

GOVERNMENT OF HIMACHAL PRADESH  
FINANCE (REGULATIONS) DEPARTMENT  
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DATED SHIMLA-2, THE

20-2-1999.

OFFICE MEMORANDUM

**SUBJECT:** TRANSFER ON DEPUTATION / FOREIGN SERVICE OF STATE GOVERNMENT EMPLOYEES TO EX-CADRE POSTS UNDER THE STATE GOVERNMENT / CENTRAL GOVERNMENT / OTHER STATE GOVERNMENTS / PUBLIC SECTOR UNDERTAKINGS/ AUTONOMOUS BODIES / UNIVERSITIES / UNION TERRITORIES / 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 state that the Himachal Pradesh Government, Finance Department, vide letter No. Fin(C)B (12)-1/91, dated 26th August, 1991, had issued consolidated instructions regulating the transfer of State Government employees on deputation to ex-cadre posts under the Government. Subsequently, vide Office Memorandum of even number dated the 6th May, 1998, the rates of deputation allowance have been revised w.e.f. 1/4/1998.

A need has been felt for some time past to consolidate at one place the various instructions / orders that have been issued from time to time and are still in force on the abovementioned subject. Accordingly, it has been decided to bring out a self-contained Office Memorandum on the subject incorporating the provisions of various orders with suitable modifications wherever necessary. All Administrative Departments etc. are requested to regulate the cases relating to deputation / foreign service as per provisions given below.

2. APPLICATION

2.1 These orders will apply to all State Government employees who are regularly appointed on deputation/ foreign service in accordance with the Recruitment Rules of the ex-cadre posts under the same or some other Departments of the State Government or under the Central Government / Other State Governments / Union Territories Administration / Local Bodies / Public Sector Undertakings/ Universities/ Autonomous Bodies etc. under the State Government/ Central Government or other State Governments where such foreign service has been permitted in relaxation of appointment on immediate absorption condition. These orders will also cover the cases of regular appointment as per Recruitment Rules in the State Government on deputation / foreign service of employees of State Governments/ Central Government/ employees of State / Central PSUs/ Autonomous Bodies / Local Bodies etc.. 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) Deputation to posts outside India;
- (c) Appointments of the nature of deemed deputation or transfers to ex-cadre posts made in exigencies of services with the specific condition that no deputation (duty) allowance to 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 the 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 the post from which the employee is transferred.

3.2 Appointment of serving employees made either by promotion or by direct recruitment with open market candidates whether on permanent or temporary basis shall not be regarded as deputation / foreign service.

3.3 Permanent appointments made by transfer will also not be treated as deputation / foreign service.

3.4 Temporary appointment made on the basis of personal requests of employees will also not be treated as deputation / foreign service.

3.5 In case of appointments on deputation/ foreign service from State Government to State Government and in those cases where the scale of pay and dearness allowance in the parent cadre post and ex-cadre post are similar, a person in a higher scale of pay shall not be appointed on deputation to a post in a lower scale of pay.

3.6 In case of appointment on deputation / foreign service from State Government to Public Sector Undertaking and in those cases where the pay scale and the DA in the parent cadre post and ex-cadre post are dissimilar, no appointment on deputation / foreign service shall be made, if by raising the grade pay by one increment plus dearness allowance (s) including interim relief, if any, admissible to a person in parent cadre post exceeds the emoluments comprising pay plus dearness allowance(s) including interim relief, if any, at the maximum of the ex-cadre post.

#### 4. EXERCISE OF OPTION

4.1 An employee appointed on deputation / foreign service may elect to draw either the pay in the scale of pay of deputation / foreign service post or his basic pay in the parent cadre plus deputation (duty) allowance thereon plus personal pay, if any.

4.2 The borrowing authority should obtain the option of the employee within one month from the date of joining the ex-cadre post unless the employee has himself furnished the option.

4.3 The option once exercised shall be final. However, the employees may revise the option under the following circumstances which will be effective from the date of occurrence of the same.

(a) when he receives proforma promotion or is appointed to non-functional selection grade in his parent cadre.

- (b) when he is reverted to a lower grade in his parent cadre.
- (c) when the scale of pay of the parent post on the basis of which his emoluments are regulated during the deputation / foreign service or of the ex-cadre post held by the employee on deputation / foreign service is revised either prospectively or from a retrospective date.
- (d) Based on the revised / same option of the employees, in the event of proforma promotion / appointment to non-functional Selection Grade / revision of scales of pay in the parent cadre, the pay of deputationists will be refixed with reference to the revised entitlement of pay in the parent cadre. However, if the initial option was for the pay scale of the deputation post and no change in option already exercised is envisaged the pay already drawn in deputation post will be protected if the pay refixed is less.

