

GOVERNMENT OF TAMIL NADU

Abstract

Deputation- Deputation of Government servants under Fundamental Rules 110-114 to various institutions- Terms and Conditions of deputation- Standardised- Orders Issued.

PERSONNEL & ADMINISTRATIVE REFORMS (FR. IX) DEPT.

G.O.Ms.No.461.

Dated: 16-4-1980.

Read :-

- (1) G.O.Ms.No.545, Personnel & Administrative Reforms, dated 11-5-1978.
- (2) G.O.Ms.No.888, Personnel & Administrative Reforms, dated 1-8-1979.

ORDER:

The question of standardisation of the terms and conditions of deputation of State Government servants on Foreign Service has been engaging the attention of the State Government for quite some time. At present, there is no uniform procedure followed with regard to payment of deputation allowance, leave salary and pension contribution etc., to Government servants deputed on foreign service terms. In order to bring in uniformity on these matters, all issues relating to the standardisation of terms and conditions of deputation on foreign service terms were referred to the Accountant General and after obtaining his remarks, the Government in the G.O second read above issued orders on the issue relating to the liberalisation of the 'Next Below Rule'. The Government have since examined the other items, such as deputation allowance, leave salary etc., taking into account the instructions issued by the Government of India in the matter and issue the following orders on the terms and conditions of State Government servants deputed on foreign service under Fundamental Rules 110-114.

2. Definition of Deputation :- The word "deputation" normally denotes the requisition of the services of a Government servant from the Government by a foreign employer and whose services are lent to such foreign employer by the Government on mutually agreed basis. But instances have come to notice where Government servants applying for posts under a foreign employer on a direct recruitment basis also have been demanding retention of their lien in the parent department and requesting that their services under the foreign employer be considered on deputation basis. Government have therefore decided to exclude such cases of Government servants recruited by a foreign employer by virtue of his direct application and selection, from the concept of deputation under foreign service. Accordingly Government direct that the following definition shall be included in the Fundamental Rules:-

"Deputation under Fundamental Rules 110-114 will cover only appointments of State Government servants in the public interest made by transfer on a temporary basis outside the regular line and for a specified period. Appointments of the Government servants by direct recruitments in competition with open market candidates whether on a temporary or permanent basis will not be regarded as deputation".

3.(1) Deputation Allowance:- The grant of deputation allowance to State Government servants deputed on foreign service is now being regulated as per the provisions laid down under delegation-1 under Fundamental Rule 114. In supersession of the earlier orders issued Government have decided to lay down the following criteria for sanction of deputation allowance hereafter to the Government servants.

- a) Deputation to other departments of State Government.) No deputation allowance.
- b) Deputation to statutory bodies whether incorporated or not, which are owned or controlled by the Government, local bodies, or Co-operative Institutions.) No deputation allowance.
- c) Deputation to institutions not wholly or substantially owned or controlled by the Government like the Handloom Finance Corporation but in which the State Government have a substantial stake.) No deputation allowance.
- d) Deputation to Bodies owned or controlled by the Central Government and other State Governments, for example Neyveli Lignite Corporation.) In addition to grade pay, deputation allowance at 20% of grade pay subject to a maximum of Rs. 250/- if the transfer involves change of station, and at 10% of grade pay subject to a maximum of Rs. 100/- if the transfer does not involve change of station.

(ii) Period of admissibility of deputation allowance:-

The deputation allowance admissible under item (i)(d) shall be for a maximum period of four years. After the fourth year, no deputation allowance shall be allowed in the base of extension beyond 4th year notwithstanding the condition in paragraph-13 below:-

(iii) Option to draw pay:- In respect of cases under item (i)(d) above, the deputationist shall have the option to draw pay either in the scale of pay attached

Contd.....3.

to the deputation post, in which case, there shall be no deputation allowance or his grade pay in the parent department from time to time plus the deputation allowance as per the rates indicated at (iv) above. The option once exercised shall be final till the deputationist gets a change in his pay through promotion or reversion or revision of pay scales either in the parent department or in the deputation post.

(iv) Grant of deputation allowance, where admissible, is further subject to the condition that the total of grade pay in the parent department plus personal pay and the deputation allowance shall not exceed the maximum of the scale of pay applicable to the deputation post.

