

F.No.1/1/2008-IC
Government of India
Ministry of Finance
Department of Expenditure
(Implementation Cell)

New Delhi, the 26th March, 2009

OFFICE MEMORANDUM

Subject: Fixation of pay on deputation after implementation of CCS (Revised Pay) Rules- clarification reg.

Vide this Department's O.M. of even number dated 13th September, 2008 clarifications to the CCS (RP) Rules, 2008 were issued. Clarifications 4 and 5 of the said O.M. indicate the position regarding fixation of pay of Government servants (including officers of Group 'A' Services) in cases where they were on deputation and got promoted in the cadre subsequently while still on deputation and where Government servants go on deputation to a lower post, respectively.

2. Consequent upon the issue of the above Clarifications, individual representations and enquiries from some administrative ministries etc. have been received in this Department. While some clarifications were regarding applicability of Department of Personnel & Training (DoPT) O.M. number No.2/29/91-Estt.(Pay-II) dated 5.1.1994, others specifically related to pay fixation while on Central Deputation under the Central Staffing Scheme after the implementation of the revised pay structure as a result of Sixth CPC's recommendations. In this connection, it is hereby clarified that DoPT's consolidated instructions on the subject of transfer of Central Government employees on deputation/foreign service etc., issued vide their O.M. number No.2/29/91-Estt.(Pay-II) dated 05.01.1994 continue to be in vogue. In the light of the same, the following two set of clarifications are given. While clarifications under sub-heading (A) specifically relate to cases of deputation under the Central Staffing Scheme alone, those under sub-heading (B) are applicable in all other cases of deputation:-

(A) CASES OF DEPUTATION UNDER THE CENTRAL STAFFING SCHEME

- (i) The extant Rules relating to Central Staffing Scheme permit officers holding posts in the higher pay scales in their parent cadres to be eligible for deputations under the Central Staffing Scheme for posts in lower scales of pay. Since this dispensation under the Central Staffing

Scheme will continue to apply, Clarification 5 has been issued to regulate such cases;

- (ii) In cases where pay has been regulated in terms of Clarification 4 of this Department's OM of even number dated 13th September 2008, the pay of officers belonging to AIS/Group 'A' Services will be fixed on repatriation to their parent cadres from deputation under the Central Staffing Scheme by granting the grade pay of their substantive post in their cadre and fixing pay in the pay band with reference to the pay in the pay band of their next junior who has continued in the cadre, giving notional benefit of increments as at present;
- (iii) In cases where officers of the AIS/Group 'A' Services are on Deputation under the Central Staffing Scheme to a post with a lower grade pay than the grade pay attached to their substantive post in their parent cadre and where their pay has been regulated in terms of Clarification 5 of this Department's OM of even number dated 13th September 2008; in such cases, on their subsequent appointment to a higher post while on deputation, the officers will be granted the grade pay of the higher post.

In the case of repatriation to their parent cadre, the Government servant will be granted the higher grade pay of their substantive post and their pay in the pay band will be fixed with reference to the pay in the pay band of their next junior who has continued in the cadre, giving notional benefit of increments as at present.

- (vi) As per DoPT O.M. No.31/5/2002-EO(MM.I) dated 28th February 2002, if an officer (of All-India/Group 'A' Service) has got non-functional Selection Grade in his/her parent cadre then he/she is eligible to draw his/her grade pay from the date he/she has been granted the Non-functional Selection Grade by his/her parent cadre plus deputation allowance but the post of Deputy Secretary held by him/her can be redesignated as Director only when he/she has completed 14 years of service, as on 1st July of the year in which 14 years are completed. Following the implementation of the Sixth CPC's recommendations, the conditions regarding appointment of Deputy Secretary under Central Staffing Scheme remain unaltered and, therefore, the provisions of the above clarification of EO (MM) Division still hold good.

B) ALL OTHER CASES OF DEPUTATION

- (i) In terms of para 3.5 of DoPT O.M. dated 5.01.1994, a person in a higher scale of pay shall not be appointed on deputation to a post in a lower scale of pay. Accordingly, in the case of deputations other than under

the Central Staffing Scheme, Government servants holding posts in a higher grade will continue to be ineligible for appointment on deputation to posts in the lower grades;

- (ii) However, a Government servant already on deputation/foreign service as on 1.1.2006 would be entitled to exercise his option as prescribed in para 4 of DoPT O.M. dated 1.5.1994 for getting his pay fixed on deputation. This option will also be available for future deputations. Accordingly, in terms of sub para (c) of para 4.3 of DoPT O.M. dated 01.05.1994, which states that 'when the scale of pay of the parent post on the basis of which his emoluments are regulated during deputation/foreign service or of the ex-cadre post held by the Government servant on deputation/foreign service is revised either prospectively or from a retrospective date', Government servants on deputation can revise their option if the scale of pay of their parent post or the post held by them on deputation has been revised as a result of implementation of Sixth CPC's recommendations. This will ensure that those Government servants whose parent post or the post held by them on deputation has been upgraded as a result of Sixth Central Pay Commission's recommendations will not suffer a monetary loss on this account; and
- (iii) In cases where pay has been regulated in terms of Clarification 4 of this Department's OM of even number dated 13th September 2008, the pay of Government servants will be fixed on repatriation to their parent cadres by granting them the grade pay of their substantive post in their cadre and their pay in the pay band will be fixed with reference to the pay in the pay band of their next junior who has continued in the cadre, giving notional benefit of increments as at present.

4. Hindi version will follow.


(ALOK SAXENA)
DIRECTOR

To

All Ministries/Departments of the Government of India and others
as per standard list.