NOTE: Revision in the rates of D.A. / H.R.A. or other allowances either in the parent or borrowing organisation shall not be an occasion for revision of the earlier option.

4.4 If the pay of an employee in his cadre post undergoes downward revision, the pay in the ex-cadre post is also liable to be refixed on the basis of the revised pay and in accordance with the revised option or existing option if the employee does not revise his option.

#### 5. PAY FIXATION

5.1 When an employee on deputation / foreign service

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elects to draw pay in the scale of pay attached to the ex-cadre post, his pay may be fixed as under:

(i) Deputation from State Government to State Government

Pay may be fixed under the normal rules.

(ii) In foreign service / Reverse Foreign Service.

(a) When the pay scale of the post in the parent cadre and that attached to ex-cadre post are based on the same index level and the DA pattern is also same, the pay may be fixed under the normal Fundamental Rules.

(b) If the appointment is made to a post whose pay structure and / or DA pattern is dissimilar to that in the parent organisation, pay may be fixed by adding to his grade pay, one increment in the scale of his regular parent post (and if he was drawing pay at the maximum of the scale, by the increment last drawn) and equating the pay so raised plus dearness allowance (and additional or ad-hoc dearness allowance, Interim Relief etc., if any) with emoluments comprising of pay plus DA, ADA, Interim Relief etc., if any, admissible in the borrowing organisation and the pay may be fixed at the stage in the pay scale of the ex-cadre post at which total emoluments admissible in Ex-cadre post as above equal to the emoluments drawn in the cadre and if there is no such stage, pay be fixed at the next higher stage;

(iii) Pay fixed under (i) and (ii) shall neither be less than the minimum of the scale of the ex-cadre post nor shall it exceed the maximum of that scale;

....7/-

5.2 In cases of appointment from one ex-cadre post to another ex-cadre post where the employee opts to draw pay in the scale of the ex-cadre post pay in the second or subsequent ex-cadre posts, should be fixed under the normal rule as with reference to pay in the cadre post only. In respect of appointments to ex-cadre posts on time scale of pay identical with the time scale of pay of ex-cadre post(s) held on an earlier occasion (s) the benefit of proviso 1(iii) to FR 22 will be admissible.

5.3 In cases of appointments to a second or subsequent ex-cadre post(s) in a higher pay scale than that of the previous ex-cadre post, the pay may be fixed with reference to the pay drawn in the cadre post and if the pay so fixed happens to be less than the pay drawn in the previous ex-cadre post, the difference may be allowed as personal pay to be absorbed in the future increases in pay. This is subject to the condition that on both the occasions the employees should have opted to draw pay in the scales of pay attached to the ex-cadre posts.

NOTE.1. The term parent post basic pay means the post held on regular basis in the parent organisation and pay drawn / admissible in such a post respectively.

NOTE:2 An officer who may be holding a higher post on adhoc basis in the cadre at the time of proceeding on deputation/ foreign service would be considered to have vacated the post held on adhoc basis and proceeded on deputation/ foreign service from his regular post. During his deputation / foreign service, he shall earn notional increments, in his regular

post only. On his reversion, if he is re-appointed to the higher post on regular or adhoc basis his pay will get fixed with reference to the pay admissible in the lower post as on date of promotion. In such cases, if his pay gets fixed at a stage lower than that of his junior(s) who continued to serve in the cadre, no stepping up will be admissible as per extant rules in so far as State Government employees are concerned. However, if the pay so fixed is less than the pay drawn earlier while holding the post on adhoc basis the pay earlier drawn will be protected. Therefore, those State Government employees who are already holding a higher post on adhoc basis or expecting it shortly in the parent cadre may weigh all relevant considerations before opting for deputation/ foreign service. This note of caution will be applicable to employees of other organisations wishing to apply for posts on deputation in H.P. Government if governed by similar rules in parent organisation.

