addition, dearness allowance, if admissible on the basis of such leave salary:

Provided that where the period of suspension exceeds three months, the authority which made or is deemed to have made the order of suspension shall be competent to vary the amount of subsistence allowance for any period subsequent to the period of the first three months as follows:-

(i) the amount of subsistence allowance may be increased by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged for reasons to be recorded in writing, not directly attributable to the Government servant;

(ii) the amount of subsistence allowance, may be reduced by a suitable amount, not exceeding 50 per cent of the subsistence allowance admissible during the period of

the first three months, if, in the opinion of the said authority, the period of suspension has been prolonged due to reasons, to be recorded in writing, directly attributable to the Government servant;

(iii) the rate of dearness allowance will be based on the increased or, as the case may be, the decreased amount of subsistence allowance admissible under sub-clauses (i) and (ii) above.

(b) Any other compensatory allowances admissible from time to time on the basis of pay of which the Government servant was in receipt on the date of suspension subject to the fulfilment of other conditions laid down for the drawal of such allowances.

(2) No payment under sub-rule (1) shall be made unless the Government servant furnishes a certificate that he is not engaged in any other employment, business, profession or vocation:

Provided that in the case of a Government servant dismissed, removed or compulsorily retired from service, who is deemed to have been placed or to continue to be under suspension from the date of such dismissal or removal or compulsory retirement, under sub-rule (3) or sub-rule (4) of Rule 12 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, and who fails to produce such a certificate for any period or periods during which he is deemed to be placed or to continue to be under suspension, he shall be entitled to the subsistence allowance and other allowances equal to the amount by which his earnings during such period or periods, as the case may be, fall short of the amount of subsistence allowance and other allowances that would otherwise be admissible to him; where the subsistence allowance and other allowances admissible to him are equal to or less than the amount earned by him, nothing in this proviso shall apply to him.

F.R. 54 (1) When a Government servant who has been dismissed, removed or compulsorily retired is reinstated as a result of appeal or review or would have been so reinstated but for his retirement on superannuation while under suspension or not, the authority competent to order reinstatement shall consider and make a specific order-

(a) regarding the pay and allowances to be paid to the Government servant for the period of his absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Where the authority competent to order reinstatement is of opinion that the Government servant who had been dismissed, removed or compulsorily retired has been fully exonerated, the Government servant shall, subject to the provisions of sub-rule (6), be paid the full pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be:

Provided that where such authority is of opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly, attributable to the Government servant it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall, subject to the provisions of sub-rule (7), be paid for the period of such delay, only such amount (not being the whole) of such pay and allowances as it may determine.

(3) In a case falling under sub-rule (2), the period of absence from duty including the period of suspension preceding dismissal, removal or compulsory retirement, as the case may be, shall be treated as a period spent on duty for all purposes.

(4) In cases other than those covered by sub-rule (2) (including cases where the order of dismissal, removal or compulsory retirement from

service is set aside by the appellate or reviewing authority solely on the ground of non-compliance with the requirements of Clause (1) or Clause (2) of Article 311 of the Constitution and no further inquiry is proposed to be held) the Government servant shall, subject to the provisions of sub-rules (5) and (7), be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving, notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(5) In a case falling under sub-rule (4), the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall not be treated as a period spent on duty, unless the competent authority specifically directs that it shall be treated so for any specified purpose:

Provided that, if the Government servant so desires, such authority may direct that the period of absence from duty including the period of suspension preceding his dismissal, removal or compulsory retirement, as the case may be, shall be converted into leave of any kind due and admissible to the Government servant.

NOTE.- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of-

- (a) extraordinary leave in excess of three months in the case of temporary Government servant; and
- (b) leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant.

(6) The payment of allowances under sub-rule (2) or sub-rule (4) shall be subject to all other conditions under which such allowances are admissible.

(7) The amount determined under the proviso to sub-rule (2) or under sub-rule (4) shall not be less than the subsistence allowance and other allowances admissible under Rule 53.

(8) Any payment made under this rule to Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of removal, dismissal or compulsory retirement, as the case may be, and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than the amounts earned during the employment elsewhere, nothing shall be paid to the Government servant.

