

F.No.4/2/2014-O&M/
Government of India
Central Water Commission

Room No.326(S), Sewa Bhavan,
R.K.Puram, New Delhi – 110 066.
Dated, the 4th February, 2016.

OFFICE MEMORANDUM

Subject: Transfer on deputation/foreign service of Central Government Employees to Ex-Cadre posts under the Central Government/ State Governments/Public Sector Undertakings/Autonomous Bodies, Universities/ UT Administration, Local Bodies etc. and vice-versa – Regulation of pay, Deputation (duty) Allowance, tenure of deputation/ foreign service and other terms and conditions – regarding.

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A copy of DoPT's O.M.No.6/8/2009-Estt.(Pay II) dated 17.06.2010 on the subject mentioned above is circulated herewith for kind information and necessary compliance.

S.K.Nanda
4-2-2016

(S.K.Nanda)

Under Secretary (O&M)

Tel No. 2610 5803.

To:

1. Under Secretary (E.I/E.II/E.III/E.V/E.VI/E.VII/E.IX/
E.X/E.XI/E.XIII), CWC.
2. Director (SMD), CWC with the request to upload the O.M.
alongwith its enclosures on the web-site of CWC.

No. 6/8/2009-Estt. (Pay II)
Government of India
Ministry of Personnel Public Grievances & Pensions
Department of Personnel & Training

New Delhi the 17th June, 2010

OFFICE MEMORANDUM

Subject: Transfer on deputation/foreign service of Central Government Employees to ex-cadre posts under the Central Government/ State Governments/Public Sector Undertakings/Autonomous Bodies, Universities/ UT Administration, Local Bodies etc. and vice-versa – Regulation of pay, Deputation (duty) Allowance, tenure of deputation/ foreign service and other terms and conditions – regarding.

The undersigned is directed to refer to this Department's O.M. No.2/29/91-Estt. (Pay II) dated 5th January, 1994 as amended/ revised from time to time. A need has been felt to consolidate all these orders in one place and accordingly, it has been decided, in consultation with Department of Expenditure, to bring out a self contained O.M. in supersession of OM dated 5.1.94 and subsequent amendments on the subject, incorporating the provisions of earlier orders with suitable modifications, wherever necessary.

2. Application

2.1 These orders will apply to all Central Government employees, who are regularly appointed on deputation/foreign service in accordance with Recruitment Rules of the ex-cadre posts, under the same or some other Departments of Central Government or under the State Governments/ Union Territories Administration/ Local Bodies or under Central/ State PSUs/Autonomous Bodies etc. set up or controlled by Central/State Governments provided the foreign service under such PSUs/autonomous bodies has been permitted in relaxation of appointment on immediate absorption basis. These orders will also cover the cases of regular appointment on deputation/foreign service of employees of State Government/local bodies etc. as well as PSUs/Autonomous Bodies of Central/State Governments as per recruitment rules in the Central Government.

2.2 However, the following cases shall not be covered under these orders for whom separate orders exist:-

- (a) Members of the All India Services and those deputed to posts, whose terms are regulated under specific statutory rules or orders;
- (b) Officers appointed on deputation to posts under the Central Staffing Scheme (CSS) for whom separate orders as issued from time to time will continue to apply;
- (c) Deputation to posts operated outside India;

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(d) Appointments of a specific category of employees to a specified class of posts, such as appointments made in the Personal Staff of Ministers etc., in respect of which special orders are already in existence. However, the terms and conditions set out in this O.M. will apply to those cases to the extent these are not specifically covered under such special orders.

(e) Appointments of the nature of deemed deputation or transfers to ex-cadre posts made in exigencies of service with the specific condition that no deputation (duty) allowance will be admissible – e.g. (i) interim arrangements in the event of conversion of a Government office/organisation or a portion thereof into a PSU/ autonomous body or vice-versa, and (ii) appointments to the same post in another cadre.

