

F.No.1(1).E.III/83  
 GOVERNMENT OF INDIA  
 Ministry of Finance  
 (Department of Expenditure)  
E.III Br.

New Delhi, the 22nd August 1983.

OFFICE MEMORANDUM

Subject:--Contribution for leave Salary or Pension due in respect of a Government Servant on foreign Service - amendment to SR 307 - Clarification regarding -

The notification No.F.1(1)-E.III(B)/76 dated 19-4-1976 was issued by this Ministry to substitute the existing SR 307(1) to read as under :-

" Contribution for leave Salary on pension, due in respect of a Government Servant on foreign Service, may be paid annually within fifteen days from the end of each financial year or at the end of the foreign service, if the deputation on foreign service expires before the end of a financial year, and if the payment is not made within the said period, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the President, at the rate of two paise per day per Rs.100/- from the date of expiry of the period aforesaid upto the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter."

2. The aforesaid notification was to come into force from the date of its publication in the Gazette. Unfortunately, although this notification was circulated to all concerned, the said notification was not published in the Gazette and could not, therefore, come into force legally. It has now been found that one of the Muthuswamy's compilation has printed the amended version of the rule as quoted above on the authority of the circulated copy of notification. It is, accordingly, felt that some Departments might have recovered the contribution annually as per amended version of SR 307 reproduced above.

3. However, the notification has since been published in Gazette and will be effective from 10-8-83.

4. In the aforesaid context, the matter regarding regularisation of cases decided between 19-4-1976 to 9-8-1983, has been considered in consultation with C&AG and Ministry of Law. It is clarified that in cases where contributions were not made either on annual basis as per unpublished notification dated 19-4-1976 or on monthly basis under the provision of un-amended SR 307 prior to the issue of unpublished notification dated 19-4-1976, penal interest may be charged on the basis of the provision of un-amended SR 307, as in these cases the facility provided in

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notification dated 19-4-1976 was not availed of. On the other hand, in cases where contributions were made on an annual basis assuming that notification dated 19-4-1976 had already come into effect, penal interest would be chargeable, with reference to un-amended SR 307. However, in exercise of the powers available under SR 307, the President has been pleased to remit the penal interest, so chargeable in these cases. The past cases of levy or non-levy of penal interest chargeable under SR 307, for the period from 19-4-1976 to 9-8-1983 may be regularized accordingly.



(R.C.PURI)

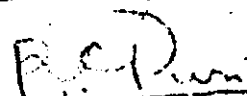
Deputy Secretary to the Govt. of India

To All Ministries/Departments of Government of India etc.

No.1(1)-E.III/83 Dated, New Delhi, the 10th August, 1983.

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4. Lok Sabha Sectt. and Rajya Sabha Sectt.
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7. Central Vigilance Commission, New Delhi.
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22. Department of Personnel & AR (Estt. Pay-II).



(R.C.PURI)

Deputy Secretary to the Govt. of India