F.R. 54-A. (1) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by a Court of Law and such Government servant is reinstated without holding any further inquiry, the period of absence from duty shall be regularized and the Government servant shall be paid pay and allowances in accordance with the provisions of sub-rule (2) or (3) subject to the directions, if any, of the Court.

(2) (i) Where the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court solely on the ground of non-compliance with the requirements of Clause (1) or Clause (2) of Article 311 of the Constitution, and where he is not exonerated on merits, the Government servant shall, subject to the provisions of sub-rule (7) of Rule 54, be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been dismissed, removed or compulsorily retired, or suspended prior to such dismissal, removal or compulsory retirement, as the case may be, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him, in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice:

(ii) The period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of judgment of the Court shall be regularized in accordance with the provisions contained in sub-rule (5) of Rule 54.

(3) If the dismissal, removal or compulsory retirement of a Government servant is set aside by the Court on the merits of the case, the period intervening between the date of dismissal, removal or compulsory retirement including the period of suspension preceding such dismissal, removal or compulsory retirement, as the case may be, and the date of reinstatement shall be treated as duty for all purposes and he shall be paid the full pay and allowances for the period, to which he would have been entitled, had he not been dismissed, removed or compulsorily retired or suspended prior to such dismissal, removal or compulsory retirement, as the case may be.

(4) The payment of allowances under sub-rule (2) or sub-rule (3) shall be subject to all other conditions under which such allowances are admissible.

(5) Any payment made under this rule to a Government servant on his reinstatement shall be subject to adjustment of the amount, if any, earned by him through an employment during the period between the date of dismissal, removal or compulsory retirement and the date of reinstatement. Where the emoluments admissible under this rule are equal to or less than those earned during the employment elsewhere, nothing shall be paid to the Government servant.

F.R. 54-B. (1) When a Government servant who has been suspended is reinstated or would have been so reinstated but for his retirement (including premature retirement) while under suspension, the authority competent to order reinstatement shall consider and make a specific order-

(a) regarding the pay and allowances to be paid to the Government servant for the period of suspension ending with reinstatement or the date of his retirement (including premature retirement), as the case may be; and

(b) whether or not the said period shall be treated as a period spent on duty.

(2) Notwithstanding anything contained in Rule 53, where a Government servant under suspension dies before the disciplinary or the Court proceedings instituted against him are concluded, the period between the date of suspension and the date of death shall be treated as duty for all purposes and his family shall be paid the full pay and

allowances for that period to which he would have been entitled had he not been suspended, subject to adjustment in respect of subsistence allowance already paid.

(3) Where the authority competent to order reinstatement is of the opinion that the suspension was wholly unjustified, the Government servant shall, subject to the provisions of sub-rule (8) be paid the full pay and allowances to which he would have been entitled, had he not been suspended:

Provided that where such authority is of the opinion that the termination of the proceedings instituted against the Government servant had been delayed due to reasons directly attributable to the Government servant, it may, after giving him an opportunity to make his representation within sixty days from the date on which the communication in this regard is served on him and after considering the representation, if any, submitted by him, direct, for reasons to be recorded in writing, that the Government servant shall be paid for the period of such delay only such amount (not being the whole) of such pay and allowances as it may determine.

(4) In a case falling under sub-rule (3) the period of suspension shall be treated as a period spent on duty for all purposes.

(5) In cases other than those falling under sub-rules (2) and (3) the Government servant shall, subject to the provisions of sub-rules (8) and (9) be paid such amount (not being the whole) of the pay and allowances to which he would have been entitled had he not been suspended, as the competent authority may determine, after giving notice to the Government servant of the quantum proposed and after considering the representation, if any, submitted by him in that connection within such period (which in no case shall exceed sixty days from the date on which the notice has been served) as may be specified in the notice.

(6) where suspension is revoked pending finalization of the disciplinary or the Court proceedings, any order passed under sub-rule (1) before the conclusion of the proceedings against the Government servant, shall be reviewed on its own motion after the conclusion of the proceedings by the authority mentioned in sub-rule (1) who shall make an order according to the provisions of sub-rule (3) or sub-rule (5), as the case may be.

