

BOARD OF DEPARTMENTAL EXAMINATION, HIMACHAL PRADESH.
DEPARTMENTAL EXAMINATION, [REDACTED], 2019

N°Y-

PAPER-5: Case Relating to Service/Financial Rules for SAD.

Time Allowed: 3 Hours

Maximum Marks: 100

- Note:**
1. Attempt any five questions in all. All questions carry equal marks.
 2. Only Bare Acts, Approved Reference Books, Rules and Notifications are allowed.
 3. Use of Calculator is permitted.
 4. Attempt all parts (where given) of the question consecutively.
 5. Quote Rules in support of your answer.

Q. No. 1: Can a Government servant accept "Gift" or permits his family members to accept gift on his behalf? What are the rules regarding acceptance of gift by a Government servant under CCS (Conduct) Rules, 1964? Explain in detail.

20 Marks.

Q. No. 2: (a) What is Charge? What are the salient points to be kept in mind while framing the Charge Sheet?
(b) State briefly the procedure for the conduct of inquiry under Rule 14 of CCS (CCA) Rules, 1965.

Q. No.3: Define "Daily Allowance". What are the conditions to be satisfied for drawal of daily allowance? How are enforced halts occurring en-route on journey on tour treated for the purpose of Daily Allowance?

20 Marks.

Q. No. 4: (a) Define 'Pay', 'Substantive Pay' and 'Presumptive Pay'.

(b) Mr. "X" working as Superintendent Grade II under H.P. Government Department drawing pay of Rs. 23450 (18650+4800) in the Pay Band of Rs. 10300-34800 plus Grade Pay of Rs.4800 w.e.f. 1.8.2017 was promoted to the post of Superintendent Grade-I in the Pay Band of Rs.15600-39100 + Grade Pay of Rs.5400/-involving the duties and responsibilities of greater importance on *ad hoc* basis on 13.09.2017. His promotion was regularized retrospectively vide Notification dated 29.03.2019. He opted to fix his pay in the higher post of Supdt. Gr.I on the date of accrual of next increment in the lower post of Supdt. Gr.II as per provision under FR 22(I)(a)(1). Fix his pay in the higher post of Supdt. Gr.I on *ad hoc* basis and also after regular promotion separately as per option exercised and indicate the next date of increment in both the cases.

(10+10)=20 Marks.

Q. No. 5: Differentiate between the followings:

- (a) "Fee" and "Honorarium".
- (b) "Daily Allowance" and "Mileage Allowance".
- (c) "Suspension" and Deemed "Suspension".
- (d) "Disciplinary Authority" and "Adhoc Disciplinary Authority".

(4x5) = 20 Marks.

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Q. No. 6: A Class-I Government servant serving in H.P. Government Department retired after attaining the age of superannuation on 31.03.2019. He entered in Govt. service on 17.12.1986. He was drawing pay of Rs.44700 (38100 + 6600 Grade Pay). The rate of DA at the time of retirement was 144% and I.R. was 21%.

Calculate:

- (i) Net Qualifying service with reference to the information given below,
- (ii) Superannuation Pension,
- (iii) Family Pension,
- (iv) Retirement Gratuity, and
- (v) Commutation value of Pension.

Information as recorded in the service book:

1. Availed E.O.L. w.e.f. 02.01.1995 to 10.04.1995 due to personal reasons.
2. Availed E.O.L. w.e.f. 15.10.1997 to 13.11.1997 on Medical Certificate.
3. Placed under suspension on 13.07.2000 and reinstated from 03.10.2001. The period of suspension was treated as *dies non* but did not entail forfeiture of past service.

(6+2+4+4+4)= 20 Marks.

Q. No.7: What are the different kind of leave not earned by duty which can be granted to a Govt. servant working under Govt. of Himachal Pradesh? Briefly state the circumstances under which such leave is granted.

20 Marks.

Q. No. 8: (a) How would you deal with a Govt. servant for his "*un authorized absence from duty*"?
(b) What are the circumstances in which a Govt. servant can retain the entire amount of fees received by him without special permission?

(10+10)= 20 Marks.

Q. No.9: Comment on the following:

- (i) While setting aside the order imposing the penalty of dismissal of a Government servant, the Appellate Authority directs that a *de novo* inquiry should be held. The Disciplinary Authority places the Government servant under suspension from the date of such dismissal pending *de novo* inquiry.
- (ii) Mr. "A" working as Clerk in the Revenue Department was reduced in rank by the Disciplinary Authority to the post of Peon as a measure of penalty under CCS (CCA) Rules, 1965, the post which was never held by him.
- (iii) A male Government servant with less than two surviving children working under Govt. of H.P. applied for 15 days Paternity Leave on adoption of child below the age of one year. The leave sanctioning authority refused to grant such leave with the reasons that such leave is not admissible for H.P. Govt. employee.
- (iv) A Government servant due to retire on superannuation on 30.09.2019 applied for pension commutation on 01.07.2019. He died on 20.08.2019. His family claims payment of commuted value of pension.
- (v) A Class-III official proceeded on 15 days earned leave without getting the leave sanctioned from the competent authority stating that the leave is right of the Government servant and this can be availed at any time as per need of the circumstances.

(5x4)= 20 marks.