

No.F.10(24)-E.III(B)/60
Government of India
Ministry of Finance
(Department of Expenditure)

New Delhi, the 10th August 1972.

OFFICE MEMORANDUM

Subject:-Transfer of Central Government employees to other Governments, Departments, Companies, Corporations, etc-Deputation (duty) allowance.

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The undersigned is directed to invite a reference to this Ministry's Office Memorandum of even number dated the 27th January, 1970 on the subject cited above and to clarify certain points which have been raised in connection with the application of that Office Memorandum, as follows:-

Points raised.

Clarification

(i) Whether option as required in terms of this Ministry's O.M. dated 27.1.70 is to be exercised by all the deputationists posted in the same station or only those deputed in the same station whose pay has been fixed according to this Ministry's O.M. dated 29.8.66 which has ceased to be operative now.

According to para 3(1) of the O.M. dated 27.1.70, persons already in receipt of deputation allowance at 20% of their basic pay will continue to get the allowance on that basis so long as they hold the same post continuously, Hence, the question of an option being exercised by such persons does not arise. It is only in respect of the deputationists who were not entitled to deputation allowance due to the operation of this Ministry's O.M. dated 29.8.66 that an option is required to be exercised by them.

(ii) Whether the protection envisaged in para 3(i) of the O.M. dated 27.1.70 would be available to the deputationists only till the expiry of the current period of deputation or for such further extension of deputation as may be sanctioned in terms of para 1(iii) read with 3(iii) of the O.M.

(iii) Whether for the purpose of reckoning the total period of deputation in cases where a person proceeds from one deputation post to another in another Department/Corporation without reverting to his parent Department, the period of deputation in both the Deptt./Corporations should be taken in to account or only the last one which he attended.

Protection will be available so long as the deputationists hold the same post continuously, in other words they will continue to draw deputation allowance at 20% for such further extension of the term of deputation as may be allowed in terms of para 1(iii) read with para 3(iii) of the O.M. Extension of period beyond the period of 4 years will be subject to such conditions as may be laid down by the Ministry of Finance.

In cases where a person proceeds on deputation from one Corporation/Deptt. to another without reverting to the parent office, transfer to the Second Deptt./Corporation would be a fresh tenure of deputation and he can remain there for a maximum period of 3/4 years in terms of the O.M. dated 27.1.70. But in such cases, the deputation (duty) allowance will be calculated with reference to the station in which the previous ex-cadre post existed subject, however, to the condition that the deputation (duty) allowance shall be only 10% if the

second ex-cadre post happens to be in the same station from where the officer went on deputation to the first ex-cadre post. In other words, if the second ex-cadre post is at the same station as the first ex-cadre post or at the station from where the officer came on deputation to the first ex-cadre post, the rate of deputation (duty) allowance will be restricted to 10%.

If, however, the transfer to the second ex-cadre post takes place before the period of 3 years of the initial period of deputation a person who initially came on deputation from an out-station will be entitled to draw deputation allowance at the higher rate of 20% subject to a maximum period of 3 years counting from the initial date of deputation.

(iv) whether consequent on the reduction of the rate of deputation allowance from 20% to 10% in cases of transfers within the same station, the ceilings laid down in this Ministry's o.M. dated 9-3-64 for the

Yes.

purpose of fixation of pay in terms of that O.M.will continue to apply.

(v) Whether a Govt.servant already on deputation on the date of issue of the orders dated 27.1.70 who had originally come on deputation from an out-station but was not in receipt of any deputation allowance in accordance with the provisions of the O.M.dated 29.8.66 would be entitled to draw deputation allowance at the rate of 20% or 10% of his basic pay.

In such cases the rate of deputation allowance will be 20%. But the grant of deputation allowance will be restricted to a maximum period of 3/4 years from the initial date of deputation.