(7) In a case falling under sub-rule (5), the period of suspension shall not be treated as a period spent on duty unless the competent authority specifically directs that it shall be so treated for any specified purpose:

Provided that, if the Government servant so desires such authority may order that the period of suspension shall be converted into leave of any kind due and admissible to the Government servant.

NOTE.- The order of the competent authority under the preceding proviso shall be absolute and no higher sanction shall be necessary for the grant of-

(a) extraordinary leave in excess of three months in the case of temporary Government servant; and

(b) leave of any kind in excess of five years in the case of permanent or quasi-permanent Government servant.

(8) The payment of allowances under sub-rule (2), sub-rule (3) or sub-rule (5) shall be subject to all other conditions under which such allowances are admissible.

(9) The amount determined under the proviso to sub-rule (3) or under sub-rule (5) shall not be less than subsistence allowance and other allowances admissible under Rule 53.

F.R. 55. Leave may not be granted to a Government servant under suspension.

CHAPTER-IX

Retirement

F.R. 56 (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.

Provided further that a Government servant who has attained the age of fifty-eight years on or before the first day of May, 1998 and is on extension in service, shall retire from the service on expiry of his extended period of service.

or on the expiry of any further extension in service granted by the Central Government in public interest, provided that no such extension in service shall be granted beyond the age of 60 years.

(b) A workman who is governed by these rules shall retire from service on the afternoon of the last day of the month in which he attains the age of sixty years.

NOTE.—In this Clause, a workman means a highly skilled, skilled, semi-skilled, or unskilled artisan employed on a monthly rate of pay in an industrial or work-charged establishment.

(bb) (i) The age of superannuation in respect of the doctors belonging to—

- (i) Central Health Service;**
- (ii) Indian Railways Medical Service;**
- (iii) AYUSH and working under the Ministry of AYUSH;**
- (iv) Civilian doctors under the Directorate General of Armed Forces Medical Service;**
- (v) Medical Officers of the Indian Ordnance Factories Health Service;**
- (vi) Dental Doctors under the Department of Health and Family Welfare;**
- (vii) Dental doctors under the Ministry of Railways; and**

(viii) General Duty Medical Officers, Specialist Grade doctors and Teaching Medical Faculty working in Bhopal Memorial Hospital and Research Centre;

shall be sixty-two years unless they exercise the option of posting to Teaching, Clinical, Patient Care, Implementation of Health programmes, Public Health programmes and functions including advisory and consultancy depending on their expertise and experience, as decided by the competent authority in the concerned Ministry or Department from time to time, in case they desire to continue in their service upto the age of sixty-five years:

Provided that the age of superannuation in respect of the doctors belonging to the General Duty Medical Officers sub-cadre of Central Armed Police Forces and Assam Rifles and Specialist Medical officers of Central Armed Police Forces and Assam Rifles shall be sixty-five years.

(ii) The serving doctors belonging to the services referred to in sub-clause (i) who have either already attained the age of sixty-two years or attaining the age of sixty-two years within six months from the date of publication of these amendment rules in the Official Gazette, may exercise their option in regard to their posting to Teaching, Clinical, Patient Care, Implementation of Health programmes, Public Health programmes and functions including advisory and consultancy as specified in sub-clause (i), within a period of thirty days from the date of the commencement of the Fundamental (Second Amendment) Rules, 2018.

(iii) The serving doctors who fail to exercise the option in regard to their posting to Teaching, Clinical, Patient Care, Implementation of Health programmes, Public Health programmes and functions including advisory and consultancy as specified in sub-clause (i), within the period specified in sub-clause (ii), shall be superannuated from their service on attaining the age of sixty-two years or on expiry of a period of thirty days from the date of the commencement of the Fundamental (Second Amendment) Rules, 2018, whichever is later.

(bbb) the age of superannuation in respect of nursing teaching faculty with M.Sc. in Nursing in the Central Government Nursing Institutions shall be 65 years subject to the condition that they continue to function as faculty members after the age of 60 years.

(c) Deleted.

(cc) Deleted.