3. Scope of Term 'deputation/ foreign service' – Restrictions on treating an appointment as on deputation/ foreign service

3.1 The terms deputation/foreign service will cover only those appointments that are made by transfer on a temporary basis provided the transfer is outside the normal field of deployment and is in public interest. The question whether the transfer is outside the normal field of deployment or not will be decided by the authority which controls the service or post from which the employee is transferred.

3.2 The following types of appointments will not be treated as deputation/foreign service for the purposes of these orders:

- (a) appointment of serving employees made either by promotion or by direct recruitment from amongst open market candidates whether on permanent or temporary basis.
- (b) permanent appointment made by transfer.
- (c) Temporary appointment made on the basis of personal requests of employees.
- (d) Arrangements necessitated by staff imbalances arising on re-organisation of offices on the same or different stations, subject to the specific condition that no deputation (duty) allowance will be admissible in such cases.

3.3 A person in a higher Grade Pay/scale of pay shall not be appointed on deputation to a post in lower Grade Pay/scale of pay if the deputation is from Central Government to Central Government and also in cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar.

3.4 However, no appointment on deputation/foreign service shall be made from/to Central Government/ an organisation where the pay scale and DA in the parent cadre post and ex-cadre post are dissimilar, if the basic pay in the parent cadre increased by one increment plus dearness allowance(s) including interim relief if any, admissible to a person in the parent cadre post exceeds the basic pay plus dearness allowance (s) including interim relief, if any, at the maximum of the pay scale of the ex-cadre post. In the revised pay structure, the maximum of the scale would mean the sum of the Grade Pay of the ex-cadre post and maximum of the Pay Band PB 4 i.e. Rs. 67000. For example, if the ex-cadre post

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(iii) Leave - An officer on deputation/foreign service shall be regulated by the Leave Rules of the parent organisation. If however an employee proceeds from vacation department to non-vacation department, or vice-versa, he shall be governed by Leave Rules of the borrowing organisation. At the time of reversion from the deputation post to the parent cadre, the borrowing organisation may allow him/her leave not exceeding two months. The employee should apply for further leave to his Cadre Controlling Authority.

7.7 Leave salary/Pension/NPS Contribution.

(i) As at present, allocation of leave salary and pension contribution between different Ministries/Departments of Central Government and between Central and State Government has been dispensed with. In such cases of deputation from Central Government to State Government and vice-versa, liability for bearing leave salary vests with the Department from which the officer proceeds on leave or which sanctioned leave and no contributions are payable to the lending organisation. Liability for pension/ employee's contribution to CPF will be borne by the parent department, to which the officer permanently belongs at the time of retirement and no proportionate contribution will be recovered.

(ii) In case of deputation of Central Government employees on foreign service terms to Central Public Sector Undertakings/ State Public Sector Undertakings and Autonomous Bodies/ etc., leave salary contribution (except for the period of leave availed of on foreign service) and pension contribution/CPF (Employer's share) contribution are required to be paid either by the employee himself or by the borrowing organisation to the Central Government.

(iii) In cases of reverse deputation from Central Public Sector Undertakings/ State Public Sector Undertakings/ Autonomous Bodies/local bodies to Central Government, the question regarding leave salary and pension contribution will be decided by mutual consent.

(iv) In case of employees covered under New Pension Scheme (NPS), the borrowing department shall make matching contribution to the NPS account of the employee.

8. Tenure of deputation/foreign service.

8.1 The period of deputation/foreign service shall be as per the Recruitment Rules of the ex-cadre post or 3 years in case no tenure regulations exist for the ex-cadre post.

8.2 In case where the period of deputation/foreign service prescribed in the recruitment rules of the ex-cadre post is 3 years or less, the Administrative Ministry/borrowing organisation may grant extension upto the 4th year after obtaining orders of their Secretary (in the Central Government)/Chief Secretary (in the State Government)/ equivalent officer (in respect of other cases) and for the fifth year with the approval of the Minister of the borrowing Ministry/Department and in respect of other organisations with the approval of the Minister of the borrowing Ministry/Department with which they are administratively concerned.