NOTE:3 Pay of officer appointed on deputation/ foreign service on adhoc basis pending selection of a regular incumbent may also be regulated in accordance with provisions of Para 5.1 and 6.1 of this office Memorandum subject to the condition that if the said officer does not fulfil the eligibility conditions laid down in the Recruitment Rules of the ex-cadre post, his pay in the scale of ex-cadre post, if so opted, shall be subject to the



restrictions under FR 35 which are as under:

- (a) For employees in receipt of basic pay upto Rs. 8000/ p.m. 15% of the basic pay subject to a maximum of Rs. 1000/- p.m.
- (b) For employees in receipt of basic pay above Rs. 8000/ p.m. 12- 1/2% of the basic pay subject to a maximum of Rs. 1000/- p.m.

Where the Recruitment and Promotion Rules of the post have not been notified, such restrictions may be enforced if he is ineligible to hold a post in equivalent /analogous grade in his own cadre. This will also cover appointments made in personal staff of dignitaries other than Ministers who have been allowed to make appointments of their personal staff at their discretion.

#### 6. DEPUTATION (DUTY) ALLOWANCE

6.1 The deputation (duty) allowance admissible shall be at the following rates:

(a) 5% of the basic pay of employee subject to a maximum of Rs. 500/- per month when the transfer is within the same station; and

(b) 10% of the basic pay of the employee subject to a maximum of Rs. 1000/- per month in all other cases.

The Deputation (Duty) Allowance as above shall be further restricted as under:-

(i) Pay + Deputation (Duty) Allowance shall not exceed the maximum of the scale of pay of the ex-cadre post; and

(ii) Pay + Deputation (Duty) Allowance shall at no time exceed Rs. 22100/- per month.

NOTE 1: The term 'same station' for this purpose will be determined with reference to the station where the person was on duty before proceeding on deputation.

NOTE 2: When there is no change in the headquarters with reference to the last post held, the transfer should be treated as within the same station and when there is change in headquarters it would be treated as not in the same station. So far as places falling within the same urban agglomeration of the old headquarters are concerned, they would be treated as transfer within the same station.

6.2 Special rates of deputation (duty) allowance may be admissible under separate orders in any particular area on account of the condition of living there being particularly arduous or unattractive. Where special rate is more favourable than that under para 6.1 above, employees deputed to the area will be given the benefit of the special rate.

6.3 Whenever extension of the period of deputation for the fifth year or the second year in excess of the period prescribed in the Recruitment and Promotion Rules is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance. The officers who opted to draw pay in the scale of the ex-cadre post shall however continue to draw pay in that scale during the extended tenure also.

6.4 If an employee with the permission of the competent authority proceeds on deputation / foreign service from one ex-cadre post to another ex-cadre post in the same or another organisation without reverting to his parent cadre, and if the second ex-cadre post is at the same station as the first ex-cadre post, then the rate of deputation (duty) allowance would remain unchanged.

6.5 In cases where a person on deputation / foreign service is transferred by the borrowing authority from one station to another station without any change in the post held by him, the rate of deputation (duty) allowance will remain the same as was decided at the time of initial posting and will not undergo any change.

7 ADMISSIBILITY OF OTHER PAY ALLOWANCES & BENEFITS WHILE ON DEPUTATION / FOREIGN SERVICE.

7.1 Any project allowance admissible in a project area in the borrowing organisation may be drawn in addition to the deputation (duty) allowance.

7.2 Any special pay granted to an employee in the parent department under FR 9(25) or a corresponding rule of parent organisation should not be allowed in addition to deputation (duty) allowance. However, the borrowing department may allow in addition to deputation (duty) allowance under special circumstances any special pay attached to the post held by the employee in his / her Parent Department, by suitably restricting the deputation (duty) allowance. This will require the specific and prior approval of the Department of Personnel.

7.3 In case special pay is attached to the scale of

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pay in the ex-cadre post and the employee has opted to draw pay also in that scale, in addition to his pay in that scale, he will also be entitled to draw such special pay. However, such special pay will not be admissible if he has opted to draw grade pay plus deputation allowance.

7.4 Personal pay, if any, drawn by an employee in his parent department will continue to be admissible on deputation / foreign service if he opts to draw grade pay plus deputation allowance. No deputation allowance on this personal pay will however, be admissible.

7.5 INCREMENTS : The employee will draw increment in the parent grade or in the grade attached to the deputation post as the case may be, depending on whether he has opted for his own grade pay plus deputation (duty) allowance or the time scale of the deputation post. If he has opted for time scale of the deputation post, notional increment shall also continue to accrue to him in the post held on regular basis in parent cadre / organisation for the purpose of regulation of pay on reversion back to parent post at the end of tenure.