(d) No government servant shall be granted extension in service beyond the age of retirement of sixty years:

Provided that a Government servant dealing with budget work or working as a 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 up to 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 an eminent scientist of international stature may be granted extension of service up to the age of 64 years, if such extension is in public interest and the grounds for such extension are recorded in writing.

Provided also that notwithstanding anything contained in any rule, the Central Government may, if considered necessary in public interest so to do, give extension in service to a Cabinet Secretary in the Central Government for such period or periods as it may deem proper subject to the condition that his total term as such Cabinet Secretary does not exceed four years.

Provided also that the Central Government may, if it considers necessary in public interest so to do, give extension in service to the Defence Secretary, Foreign Secretary, Home Secretary, Director of Intelligence Bureau, Secretary of Research and Analysis Wing and Director of Central Bureau of Investigation appointed under the Delhi Special Police Establishment Act, 1946 (25 of 1946) and Director of Enforcement in the Directorate of Enforcement appointed under the Central Vigilance Commission Act, 2003 (45 of 2003) in the Central Government for such period or periods as it may deem proper on a case-to-case basis for reasons to be recorded in writing, subject to the condition that the total term of such Secretaries or Directors, as the case may be, who are given such extension in service under this rule, does not exceed two years or the period

provided in the respective Act or rules made thereunder, under which their appointments are made.

Provided also that notwithstanding anything contained in the fifth proviso, the Central Government may, if considers it necessary, in public interest, so to do, give an extension in service for a further period not exceeding three months beyond the said period of two years to the Home Secretary and the Defence Secretary.

Provided also that notwithstanding anything contained in the fifth proviso, the Central Government may, if considers necessary, in public interest, so to do, give an extension in service for a further period not exceeding one year beyond the said period of two years to the Foreign Secretary.

Provided also that, the Central Government may, if considered necessary in public interest so to do, give extension of service to the Secretary, Department of Space and the Secretary, Department of Atomic Energy, for such period or periods as it may deem proper subject to a maximum age of 66 years.

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 a temporary Government servant, or pay and allowances in lieu of such notice.

(e) }
(f) } Deleted
(ff) }
(g) }
(h) }

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

(j) Notwithstanding anything contained in this rule, the Appropriate Authority shall, if it is of the opinion that it is in the public interest so to do,

have the absolute right to retire any Government servant by giving him notice of less than three months in writing or three months' pay and allowances in lieu of such notice:

(i) If he is, in Group 'A' or Group 'B' service or post in a substantive, quasi-permanent or temporary capacity and had entered Government service before attaining the age of 35 years, after he has attained the age of 50 years;

(ii) in any other case after he has attained the age of fifty-five years;

(jj)(i) If on a review of the case either on a representation from the Government servant retired prematurely or otherwise, it is decided to reinstate the Government servant in service, the authority ordering reinstatement may regulate the intervening period between the date of premature retirement and the date of reinstatement by the grant of leave of the kind due and admissible, including extraordinary leave, or by treating it as dies non depending upon the facts and circumstances of the case:

Provided that the intervening period shall be treated as a period spent on duty for all purposes including pay and allowances, if it is specifically held by the authority ordering reinstatement that the premature retirement was itself not justified in the circumstances of the case, or, if the order of premature retirement is set aside by a Court of Law.

(ii) Where the order of premature retirement is set aside by a Court of Law with specific directions in regard to regulation of the period between the date of premature retirement and the date of reinstatement and no further appeal is proposed to be filed, the aforesaid period shall be regulated in accordance with the directions of the Court.

(k)(1) Any Government servant may, by giving notice of not less than three months in writing to the appropriate authority, retire from service after he has attained the age of fifty years, if he is in Group 'A' or Group 'B' service or post, (and had entered Government service before attaining the age of thirty-five years), and in all other cases after he has attained the age of fifty-five years:

Provided that—

(a) Not printed (since clause (e) has been Deleted)

(b) nothing in the clause shall also apply to a Government servant, including scientist or technical expert who (i) is on assignment under the Indian Technical and Economic Co-operation (ITEC) Programme of the Ministry of External Affairs and other aid Programmes, (ii) is posted abroad in a foreign-based office of a Ministry/Department and (iii) goes on a specific contract assignment to a foreign Government unless, after having been transferred to India, he has resumed the charge of the post in India and served for a period of not less than one year; and