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8.3.1 The borrowing Ministries/Departments/Organisations may extend the period of deputation upto the fifth year where absolutely necessary in public interest, subject to the following conditions:

(i) The extension would be subject to the prior approval of the lending organisation, the consent of the official concerned and wherever necessary, the approval of the UPSC/ State Public Service Commission and Appointment Committee of Cabinet (ACC).

(ii) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action for seeking concurrence of lending organisation, individual concerned etc. six months before the date of expiry of tenure. In no case it should retain an official beyond the sanctioned term unless prior approval of the competent authority to grant further extension has been obtained.

(iii) No further extension beyond the fifth year shall be considered.

8.3.2 Where extension is granted up to the fifth year, the official concerned will continue to be allowed deputation (duty) allowance, if he/she has opted to draw deputation (duty) allowance.

8.4 There shall be a mandatory 'cooling off' period of three years after every period of deputation/foreign service up to Joint Secretary level posts and one year for Additional Secretary level posts.

8.5 A Central Government employee shall be eligible for deputation/foreign service to posts in State Government/ State Government Organisations/Government of UTs/ Government of UTs Organisations/ Autonomous Bodies, Trusts, Societies, PSUs etc. not controlled by the Central Government only after he has completed 9 years of service and is clear from the vigilance angle.

8.6 If during the period of deputation/ foreign service, on account of proforma promotion in the parent cadre the official concerned becomes entitled to a higher Pay Scale/ Pay Band & Grade Pay in the parent cadre vis-a-vis that of the ex-cadre post, the official shall complete his/her normal /extended tenure of deputation already sanctioned with the approval of the competent authority. The pay shall be regulated as under:

(a) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post after getting proforma promotion, he may be allowed the pay in the pay band + Grade Pay of the post to which he is promoted till the time he completes the normal/extended period of deputation (if he gets proforma promotion in the extended period) already sanctioned, if he so opts. No extension in the period of deputation shall be allowed to him after completing the sanctioned period of deputation.

(b) If he draws the pay in the pay band + Grade pay attached to the deputation post, on reversion to his parent cadre, his pay may be fixed by allowing him notional increments in his regular post in the parent department + the Grade pay attached to it.

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(c) If the Grade pay of the officer in the parent cadre becomes higher than that of the deputation post on getting financial upgradation under the ACP/MACP scheme, the officer may be allowed to draw the pay in the pay band + Grade Pay to which he becomes entitled under the ACP/MACPS, if opted for by him, as laid down in Para 27 of Annexure I to the DOPT OM No. 35034/3/2008 -Estt. (D) dated 19th May, 2009.

9. Premature reversion of deputationist to parent cadre.

Normally, when an employee is appointed on deputation/ foreign service, his services are placed at the disposal of the parent Ministry/ Department at the end of the tenure. However, as and when a situation arises for premature reversion to the parent cadre of the deputationist, his services could be so returned after giving an advance notice of at least three months to the lending Ministry/ Department and the employee concerned.

10. Relaxation of conditions.

Any relaxation of these terms and conditions will require the prior concurrence of the Department of Personnel & training.

11. Date of Effect

These orders will take effect from 1.1.2006 and shall be applicable to all officers who were on deputation on 1.1.2006 or appointed thereafter except for the revised rates of deputation (duty) allowance which shall be applicable from 1.9.2008 as mentioned below Para 6.1 of this OM.

12. In so far as persons serving in the Indian Audit and Accounts Department are concerned, these orders will apply for deputation outside Indian Audit and Accounts Department as concurred in by the Comptroller and Auditor General of India.

13. Hindi version will follow.

(Rita Mathur)
Director

To

All Ministries/ Departments of the Govt. of India etc.
(As per standard list)

Copy to NIC: To upload the O.M. on the Department's website in "What's new" and also in "Establishment" sub-head "deputation".