7.6 Admissibility of allowances and benefits while on deputation/ foreign service.

(a) Such allowances as are not admissible to regular employees of corresponding status in the borrowing organisation, shall not be admissible to the officer on deputation / foreign service, even if they were admissible in the parent organisation.

(b) Following allowances will be regulated with mutual consent of the lending and borrowing organisation:

- (i) House Rent Allowance / Compensatory Allowance.
- (ii) Joint Time and Joining Time Pay.
- (iii) Travelling Allowances and Transfer T.A.
- (iv) Leave Travel Concession.

(c) Following Allowances / Facilities will be regulated in accordance with the rules as explained against each.

- (i) Dearness Allowance - The employee shall be entitled to dearness allowance at the rates prevailing in the borrowing organisation or in the lending organisation depending on whether he has opted for to draw pay in the time scale of the ex-cadre post or his own grade pay plus deputation (duty) allowance.
- (ii) Medical Facilities - This will be regulated in accordance with the rules of borrowing organisation.
- (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 the 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 and Pension Contribution.*

i) As at present allocation of leave salary and pension contribution between different Departments of the State Government and between the State Government and the Central Government has been dispensed with. Similarly, the allocation of leave salary and pension contribution between State Government and PSUs./Universities/ Autonomous Bodies under State Government has also been dispensed with. In such cases of deputation, liability for bearing leave salary vests with the department from which the officer proceeds on leave or which sanctions 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 cases of deputation of State Government employees on foreign service to other State Governments/ Other State / Central Government Public Sector Undertakings and Autonomous Bodies etc., leave salary contribution (except for the purpose of leave availed 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 State Government.

iii) In cases of reverse deputation from Central Public Sector Undertakings / Other State Governments Public Sector Undertakings, Autonomous Bodies to the State Government, the

question regarding leave salary and pension contribution will be decided by mutual consent.

8. TENURE OF DEPUTATION/ FOREIGN SERVICE

8.1 The period of deputation / foreign service shall be subject to a maximum of three years in all cases except for those posts where a longer period of tenure is prescribed in the Recruitment Rules.

8.2 The Administrative Department/ borrowing organisation may grant extension beyond this limit upto one year, after obtaining the orders of their Secretary (in the case of the State Government) and in respect of all other cases the equivalent level, where such extension is considered necessary in public interest.

8.3 The borrowing Departments/ Organisations may extend the period of deputation for the fifth year or for the second year in excess of the period prescribed in the Recruitment and Promotion Rules where considered absolutely necessary, subject to the following conditions;

i) While according extension for the fifth year, or the second year in excess of the period prescribed in the Recruitment Rules, the directive issued for rigid application of the tenure rules should be taken into consideration and only in rare and exceptional circumstances, such extension should be granted.

ii) The extension should be strictly in public interest and with the specific prior approval

of the concerned Minister of the borrowing Department and in respect of other organisation, with the approval of the Minister of the Department with which they are administratively attached.

- iii) Where such extension is granted, it would be on the specific understanding that the officer would not be entitled to draw deputation (duty) allowance.
- iv) The extension would be subject to the prior approval of the lending organisation, the officer on deputation, and wherever necessary, the State Public Service Commission/ U.P.S.C.
- v) If the borrowing organisation wishes to retain an officer beyond the prescribed tenure, it shall initiate action as above for seeking concurrence of lending organisation, individual concerned etc. 6 months before the date of expiry of tenure. In no case it should retain an officer beyond the sanctioned term unless concurrence of lending organisation has been received.

8.4 In cases where extension is beyond the fifth year or second year, in excess of the period prescribed in the Recruitment Rules, the same would be allowed only after obtaining the prior approval of the Finance Department and the Department of Personnel whether the State Government is lending organisation or the borrowing organisation, proposal in this



regard should reach the Finance Department/ Personnel Department with the prior approval of the Minister of the borrowing Department at least three months before the expiry of the extended tenure with full justification and particulars. A check list for such particulars is annexed.

8.5 When extension of the period of deputation / foreign service for the first and the second year in excess of the period prescribed in the Recruitment Rules is considered by the borrowing organisation under the powers delegated to them, the period of extension may be so decided upon so as to ensure that officer concerned is allowed to continue on deputation till the completion of academic year in cases where the officer has school/ college going children. No proposal for further extension beyond the second year in excess of period prescribed in the Recruitment Rules shall be forwarded to this Department on the consideration that the officer has school / college going children. Extension beyond this period will be considered only if it is strictly in public interest.