(c) it shall be open to the Appropriate Authority to withhold permission to a Government servant, who seeks to retire under this clause, if—

- (i) the Government servant is under suspension: or**
- (ii) a charge-sheet has been issued and the disciplinary proceedings are pending; or**
- (iii) if judicial proceedings on charges which may amount to grave misconduct, are pending.**

EXPLANATION.- For the purpose of this clause, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in criminal proceedings;

(1-A)(a) A Government servant referred to in sub-clause (1) may make a request in writing to the Appointing Authority to accept notice of less than three months giving reasons therefor;

(b) On receipt of a request under sub-clause (1-A)(a), the Appointing Authority may consider such request for the curtailment of the period of notice of three months on merits and if it is satisfied that the curtailment of the period of notice will not cause any administrative inconvenience, the Appointing Authority may relax the requirement of notice of three months on the condition that the Government servant shall not apply for

commutation of a part of his pension before the expiry of the period of notice of three months.

(2) A Government servant, who has elected to retire under this rule and has given the necessary intimation to that effect to the Appointing Authority, shall be precluded from withdrawing his election subsequently except with the specific approval of such authority:

Provided that the request for withdrawal shall be within the intended date of his retirement.

(l) Notwithstanding anything contained in Clause (j), the Appropriate Authority shall, if it is of the opinion that it is in the public interest to do so, have the absolute right to retire a Government servant in Class III service or post who is not governed by any pension rules, after he has completed thirty years' service by giving him notice of not less than three months in writing or three months' pay and allowances in lieu of such notice.

(m) A Government servant in Group 'C' post who is not governed by any pension rules, may, by giving notice of not less than three months in writing to the Appropriate Authority, retire from service after he has completed thirty years service;

Provided that it shall be open to the Appropriate Authority to withhold permission to a Government servant, who seeks to retire if;

- (i) the government servant is under suspension; or**
- (ii) a charge-sheet has been issued and the disciplinary proceedings are pending; or**
- (iii) if judicial proceedings on charges which may amount to grave misconduct, are pending.**

EXPLANATION.- For the purpose of this clause, judicial proceedings shall be deemed to be pending, if a complaint or report of a police officer, of which the Magistrate takes cognizance, has been made or filed in a criminal proceedings;

NOTE 1.- 'Appropriate Authority' means the authority which has the power to make substantive appointments to the post or service from which the Government servant is required or wants to retire.

NOTE2.-The three months' notice referred to in Clauses (j), (k),(l) or (m) may be given before the Government servant attains the age specified in Clauses (j) and (k), or has completed 30 years of service specified in Clauses (l) and (m), provided that the retirement takes place after he has attained the relevant age or has completed 30 years' service, as the case may be.

NOTE 3.-In computing the notice period of three months referred to in clauses (j) to (m), date of service of the notice and the date of its expiry shall be excluded.

NOTE4.—In case of a Government servant belonging to a State Government who is permanently transferred to Central Government service or post, or secures a post/service under the Central Government on his own volition through proper channel with proper permission of the Administrative Authority concerned, or secures post/service under the Central Government after having been retrenched from the service of a State Government, the expression 'Government service' referred to in Clauses (j) and (k) shall include service rendered under the State Government in a permanent, officiating or temporary capacity, if any, followed by a substantive appointment under the Central Government.

NOTE 5.—A Government servant, including a workman,who is granted extension of service, after he has attained the prescribed age of superannuation, shall not be promoted to another post during the period of extension.

NOTE 6.- The date on which a Government servant attains the age of fifty-eight years or sixty years, as the case may be, shall be determined with reference to the date of birth declared by the Government servant at the time of appointment and accepted by the Appropriate Authority on production, as far as possible, of confirmatory documentary evidence such as High School or Higher Secondary or Secondary School Certificate or extracts from Birth Register. The date of birth so declared by the Government servant and accepted by the Appropriate Authority shall not be subject to any alteration except as specified in this note. An alteration of date of birth of a Government servant can be made, with the sanction of a Ministry or Department of the Central Government, or the Comptroller and Auditor-General in regard to persons serving in the Indian Audit and

Accounts Department, or an Administrator of a Union Territory under which the Government servant is serving, if-

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

NOTE 7.- Not printed.