4. Fixation of pay in the Deputation posts:-

(a) Deputation to Central/State Undertakings:- There may be cases, where a State Government servant sent to a Central Government Undertaking under Foreign Service terms opting for the scale of pay attached to the deputation post. The general principle enunciated in Note-2(3)(b) under Fundamental Rule-114 is that the pay in the deputation post should not be greatly in excess of the pay in the parent department. As such, if the Government servant opts to draw pay in the scale of pay of the deputation post, the authority ordering the deputation will ensure that, the minimum pay in the scale of pay of the deputation post is not substantially in excess of his grade pay. Where such minimum substantially exceeds the emoluments admissible under the alternative of drawing deputation allowance at prescribed rates, such minimum shall be reduced under Fundamental Rule 35 so as not to exceed the grade pay of deputationist by more than the amounts shown below:-

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| a) For employees in receipt of grade pay above Rs.750/- | } 25% of grade pay or Rs. 225/- whichever is more. |
| b) For employees in receipt of grade pay above Rs. 300/- upto Rs. 750/- | } 30% of grade pay or Rs. 100/- whichever is more. |
| c) For employees in receipt of basic pay of and below Rs. 300/-. | } 33 $\frac{1}{3}$ % of basic pay. |

(b) Deputation to Private Undertakings:- At present Government servants deputed to Private Undertakings under Fundamental Rule 111 are allowed either their grade pay or a consolidated pay. Government direct that, State Government servants deputed on foreign service to Private Undertakings shall be allowed the grade pay plus deputation allowance as per the rates applicable to State Government employees deputed on foreign service terms to Central Government Undertakings as indicated in para 3(i)(d) and 3(ii) of this order.

With this, the concept of allowing deputationists consolidated pay will cease to be in effect.

5. Dearness Allowances:- Dearness Allowance shall be allowed at the following rates.

(i) at the rate admissible to his scale of pay if the employee opts for the scale of pay under the State Government; or

(ii) at the rate admissible to the scale of pay attached to the post if the deputationist opts for the scale of pay of the foreign employer.

6. City Compensatory Allowance and House Rent Allowance:- At present when the State Government servants are deputed under foreign service terms, the compensatory allowance are allowed to them as per the rates admissible under the rules to Government servants stationed in the same locality within the State. In respect of deputationists working in a place outside the State, the Government now direct that the House Rent Allowance and City Compensatory Allowance may be regulated as follows:-

- a) If the deputationist has opted to remain in the scale of pay attached to him under this Government, the House Rent Allowance and City Compensatory Allowance may be at the local State Government rates, applicable to such scale of pay.
- b) If the deputationist opts for the scale of pay attached to the deputation post, the House Rent Allowance and City Compensatory Allowance may be allowed at the rates authorised by the borrowing Institution.

7. Travelling Allowance and Daily Allowance:-

Travelling Allowance and Daily Allowance both for the journey to join the post under the foreign employer and on reversion therefrom and also for the tours under the foreign employer shall be regulated at the rates applicable under the foreign employer.

8. Leave Salary and Pension Contribution:- The Leave salary and pension contributions shall be recovered as under Fundamental Rules and as per the executive orders issued by the Government from time to time.

9. Cash Allowance:- Government servants on foreign service shall be permitted to receive cash allowance in lieu of a residential peon if there is a residential peon attached to the post under the foreign employer and the foreign employer has a scheme of cash allowance in lieu of a residential peon.

10. Conveyance Allowance:- The foreign employer may sanction conveyance allowance with reference to the needs of the job, at the rates applicable to a similar class of employee under the foreign employer.

11. Project Allowance:- If a Government servant deputed to a foreign employer works in a project area and a project allowance is paid to the other employees in that area, such project allowance may be paid to the deputationists also.

12. Medical Concessions:- The deputationists, while on deputation shall be allowed to avail themselves of the Medical Concessions prevalent under the foreign employer. If the medical concessions prevalent under the foreign employer are less attractive than the concession available in the State Government, they shall have option to avail themselves of the benefits available under the State Government.

13. Period of deputations:- The present policy of the Government that the period of deputation on foreign service namely 3 years normally and extension for another one year in exceptional circumstances shall continue. This limit may be relaxed by Government in special circumstances in Public interest.

14. Date of effect:- The standard terms and conditions of deputation on foreign service as indicated in paragraphs 2 to 13 above, shall take effect from the date of issue of these orders. In the case of employees who are already on deputation with the terms and conditions already issued the standard terms and conditions in this order shall apply to them when their cases next come up for further extension of their deputation.

15. Amendments to Fundamental Rules:- Necessary amendments to Fundamental Rules will issue separately.

(BY ORDER OF THE GOVERNOR)

V. KARTHIKEYAN
Chief Secretary to Government

To
All Secretaries to Government.
All Heads of Departments.
The Accountant General-I, Madras-18.
The Accountant General-II, Madras-18
The Accountant General, Madras-9 and 35.
The Pay & Accounts Officer (North), Madras-9.
The Pay & Accounts Officer (South), Madras-35.
The Pay & Accounts Officer (East), Madras-5.
The Registrar, High Court, Madras-1 (w.c.1)
The Secretary, Tamil Nadu Public Service Commission,
Madras-2 (w.c.1)
The Personnel & Administrative Reforms (FR.I) Dept,
Madras-9 (for issue of amendments to Fundamental Rules)

Copy to:-

All State-owned Corporations/Boards/Undertakings.

Forwarded/By Order.


Section Officer. 18/4/60

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