8.6 For computing the total period of deputation / foreign service the period of deputation / foreign service in another ex-cadre post(s) held preceding the current appointment without a break in the same or some other organisation shall also be taken into account.

8.7 If during the period of deputation / foreign service the basic pay of an employee exceeds the maximum of the

scale of pay of the post or the fixed pay of the post, on account of proforma promotion in his cadre under the Next Below Rule or otherwise, the deputation/ foreign service of the employee should be restricted to a maximum period of six months from the date on which his pay exceeds such maximum and he should be reverted to his parent department within the said period.

8.8 If during the period of deputation, on account of proforma promotion in the parent cadre under the Next Below Rule, the employee becomes entitled to a scale of pay higher than the scale of pay attached to the ex-cadre post, he may be allowed to complete the normal tenure of deputation subject to 8.7 above but no further extension of the period of deputation should be allowed in such cases.

9. **PREMATURE REVERSION OF THE 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 advance intimation of reasonable period of the lending Ministry / Department and the employee concerned.


10. **RELAXATION OF CONDITIONS.**

Any relaxation of these terms and conditions will

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require the prior concurrence of the Finance Department and Department of Personnel.

11. These orders take effect from the date of issue. In case, of persons already on deputation/ foreign service, if the modifications incorporated in these orders are not beneficial, he / she may opt to retain the earlier term(s).

  
Additional Secretary (Finance)  
to the Government of H.P.

To

All Administrative Departments of the  
Government of Himachal Pradesh.

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No. Fin(C)B (12)-4/96

Dated Shimla-2, the

20-2-1999.

Copy to:

1. All Divisional Commissioners in H.P.
2. All Heads of Departments in H.P.
3. All Boards / Corporations / Universities in H.P.
4. The Accountant General (Audit), H.P., Shimla-3 (5 copies).
5. The Sr. Dy. Accountant General (A&E), H.P., Shimla-3 (5 copies).
6. All Deputy Commissioners in H.P.
7. All District & Session Judges in H.P.
8. All District Treasury Officers / Treasury Officers in H.P.
9. Sh. S.K. Duggal, 3246, Mohindra Park, Shakur Basti, Delhi-110034.
10. Guard Files / Spare copies -- 100.

  
Additional Secretary (Finance) to the  
Government of Himachal Pradesh.

Copy also forwarded for information to:

1. The Deputy Secretary to the Government of India, Ministry of Personnel, P.G. & Pensions (Department of Personnel and Training), New Delhi.
2. The Controller, Department of Personnel (Accounts), H.P. Shimla-2 with 2 copies.
3. The Department of Personnel (Appointment-II) with 5 copies.
4. The Director, Public Relations, H.P., Shimla-2.

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Bhardwaj, M.K.

CHECK LIST  
(Vide para 8.4)

1. Name of the Officer.
2. Name of the parent office/  
Designation of the post held in  
parent office & pay scale of that post.
3. Present basic pay in the parent cadre post
4. Designation & pay scale of the post  
held on deputation and the present basic  
pay in the ex-cadre post.
5. Has the officers been given NBR prorogua  
promotion? If so, pay scale of the post  
to which promoted.
6. Normal period of deputation prescribed in  
Recruitment Rules for the ex-cadre post.
7. Date of appointment on deputation.
8. Is the officer drawing grade pay +  
deputation(duty) allowance? If so, has  
the deputation(duty) allowance been stopped  
during the 5th year / 2nd year in excess  
of the period prescribed in the Recruitment  
Rules.
9. Whether the extension for 1st year / 2nd year  
in excess of period prescribed in the Recruitment  
Rules of the post has been given with the approval  
of the Secretary and Minister incharge of the  
administrative Ministry/ Department respectively.
10. Does the proposed extension also requires the  
approval of the State P.S.C./ U.P.S.C.
11. What is the specific public interest  
involved in the proposed extension?
12. Whether the concurrence of lending organisation/  
individual concerned has been obtained for  
the proposed extension?
13. Efforts made to select a suitable replacement  
for the officer?
14. According to Recruitment Rules can the post  
be filled up by promotion? If so, are there  
any eligible officers available from the feeder  
cadre (if there is one) and if so, why are they

..... contd/

not being considered for promotion instead of seeking further extension for existing incumbant ?

15. Any other relevant information considered necessary.

Signature and Designation  
of Administrative Authority.