CHAPTER X

Leave

[F.Rs. 58 to 104 —Not Printed]

Please refer to CCS (Leave) Rules, 1972.

CHAPTER XI

JOINING TIME

[F. Rs 105 to 107- Not Printed]

Please refer to CCS (Joining Time) Rules, 1979.

F.R. 108. A Government servant who does not join his post within his joining time is entitled to no pay or leave Salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of Rule 15.

F.R. 108-A. A person in employment other than Governments service or on leave granted from such employment, if in the interest of Government discretion he is appointed to a post under the Central Government, may, at of that Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, post and while under he prepares for and makes the journey on reversion from the such Government to return to his original employment. During such joining time he shall receive pay equal to the Pay, or in the case of joining time immediately following leave granted from the private employment, to the leave Salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

CHAPTER XII

Foreign Service

F.R. 109. The rules in this chapter apply to those Government servants only who are transferred to Foreign Service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

F. R. 110. (a) No Government servant may be transferred to Foreign Service against his will:

Provided that this sub-rule shall not apply to the transfer of a Government servant to the service of a body, incorporated or not, which is wholly or substantially owned or controlled by the Government.

(b) Transfer to Foreign Service outside India and in India may be sanctioned by the Central Government subject to any restrictions, which it may deem fit to impose by general or special order.

F.R. 111. A transfer to Foreign Service is not admissible unless-

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant; and

(b) the Government servant transferred holds at the time of transfer, a post paid from General Revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

F.R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

F.R. 113. (i) A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer and may be given subject to the conditions prescribed under the second proviso to Rule 30(1) [now FR 22 (II)] such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall also take into account the nature of the work performed in foreign service.

(ii) Nothing in this rule shall prevent a member of a Subordinate service from receiving such other promotion in Government service as the

authority, who would have been competent to grant the promotion had he remained in Government service, may decide.

F.R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the President may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

FR. 115 (a) While a Government servant is in foreign service, contribution towards the cost of his pension must be paid to general revenues on his behalf.

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

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

(d) By special arrangement made under Rule 123 (b), contributions on account of leave salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer,

NOTE 1.- Pensions, throughout this Chapter, include Government contribution, if any, payable to a Government servant's credit in a Provident Fund.

NOTE 2.- Deleted.

F.R. 116. The rate of contributions payable on account of pension and leave salary shall be such as the President may by general order prescribe.

F.R. 117 (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under the Government if he had not been transferred to foreign service.

(b) The rates of contribution for leave salary will be designed to secure to the Government servant leave salary on the scale and under the conditions applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, less in the case of Government servants paying

their own contributions, such part of pay as may be paid as contributions, will count as pay for the purpose of Fundamental Rule 9 (2).

F.R. 118. Deleted.

F.R. 119. In the case of transfer to foreign service, the Central Government may—

(a) remit the contributions due in any specified case or class of cases; and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

F.R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave Salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F.R. 121. A Government servant transferred to foreign service may not without the sanction of the Central Government, accept a pension or gratuity from his foreign employer in respect of such service.

F.R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

F.R. 123. (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case, the authority sanctioning the transfer may determine beforehand, in consultations with the employer, the conditions on which leave will be granted by the employer. The leave salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the

foreign employer pays to Central Government leave contribution at the rate prescribed under Fundamental Rule 116.

F.R. 124. A Government servant in foreign service if, appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien or would hold a lien had his lien not been suspended and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

F.R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service:

Provided that if he takes leave on the conclusion of foreign service before joining his post, his reversion shall take effect from such date as the Central Government on whose establishment he is borne may decide.

F.R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer and his contributions will be discontinued, with effect from the date of reversion.

F.R. 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules: —

(a) The amount to be recovered shall be the gross sanctioned cost of service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under Rule 116, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) The Central Government may reduce the amount of recoveries or may entirely forgo them.