(vi) Whether cases of deputation to the Union Territories of Delhi, Goa, Daman and Diu, Dadra and Nagar Haveli, Pondicherry and "Security organisations" will also be regulated in terms of the O.M.dated 27.1.70 and whether the limit in the period of deputation to the above Administrations/Organisations will be applicable to such cases.

Yes.

(vii) Whether in the case of a Govt.servant who while on deputation with an organisation/department is appointed to a

Maximum limit of 3/4 years in the period of deputation laid down in the orders of 27.1.70 is to be reckoned from the
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higher post in the same organisation/Deptt., the period of deputation for the purpose of applying the maximum limit of 3-4 years should be reckoned w.e.f. the date of appointment to the higher post or from the original date of deputation to the organisation/Deptt.

initial date of deputation to an organisation/Department as any subsequent transfer or promotion of the deputationist in the borrowing organisation/Deptt. is their internal arrangement and cannot be considered as a fresh term of deputation for the purpose of applying the maximum limit in the period of deputation.

(viii) Whether in the case of a Central Govt. employee on deputation to a State Govt., the various Deptts. of such a Govt. should be treated as different borrowing authorities as in the case of the Ministries of the Govt. of India and the transfer of a deputationist from one Deptt. to another (or from one Deptt. to a Govt.Undertaking/autonomous body wholly or substantially controlled by that Government) without actual reversion to the parent Deptt. treated as a case of fresh deputation for the purpose of applying the maximum limit in the period of deputation.

Yes. The concerned Department under the State Govt. alone is to be treated as the borrowing authority and not the entire State Govt. However, it should be ensured that the same employee is not allowed to remain on deputation for an unduly long period in contravention of the spirit of the orders of 27.1.70.

(ix) Whether the term "same post" occurring in para 3(i) of the O.M. is to be interpreted to include even a case of transfer to another post in the borrowing Deptt., on identical time scale of pay, though with a different designation.

The term "same post" should be interpreted to mean the deputation post with the same designation and on the same time scale of pay in the same Deptt./organisation. However for the purpose of admissibility of deputation allowance, the deputationist on transfer to a post in an identical scale though with a different designation in the same Deptt./organisation may be viewed to hold the same post under the following conditions:-

(a) The transfer takes place within the period of original deputation or the extended term.

(b) The post to which the employee was originally deputed continues to exist.

(c) The deputation allowance at the higher rate of 20% will be admissible only till the expiry of the original or extended period of deputation.

No. The period of deputation to Public Sector Undertakings will be regulated in accordance.

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(x) Whether the maximum limit of 3-4 years in the period of deputation laid down the O.M. of

27.1.70 will be applicable to cases of deputation to Public Sector Undertakings.

(xi) Whether in the case of a person on deputation from an out-station and who is drawing deputation allowance at the higher rate of 20%, he will continue to draw deputation allowance at the same rate even on his proforma promotion in his parent cadre, and also whether in case of normal revision of the scale of the deputation post or upgradation of that post, he will be entitled to draw deputation allowance at the same rate.

with the orders issued by the Bureau of Public Enterprises of this Ministry.

Grant of proforma promotion in the parent cadre of the deputationist or a simple revision of the scale of pay or the deputation post shall not effect the entitlement to the deputation allowance at the higher rate upto the maximum prescribed limit in the period of deputation. But where a post held by a deputationist is up-graded, this should be considered as appointment to a new post on a fresh deputation for the purpose of regulating deputation allowance in terms of the orders of 27.1.70.

2. In so far as the persons serving in the Indian Audit and Accounts Department are concerned, these clarifications have been issued after consultation with the Comptroller & Auditor General of India.

Kirpa Singh

(KIRPA SINGH)

Deputy Secretary to the Government of India.

To

All Ministries of the Government of India, etc.

Copy to :-

1. The Comptroller and Auditor General of India.
2. Lok Sabha Secretariat.
3. Rajya Sabha Secretariat.
4. Union Public Service Commission.
5. Supreme Court of India.
6. Election Commissioner of India.
7. Pay Commission.

RAMESH

